

Leicester  
City Council

**WARDS AFFECTED: ALL**

**Economic Development and Planning Scrutiny  
Committee  
Cabinet**

**7 December 2006**

**11 December 2006**

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**Local Development Framework: Revised Local Development Scheme**

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**Report of the Service Director Planning and Policy**

**1 Purpose of Report**

- 1.1 To seek Cabinet's approval for revisions to the Council's Local Development Scheme and to set a date for adoption of the Revised Local Development Scheme.

**2 Summary**

- 2.1 The Planning and Compulsory Purchase Act 2004 introduced a requirement for local planning authorities to prepare a Local Development Scheme (LDS). This is a public statement and timetable for the production of local development documents. The Council's first Local Development Scheme came into effect in June 2005.
- 2.2 Some revisions are now required to update the timetable for the Core Strategy and to include additional Local Development Documents.

**3 Recommendations**

- 3.1 It is recommended that:
- (i) Scrutiny Committee comments on the report;
  - (ii) Cabinet agrees the programme for preparation of local development documents as set out in the Draft Local Development Scheme; and
  - (iii) The Local Development Scheme be submitted to the Secretary of State for approval; and
  - (iv) The Local Development Scheme take effect from 22 January 2007, subject to the Secretary of State's approval

**4 Financial & Legal Implications**

***Financial Implications***

- 4.1 There are no significant financial implications; costs associated with preparing the Scheme are included in the main revenue budget.

*Martin Judson R&C Finance ex 7390*

### ***Legal Implications***

- 4.2 The format and content of the Local Development Scheme is prescribed by the Act and accompanying Regulations.
- 4.3 With regard to the preparation of the Local Development Scheme (which is effectively an overarching document) under the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004, functions in relation to approval of the Local Development Scheme can be undertaken by Cabinet. Any documents within the Local Development Scheme which are Development Plan documents cannot be the responsibility of the Cabinet under these regulations and will therefore need to be approved by Full Council.  
*Anthony Cross, Assistant Head of Legal Services, Ext 6362*

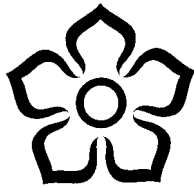
## **5 Report Author**

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**Report of the Service Director Planning and Policy**

**1. Background**

- 1.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare a local development scheme (LDS). It is a public statement and programme for the production of local development documents, which will form the new system of Local Development Frameworks (LDF). Regulations and Planning Policy Statement 12: Local Development Frameworks, accompanying the Act prescribe the format and content of the LDS.
- 1.2 The Local Development Frameworks will enable a series of interrelated local development documents to be prepared, rather than a single document covering the whole authority area. These include Development Plan Documents (DPD), that will replace the Local Plan and be the subject of public examination, and Supplementary Planning Documents (SPD). The new system has effective programme management as a key aim. The requirement to produce an Annual Monitoring Report will assess the implementation of the LDS and the extent to which policies are being achieved.
- 1.3 The LDS should identify the key milestones and resources required to prepare local development documents. The key milestones for DPDs are:
- commencement of the preparation process of a development plan document;
  - public participation on preferred options;
  - submission of development plan document;
  - pre-examination meeting;
  - commencement of the examination; and
  - adoption of the development plan document.
- 1.4 In accordance with the provisions of the Act, the Council's first LDS was submitted to the Secretary of State via regional Government Office (GOEM) in March 2005. The submission of the LDS in time to meet the Government's deadline was one criterion for awarding Planning Delivery Grant to the Council.
- 1.5 The test of 'completion' of the LDS is whether the key milestones (see 1.3 above) set out in the LDS are achieved. These key stages in preparing development plan documents are one of the indicators of efficiency of the new planning system. Future awards of Planning Delivery Grant will, in part, depend on these key milestones being met.

- 1.6 The two priorities for the first LDS were the Statement of Community Involvement and the Core Strategy. The preparation of the Council's Statement of Community Involvement has met all the key milestones leading to adoption in September 2006 and it will be deleted from the forward programme in the LDS.
- 1.7 When the current LDS was prepared the Council was working towards adoption of a replacement Local Plan. The Council commenced the formal adoption procedure in December and adopted the Local Plan on 16<sup>th</sup> January 2006. Transitional arrangements under the new Act allow for it to be 'saved' for a 3 years until January 2009. Beyond this date relevant policies can still be 'saved' if the Local Plan has not been replaced by a DPD, subject to agreement with Government Office for the East Midlands (goem). Similarly the Leicestershire, Leicester and Rutland Structure Plan will be 'saved' for 3 years until March 2008. These plans will provide up to date development plan coverage, until they are replaced by the new DPDs.
- 1.8 The Core Strategy DPD will set out the strategic planning framework for the City for at least ten years and it will reflect the spatial aspects of the Community Strategy, the Regional Spatial Strategy and other strategies of key stakeholders in the City. The current LDS includes a timetable for preparation of a Core Strategy, leading to adoption before expiry of the 'saved' Local Plan. However now we can benefit from the experience of local planning authorities that have pressed ahead with their Core Strategies and, in the case of Lichfield and Stafford, progressed to public examination. The Core Strategies of both these authorities were found to be 'unsound' by the Planning Inspectors.
- 1.9 The main reasons given for these Core Strategies being unsound were:
- Deficiencies in the front-loading process in failing to reveal matters that would ultimately affect the soundness of the Strategies.
  - The need for better alignment with the RSS
  - Failure to provide a ten year supply of housing
  - Lack of local distinctiveness to the policies
  - Policies not justified by a robust evidence base
  - Not all reasonable options were fully 'tested' and consulted upon
  - Lacking flexibility to deal with changing circumstances
- 1.10 Current advice from goem is that more time should be spent on ensuring that the evidence base for the Core Strategy is robust, before the stage when we will be formally consulting the public.
- 1.11 The LDF Annual Monitoring Report flagged up the need to amend the timetable of the Core Strategy to avoid main holiday periods. It also reported on revisions to the timetable for the Waste DPDs that are being prepared jointly with the County.
- 1.12 The first LDS included a programme for the production of SPDs including three Conservation Area Character Statements. Subsequent government advice confirmed that Conservation Area Character Statements are not SPDs and should not be included in the LDS programme.
- 1.13 The Energy Efficiency SPD was adopted in November 2005, to programme. It is intended that the Abbey Meadows and Tall Building SPDs will be taken to Cabinet for adoption in December 2006. Waterside SPD has been adopted

subject to further work on the highway infrastructure/network, developer contributions, including affordable housing and the maximum height of buildings.

## **2. The Issues**

2.1 The timetable for the production of a Core Strategy has been redrafted to allow time for:

- Compiling a robust evidence base (eg. open space, employment, housing land studies)
- Publication of the panel report on the examination of the RSS. This will confirm new housing figures for Leicester up to 2026 and other strategic policies
- Determining the long term programme for infrastructure to support development that will be brought forward as a result of the successful 3 Cities Growth Points bid.
- Frontloading of consultation with key stakeholders such as Leicestershire Partnership to ensure that the spatial aspects of the Community Strategy and other strategies are taken into account

This will ensure that all options are considered and debated during the consultation on Issues and Options so that the submission Core Strategy is based on a sound evidence base.

2.2 Public consultation on the preferred Options for the Waste LDF ended on October 6<sup>th</sup> 2006. The County Council, in consultation with the City Council and goem has agreed the future timetable.

2.3 Revisions to the LDS include also a timetable for preparation of an additional Site Allocations DPD. This will relate primarily to housing and employment land allocations and will reflect the findings from the recent studies of Employment Land and Open Space and updated information on urban capacity.

2.4 New SPDs for Employment Land and a Residential Design Guide will be prepared. The additional work on Waterside SPD will lead to revisions that will require further public consultation and therefore the LDS includes a programme for a revised Waterside SPD.

2.5 SPD on Affordable Housing is not timetabled in the LDS because it will depend on the publication and the content of a new Planning Policy Statement (PPS) on Housing. It also needs to draw on the conclusions of the Leicester and Leicestershire Housing Market Area Assessment which will not be completed until 2007. However the LDS states that an SPD may be produced in the future.

2.6 Also the LDS makes reference to the possible need for SPDs arising from the successful New Growth Points Bid.

2.7 All local development documents must be accompanied by a sustainability appraisal report. Sustainability appraisal is a systematic and iterative appraisal process, incorporating the requirements of the Strategic Environmental Assessment Directive. The purpose of the appraisal is to appraise the social, environmental and economic effects of the strategies and policies in a local development document.

### 3. Conclusion and Recommendations

- 3.1 A copy of the draft revised Local Development Scheme is attached to this report at Appendix 1.
- 3.2 Members are recommended to approve the LDS for submission to the Secretary of State, through GOEM. Regulations require that there must be a period of at least four weeks between submission and adoption to allow for a response from the Secretary of State. Therefore 22 January 2007 is proposed as the adoption date, to take account of the Christmas holiday.

### 4. OTHER IMPLICATIONS

#### 4.1

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	
Policy	Yes	Paragraphs 2.1 – 2.6
Sustainable and Environmental	Yes	Paragraph 2.7
Crime and Disorder	No	
Human Rights Act	No	
Older People on Low Income	No	

#### Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
N/A			Not appropriate The Local Development Scheme (section 8.0) includes a risk assessment.

### 5. Background Papers – Local Government Act 1972

The Planning and Compulsory Purchase Act 2004  
 The Town and Country Planning (Local Development) Regulations 2004  
 The Town and Country Planning (Transitional Arrangements) Regulations 2004  
 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004  
 Planning Policy Statement 12: Local Development Frameworks  
 Creating Local Development Frameworks: A Companion Guide to PPS12  
 Leicester City Council Local Development Scheme June 2005

### 6. Consultations

R&C Head of Finance  
 Head of Legal Services  
 Director of Housing

#### Date Consulted

14 September 2006  
 14 September 2006  
 14 September 2006