

REPORT TO CABINET OR D.S.P. OR COUNCIL

REPORT OF: Head of Planning Policy and Economic Development

REPORT NO. PLA. 467

DATE: 24th November 2004

TITLE:	Changes to the Planning system and the proposed timetable for the preparation of the Local Development Framework
FORWARD PLAN ITEM:	Included in Forward Plan
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	The LDF will set future District Council land use planning policy
CORPORATE PRIORITY:	Planning and Conservation, Affordable Housing, Town Centres
CRIME AND DISORDER IMPLICATIONS:	Minor
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Minor
BACKGROUND PAPERS:	Lincolnshire Structure Plan (Adopted and Deposit Draft) Regional Planning Guidance Planning and Compulsory Purchase Act 2004

1. SUMMARY

1.1 The report considers the implications of the Planning and Compulsory Purchase ACT 2004 on planning policy issues in this Authority. The Act requires the replacement of the Adopted South Kesteven Local Plan with a new Local Development Framework (LDF). The report also proposes a Local Development Scheme (LDS) which sets out the documents which will form the Council's LDF together with a timetable for preparing these documents.

2. RECOMMENDATIONS

2.1 Cabinet is recommended to approve the draft Local Development Scheme (LDS) attached at Appendix 1 and summarised in this report, for submission to the Government Office for the East Midlands (GOEM) for approval, and for publication.

2.2 I also recommend that the following actions be taken to ensure both conformity with the new requirements and achievement of the objectives set out in the LDS:

- That the policies of the adopted South Kesteven Local Plan (1995) (subject to the advice of circulars, PPG's and PPS's published since then) be retained as "Saved Policies" for use in determining planning applications during the period of preparation and adoption of documents forming the LDF;
- That the First Deposit version of the South Kesteven Local Plan published in January 2002 be formally withdrawn, and public notice given thereof.
- That any additional or supplementary planning guidance (SPG) prepared in the intervening period be considered as Council Policy Statements, rather than as SPG, with a view to being adopted as a Supplementary Planning Document (SPD) within the LDF at a later date;
- That the arrangements set out in this report for the preparation of documents which form the LDF, including the establishment of a LDF Advisory Group based upon the membership of the Economic and Cultural DSP and a commitment to resourcing and achieving the milestones set out in the LDS timetable be approved

3. DETAILS OF REPORT

3.1 Background

3.1.2 The Planning and Compulsory Purchase Bill received royal assent in May 2004 and came into force on 28th September 2004. The new Act, amongst other things, introduces a new system of development planning, requiring that a folder of Local Development Documents (LDD's) be prepared to replace the old style Local Plans. These documents together will provide the framework

for delivering the “spatial planning” strategy for the area. The complete folder of documents is called a Local Development Framework (LDF).

- 3.1.2 The Act is supported by a number of regulations. The Town and Country Planning (Local Development) (England) Regulations and the Town and Country Planning (Transitional Arrangements) (England) Regulations relate to the new development plan system, and transitional arrangements between it and the existing system. In addition a number of advisory and good practice documents have also been published including Planning Policy Statement 12(PPS12) which replaces PPG12. These provide general guidance on how the system will operate.
- 3.1.3 Development Plan coverage in South Kesteven is currently provided by the Lincolnshire Structure Plan and the Adopted South Kesteven Local Plan (1995). Whilst the LDF is being prepared it is important to ensure that policy coverage for the district is maintained. The new act therefore allows for existing adopted Local Plans to be “saved” for three years.
- 3.1.4 Whilst work had begun on the Local Plan Review, this has not progressed beyond consultation on the first deposit in January 2002. Changes to strategic policy, in particular the number of houses needed, arising from the regional guidance and the emerging Structure Plan would require substantial changes to the first deposit version to bring it into conformity. In light of the new requirements it would seem more appropriate to embark on preparations for the LDF rather than pursue the Local Plan Review. To achieve this the first deposit plan would need to be formally withdrawn in accordance with the regulations.
- 3.1.5 The adopted Local Plan was however adopted in 1995. Since then a considerable amount of development has occurred. In particular almost all of the housing sites proposed have either been built or are under construction, and a number of the employment sites have also been implemented. In addition national and regional planning policy has changed in respect of a number of key issues, most notably the principles of sustainable development, brownfield land, a sequential approach to location and the integration of land uses to minimise the need to travel. All of which have become key factors to determining the location and format of new development. These issues are covered by a number of Planning Policy Guidance Notes (PPGs), the Regional Planning Guidance and government Circulars.
- 3.1.6 ***In light of these factors it is recommended that the First deposit version of the local plan review is formally withdrawn, following the procedures set out in the regulations. The adopted Local Plan will automatically be “saved” under the new Act until September 2007, however policies within this plan will be superseded as soon as each relevant development plan document is adopted. It will be important for practical development control purposes to identify which policies in the adopted plan are already out of date and or superseded by new national and regional guidance, and how they will be replaced in the new LDF.***

3.2 Spatial Planning

3.2.1 "Spatial" is new planning jargon. A spatial approach is one which ensures the most efficient use of land by balancing competing demands within the context of sustainable development, it goes beyond traditional land use planning by integrating policies for the use and development of land with other policies and strategies which relate to meeting the community's needs for its area in economic, environmental, and social terms. For example the Community Strategy and the Housing Strategy.

3.2.2 A "spatial" plan should not be restricted to matters that may be implemented through the planning system. Therefore elements of other strategies and programmes, particularly the community strategy, which relate to the use and development of land should be included. This could include regeneration, economic development, education, housing, health, waste, energy, biodiversity, recycling, protection of the environment, transport, culture and social issues

Spatial Planning is described by the Government office as:-

- *Being locationally specific to the area*
- *Identifying inter-dependencies and functional relationships*
- *Articulating local diversity and specific needs*
- *Providing vision with community and stakeholders*
- *Linking local strategies/programmes through planning*
- *Being related to use and development of land, but*
- *Not being restricted to implementation through planning*
- *Considering economic, social and environmental matters*

3.3 Links to the Community Strategy

3.3.1 It follows that "spatial" planning must be closely linked to other functional planning. The legislation requires the plan to "have regard to" the Community Strategy and it is expected that the Community Strategy and the Local Development Framework will be closely linked, ideally the Local Development Framework will be the land use and development expression of the Community Strategy.

3.3.2 A Government research project by Entec recommends good practice on how the consultation on Community Strategies and Local Development Documents can be linked, and how the same vision and objectives can be adopted, with linked Action Plans, common targets and indicators, and a common strategy for community involvement with single consultation exercises feeding to the Strategies and the Framework. This, of course, means that there must be close links between the Community Strategy.

3.4 Links to Other Strategies

- 3.4.1 There is a statutory requirement for the documents in the LDF to be in conformity with the Regional Spatial Strategy (RSS) of the Regional Planning Board. RPG8, which was approved in January 2002 and is currently in the later stages of being reviewed, now forms the RSS, although it will need immediate review and updating, particularly in respect of housing requirements. The LDF should also have regard to the East Midland Development Agency's Economic Development Strategy and the Local Transport Plan of the County Council.
- 3.4.2 The newly emerging Lincolnshire Structure Plan (which was placed on deposit in May 2004) will progress to adoption under the old system and should be used to inform the preparation of early versions of the LDD's, particularly in respect of housing numbers. But "spatial" planning suggests links to other strategies produced by the council, such as the Housing Strategy, the Economic Development Strategy, etc, and also strategies produced by other bodies, such as Health and Education Strategies, although the linkage here might be through the Community Strategy.

3.5 Local Development Documents

- 3.5.1 These are the documents produced under the new legislation and which sit within the Local Development Framework. In addition to these documents, there will also be saved plans from the existing planning system, until these are all replaced by new Local Development Documents (LDD's). The existing South Kesteven Local Plan (Adopted April 1995) and the Approved Lincolnshire Structure Plan and Alterations No. 1 and 2 will be saved for three years, from the date of commencement of the new Act
- 3.5.2 The new Local Development Documents will comprise of three different types of documents, Development Plan Documents, Supplementary Planning Documents, and the Statement of Community Involvement.

3.6 Statement of Community Involvement (SCI)

- 3.6.1 The Statement of Community Involvement (SCI) will set out the standards which the plan-making authority intend to achieve in relation to engaging the community in the preparation, alteration and continuing review of all Local Development Documents and for all planning applications. The Statement of Community Involvement must be subject to public consultation and will be subject to examination of soundness by an independent Inspector.
- 3.6.2 Once the SCI is adopted all LDD's must be subject to the appropriate community involvement and consultation set out in the SCI and a consultation statement showing how the Local Planning Authority has complied with the SCI will need to be prepared. The Regulations lay down minimum consultation requirements, however a fundamental element of the new system is "front loading" which requires early, detailed and thorough community involvement beyond that required by this "minimum" and local authorities are encouraged to develop local approaches to engaging with their communities.

The Statement of Community Involvement needs to comply with the Council's own Consultation Strategy and if applicable that of the Community Strategy.

3.6.3 *The SCI should be one of the first documents in the LDF to be adopted. Work has already begun on this documents and a draft will be circulated internally and to key stakeholders for comment before Christmas with a view to pre-submission consultation being undertaken early in the new year.*

3.7 **Development Plan Documents (DPD)**

3.7.1 Development Plan Documents are spatial planning documents forming part of the statutory Development Plan. Ultimately these will replace structure and local plans, and will form part of the Development Plan along with the Regional Spatial Strategy.

3.7.2 Development Plan Documents may form a single document, or a number of individual documents. As each document is subject to independent examination by a Government Inspector, there may be cost implications for having a large number of small development documents with limited scope.

3.7.3 The Development Documents must include:

- a **core strategy**, which sets out the long term spatial vision for the Local Planning Authority area and the strategic policies and proposals to deliver that vision. It will contain a set of primary policies for delivering the core strategy which will look ten years or more ahead. Broad locations for development may be set out in a key diagram.
- an **adopted proposals map**, which will be on an ordnance survey base and identifies the areas of protection, such as nature conservation areas, green belts and conservation areas, and defines sites for particular future land uses or development and also areas to which specific policies apply. Any specific proposals in the County Council's Minerals and Waste Development Documents must be entered onto the District Council's proposals map. The proposals map may also include **inset maps**, these may show development at a larger scale as well as indicating where area specific DPD's are effective. The proposals map and inset maps must be updated each time a DPD is adopted so that it shows the current situation in respect of adopted policies.
- **site allocation policies and proposals for specific uses**, in particular housing and economic development.

3.7.4 There is also likely to be a need for general **Development Control policies**, a suite of criteria based policies against which all development proposals are considered to ensure that development within the area meets the vision and strategies set out in the core strategy. **Action Area Plans** may also be provided to show areas of change and areas of conservation.

3.7.5 *It is suggested that South Kesteven LDF will comprise:*

- a “Core strategy for location and principles of development” which will form the core document, including a locational strategy for development and the key development principles for guiding the location and form of development. This document will set out the Councils approach to achieving sustainable patterns of development.
- A Housing and Economic Development Plan, setting out the strategy for achieving housing and economic development including the allocation of sites.
- Generic development control policy document setting out the criteria based policies to be used for determining planning applications. These will be set out on an issues basis rather than by specific land use.
- Action Area Plans for Grantham, Stamford and Bourne encompassing the plans and aspirations of the Town Centre partnerships.

3.8 Supplementary Planning Documents (SPD)

3.8.1 These will cover a wide range of issues on which the plan-making authority wishes to provide policy guidance to supplement the policies and proposals in the Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination. But they are required to be subject to public involvement in conformity with the Statement of Community Involvement. They will cover similar issues as existing supplementary planning guidance, for example affordable housing, S106 obligations and village design statements.

3.8.2 ***At this stage it is expected that SPD will be required for Affordable Housing; Section 106 obligations and Public Open Space and Children Play Areas. Existing SPG, such as adopted Village Design Statements will also be incorporated into the LDF as SPD.***

3.9 The Local Development Scheme (LDS)

3.9.1 The Local Development Scheme is the document which sets out what Local Development Documents the Council is intending to prepare, what they will cover, the timetable for their preparation, whether they will be prepared by the Council on its own or jointly with another authority or authorities. All Local Planning Authorities are required to submit a Local Development Scheme to the Secretary of State for approval within six months of the commencement of the Act (therefore by March 2005). The scheme should look forward at least three years. The LDS must set out key milestones in the preparation process. These milestones must be realistic in order that they can be achieved. The proportion of Planning Delivery Grant received by each authority for planning policy will be based upon meeting the milestones set out in the LDS.

3.9.2 The LDS should be kept up to date, and will be amended and altered as local development documents are prepared and adopted. The LDS must be

reviewed annually, taking account of the conclusions of the Annual Monitoring Report on progress in preparing development documents and their implementation.

3.9.3 Councils are expected to adopt a management programme approach to preparing the LDS, and will need to identify the resources required, constraints and milestones for the production of individual Local Development Documents. More than one Local Development Document may be prepared at the same time, and the Council will need to make linkages between the preparation of Local Development Documents and other strategies and plans including the Community Strategy. The LDS must also be subject to risk management with an indication of contingency plans should the timetable begin to slip.

3.9.4 The LDS should include:-

- Preliminary activities, eg scoping and defining what is required in terms of LDDs.
- A brief description of each LDD to be prepared, including its purpose, status, chain of conformity, geographical coverage, method of production (ie jointly with other LPA), content, time period it will cover, and likely review timescale including date to comply with pre submission consultation public participation, and date to adopt.
- A composite diagram preferably in Gantt or similar format, showing LDDs and their respective timetables. This must identify all preparation phases for each LDD, ie from initial scoping to formal adoption.
- Explain the relationships between LDDs, especially the core strategy and other documents.
- Organisational structures and roles and responsibilities eg named lead officer for preparation of LDDs.
- Management processes, eg identifying lines of reporting, audit trail in respect of decision making, need for a project board and identification of inter-relationship between LDDs and other local initiatives.
- Timescales eg LDDs start and end dates.
- Communication strategy and community/stakeholder engagement.
- Risk management eg identification of constraints and dependencies, contingency planning/risk allowances.
- Resources required eg appropriately sized, skilled and experienced team, including internal and external secondees if possible.

- Post delivery review

3.10 Annual Monitoring Report

3.10.1 The Regulations require an annual monitoring report (AMR) to be published covering the period of 1st April – 31st March and submitted to the Secretary of State no later than December each year. The Annual Monitoring Report should review actual plan progress against targets and milestones set out in the LDS. If it shows that the process has failed to meet the targets or milestones it must show the reasons why and update the LDS if and where necessary.

3.10.2 Monitoring systems to monitor the effectiveness of policies and proposals within the LDF must be developed and the results included within the AMR, particularly in relation to housing policy and performance. Further advice on this matter is expected.

4. Draft Local Development Scheme

4.1 The LDS is critical to the successful programme management of the LDF. The LDS is the starting point for the community and stakeholders to find out about the authorities planning policies in respect of particular issues or areas.

4.2 The draft Local Development Scheme attached as Appendix 1 has been prepared using advice currently available from the Government Office for the East Midlands and the Office of the Deputy Prime Minister. Three key elements of the draft LDS are summarised below.

4.2.1 The LDS must set out the documents that will be produced to form the LDF (although the flexibility of the new system allows for additional documents to be added to the framework). Paragraph 3.7.6 above set out the documents suggested for inclusion in the South Kesteven LDF. An indication should also be given within the LDS of the linkages between each of the documents in the LDF and of which the policies within the Saved Plan will be replaced by each document. Diagrams showing the links between documents and how saved policies will be replaced are shown on pages 6 and 17 and 18 of the attached LDS.

4.2.2 A clear programme and timetable of milestones against which progress and achievement can be assessed should be included. The milestones must be realistic and achievable particularly as they will be used as a measure of the authorities performance and will be used to calculate how much Planning Delivery Grant will be received in future years. It is considered appropriate to prepare the three core DPD's concurrently combining consultation periods in order that resources are used effectively and to try to minimise confusion and consultation fatigue amongst consultees. The timetable set out in Appendix B of the LDS shows the detailed timetable set around the following broad indication of milestone events.

Time frame	SCI	DPD's	AAP's	SPD's
March/April 2005	Pre-submission consultation	Issues consultation		Affordable Housing consultation
Oct / Nov 2005	Submit to S of S and public consultation	Pre-submission consultation	Issues consultation	
Dec 2005	Consider Representations			
Jan 2006	Examination			
Fe 2006	Inspectors Report			
March 2006	Adopt			
April / May 2006		Submit to S of S and public consultation		S106 and Public open space consultation
June 2006		Consider Representations		
July/August 2006		Consultation of suggested sites		
August 2006		Pre-examination meeting		
Oct/Nov 2006		Examination		
January 2007			Pre-submission consultation	
March / April 2007		Inspectors Report		
May 2007		Adopt		Adopt SPD's
June/July 2007			Submit to S of S and public consultation	
August 2007			Consider Representations	
September 2007			Pre-exam meeting	
Dec 2007			Examination	
March 2008			Inspectors report	
April / May 2008			Adopt	

4.2.3 The LDS also needs to show the organisational structures, responsibilities and resources that are in place to ensure that the programme is achieved. It is suggested that clear, efficient and effective internal organisation will be a key element in ensuring the timetable is met. To achieve this a small advisory group should be established. This could be based upon the membership of the Economic and Cultural DSP, operating in a consultative capacity, with Cabinet forming the decision making body. In addition it is suggested that an officer advisory group is established to ensure that the LDF documents link appropriately with the strategies and programmes being prepared by other sections within the Council.

4.2.4 Community Involvement, especially in the early stages is a key element of the new system. Existing liaison groups and forums provide the obvious starting point for involving the community. The recently established Local Area

Assemblies will also provide a useful vehicle and it is hoped that the next round of meetings will include an item on the LDF. Once established the YELLS should also be used. The SCI will develop these ideas further.

4.2.5 Once approved by Cabinet the LDS will be submitted to the Government Office for the East Midlands for approval. GOEM will consult with the Planning Inspectorate (PINs) on the document to ensure that the timetable in respect of proposed examinations is realistic and can be planned into the PINs work programme. The LDS should also be published on the Council's web-site and in paper copy, to allow for public inspection and comment.

4.3 Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)

4.3.1 An additional requirement of the new Act is that all documents prepared for inclusion within the LDF must be subject to ongoing SA and SEA, culminating in a final report which is submitted with the documents for approval and examination. SEA requirements are based upon a European Directive and is a requirement for all plans and programmes prepared by Local Authorities. This directive has been largely subsumed within the Sustainability Appraisal requirement of the new planning Act.

4.3.2 The objective of the SA/SEA is to ensure that policies and proposals included in the LDF meet the objectives of sustainable development. The assessment process must demonstrate that the environmental, economic and social consequences of policies and proposals have been considered, that alternative options have also been tested and where necessary mitigating measures incorporated within the documents.

4.3.3 The actual resources and increase in work load arising from this requirement is difficult to predict at this stage. It is expected that consultants will need to be engaged to undertake some of the work, however as the process is ongoing it would not be viable to employ consultants to undertake the full SEA/SA process over a three year period. An allowance for this additional work has been made within the proposed timetable.

5. OTHER OPTIONS CONSIDERED AND ASSESSED

5.1 The requirement to prepare a LDF is statutory. The Council must be able to demonstrate that the PSA6 target which requires complete a "spatial plan for their area" to be in place by March 2007 can be met.

5.2 Alternative ways of meeting this statutory requirement would be to prepare LDF documents separately, whilst this would allow officers to concentrate on a single document at a time, possibly shortening the preparation time slightly, however this would extend the overall preparation process significantly, necessitating a larger number of consultation periods, having resource implications associated with consultation. It would also extend the preparation time beyond 2007. This would have implications for the remaining "saved"

policies from the old Adopted Local Plan, which will become increasingly more vulnerable to challenge as time passes.

6. CONTACT OFFICER

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