

Subject:	Revised Local Development Scheme for the Local Development Framework 2011-2014		
Date of Meeting:	22 September 2011		
Report of:	Strategic Director, Place		
Lead Member:	Cabinet Member for Planning, Employment, Economy & Regeneration		
Contact Officer:	Name:	Lisa Marshall	Tel: 29-2612
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Key Decision:	Yes	Forward Plan No: CAB23383	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To seek approval of the updated Local Development Scheme (LDS). This is the three year work programme for the Local Development Framework (LDF) covering the period from 2011 to 2014.

2. RECOMMENDATIONS:

- 2.1 That Cabinet approves the revised Local Development Scheme for submission to the Secretary of State subject to any minor grammatical alterations that may be made by the Strategic Director, Place.
- 2.2 That Cabinet agrees that the revised Local Development Scheme should be brought into effect following approval by the Secretary of State.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 All local planning authorities are required to prepare a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act (2004). LDS's are a public statement of a local planning authority's programme for the production of local development documents that over time will replace Local Plans and form part of the Local Development Framework. The scheme outlines in advance when Public Examinations and major public consultations are due to take place. The revised LDS will be submitted to the Secretary of State for approval after which it can be brought into effect.
- 3.2 The LDS includes a three year timetable showing the main stages for community and stakeholder involvement in producing Development Plan Documents (DPDs). DPDs set out policies on the development and use of land in a local authority area.

- 3.3 The council's performance is assessed annually against the LDS timetable via the Annual Monitoring Report (AMR) which is currently published annually in December each year.
- 3.4 The council is also a waste and minerals planning authority and works jointly with East Sussex County Council and the newly created South Downs National Park Authority to prepare a Waste and Minerals Development Framework. The South Downs National Park Authority came into full operation in April 2011 and part of the joint waste and minerals plan area falls within its remit. The Local Development Scheme includes the timetables for the completion of documents prepared as part of this joint waste and minerals framework.
- 3.5 The most recent version of Brighton & Hove's Local Development Scheme was approved by Cabinet in December 2008. Since this scheme was approved by the council, there have been a number of changes to the planning system announced by the Government including the publication of the Localism Bill. These changes to the planning system have been taken into account in the production of this version of the LDS. and have affected the timetables for preparing the city's local development documents. The changes include:
- The Government's intended revocation of the Regional Spatial Strategy (The South East Plan) – this will remove the set regional housing and waste targets.
 - Review of the National Waste Strategy – places waste prevention as the starting point and landfill as a last resort.
 - The Localism Bill (due to be enacted in November 2011) – places a 'duty to co-operate' on councils to ensure joint working takes place between neighbouring authorities and introduces Neighbourhood Planning. This bill also removes the requirement that Local Development Schemes and their updates be approved by the Secretary of State.
- 3.6 These changes have resulted in the need to undertake additional research, particularly with regard to local housing targets and the Core Strategy. The Core Strategy had already been submitted to the Secretary of State before the Government announced its intention to revoke Regional Spatial Strategies, however, the Examination was suspended after the Inspector raised soundness concerns about the housing delivery strategy identifying insufficient housing sites to meet the South East Plan target.
- 3.7 The Council agreed at its July 2011 Council meeting to withdraw the Core Strategy from the Examination process and to draw up a new timetable for a new "City Wide Plan", based on more up to date local research and the intended Government changes to the planning system. Changing the name of the Core Strategy to the City Wide Plan is proposed as part of these changes to clarify that this is the overarching plan for the city underneath which Neighbourhood Plans can come forward for particular areas..

3.8 The council also intends to produce a Community Infrastructure Levy (CIL) in order to raise funds for the delivery of new city infrastructure as defined in the City Wide Plan (Core Strategy) such as new health and recreation facilities. For that reason, the production of the CIL's Charging Schedule and the new City Wide Plan need to be closely aligned.

3.9 To summarise, the main changes to the previously approved (December 2008) version of the Local Development Scheme are:

- *Amendments to the timetable for adoption of the Core Strategy (DPD – now to be known as the City Wide Plan) due to the withdrawal from the previous Core Strategy Examination process.*
- *Amendments to the timetable to produce a Waste and Minerals Core Strategy – this timetable was delayed to allow for further consultation.*
- *Amendments to the timetable for the production of a Development Policies and Site Allocation SPD – Now known as the City Wide Plan Part 2.*
- *Addition of a Shoreham Harbour Joint Area Action Plan DPD to be prepared with our partner authorities Adur District Council and West Sussex County Council.*
- *The addition of a timetable for the revision of the Statement of Community Involvement (SCI) to bring it in line with changed local plan regulations and the council's approach to consultation.*
- *The addition of a timetable for the production of the Community Infrastructure Levy (CIL) Charging Schedule.*
- *SPDs - proposed adoption dates are included for public information*

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 The LDS is not subject to public consultation.

4.2 The Planning Inspectorate will be consulted in order to assist with the national scheduling of public examinations for DPDs.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

5.1 Preparation costs for local development documents have been identified and budget provision has been made within the Delivery Unit of Planning and Public Protection. The financial implications of each local development document will be assessed and commented upon within future reports. Direct costs arising from the production of the Shoreham Harbour JAAP including staffing costs are being met by Growth Point funding from DCLG.

Finance Officer Consulted: Karen Brookshaw

Date: 22/08/11

Legal Implications:

- 5.2 The Local Development Scheme (LDS), and any revisions to it, must comply with statutory requirements, notably s15 of the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Development) (England) Regulations 2004 as amended by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The LDS, the subject of this Report, has been drafted in accordance with the relevant legislation.
- 5.3 It is considered there are no human rights implications.

Lawyer Consulted: Hilary Woodward

Date: 31/8/2011

Equalities Implications:

- 5.4 The LDF will make the planning system more accessible and transparent to the community. The Council has already adopted a Statement of Community Involvement, which encourages effective social inclusion for all groups to influence the policy-making agenda. DPD's are subject to an Equality Impact Assessment (EQIA). This document will be reviewed and updated as part of this LDS programme.

Sustainability Implications:

- 5.5 Sustainability considerations are central to the new planning system. Each local development document requires an integrated sustainability appraisal.

Crime and Disorder Implications:

- 5.6 Relevant Development Plan Documents will address priorities relating to the agreed Community Safety, Crime Reduction and Drugs Strategy 2011-2014 and future Community Safety Strategies.

Risk and Opportunity Management Implications:

- 5.7 The programme management of the LDF includes risk management procedures. A dedicated risk log is maintained, regularly monitored and updated. The proposed LDS and timetable has been risk assessed key concerns centre around risk of delay, financial and staff resource issues.

Public Health Implications:

- 5.8 Development Plan Documents are being developed alongside the Healthy Cities initiative and all Development Plan Documents are subject to a Health Impact Assessment undertaken as part of the Sustainability Appraisal.

Corporate / Citywide Implications:

- 5.9 The City Wide Plan will help to deliver the Sustainable Community Strategy and a number of key council and city wide strategies such as the Corporate Plan.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The main alternative options considered and evaluated in preparing the LDS relate to the type of local development documents to be prepared over the next three years, how they will be resourced, prioritised and when the key stages will be undertaken. The proposed timetable is considered the best option with the resources available.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure that there is an up to date timetable for preparing development plan documents in accordance with government guidance. In addition, to ensure that minor changes can be made, in consultation with the Cabinet Member for Planning, Employment, Economy & Regeneration, without the need for the document to return to Cabinet.
- 7.2 Should the LDS be agreed by the Secretary of State there would be no requirement for the document to return to Cabinet for adoption.

SUPPORTING DOCUMENTATION

Appendices:

1. Revised Local Development Scheme 2011-2014

Documents in Members' Rooms

None

Background Documents

1. Local Development Scheme, December 2008
2. Planning Policy Statement 12: Local Spatial Planning