

LOCAL DEVELOPMENT SCHEME

PORTFOLIO RESPONSIBILITY: ENVIRONMENT AND STRATEGIC HOUSING

CABINET

22 JANUARY 2009

Wards Affected

County wide.

Purpose

To seek approval of the revised Local Development Scheme.

Key Decision

This is not a key decision.

Recommendation

THAT the revised Local Development Scheme be approved and have effect from 28 February 2009.

Reasons

- 1 To ensure that the Council's Local Development Scheme, a statutory requirement of the Planning and Compulsory Purchase Act 2004, is up to date.

Considerations

- 2 The Planning and Compulsory Purchase Act 2004 introduced a new system of development planning, known as the Local Development Framework. One of the requirements placed on local planning authorities is to publish a statement of how their forward planning work will be organised over a three year period – known as the Local Development Scheme. The Scheme must be revised as necessary.
- 3 Cabinet considered the first Scheme in 2004 and since then there has been a programme of annual reviews, linked to completion of the Annual Monitoring Report. Both the Scheme and the Annual Monitoring report are approved by Cabinet, prior to submission to Government Office. Planning Committee received a report on this year's Annual Monitoring Report prior to Cabinet considering it at the meeting on 18th December 2008. Planning Committee have also received a report on the revised Local Development Scheme at their meeting on 9th January 2009 and their comments and recommendation will be reported verbally.
- 4 The revised Scheme (copy attached) has been prepared to reflect the following factors:

Further information on the subject of this report is available from
Peter Yates, Planning Policy Manager on 01432 261952

- The need to roll the Scheme forward a year and include revised proposals for local development documents, taking account of advice from Government Office (GO) and the Planning Inspectorate (PINS) as experience of implementing the new system is accrued;
- The adoption of the UDP in March 2007, and the need to “Save” those policies which will need to continue in effect until the new Local Development Framework is completed;
- The need to address the emerging provisions in the current Phase 2 review of the Regional Spatial Strategy (RSS), notably new housing development for the period up to 2026, responding to the higher level of house building required by Government. There is also continuing recognition in the RSS of the role of Hereford as a “settlement of significant development” (replacing the previous designation of Hereford in the RSS as one of five sub-regional foci for development);
- The need to take forward the partnership for growth with Government set out in the identification of Hereford as a ‘New Growth Point’, by addressing the delivery of housing growth in and around the City. The levels of growth will be confirmed through the current RSS review process;
- Changes brought about by the revised Local Development Regulations (in June 2008) and the new Planning Act 2008 (in November 2008) especially with regard to the revised status of Supplementary Planning Guidance (which no longer forms part of the Local Development Scheme), the potential introduction of the Community Infrastructure Levy and new statutory requirements regarding good design and policies to combat climate change;
- The increased emphasis being placed by Government Office for the West Midlands and Planning Inspectorate on the development of a “sound” evidence base to underpin the LDF. Considerable work is underway across a range of topics in this regard, and this must be completed or progressed to certain stages in order to support the development of various LDF policy documents.

5 It should be noted that preparation of this year’s Local Development Scheme has had to be held back to allow for the legislative changes in the Planning Act 2008, which received Royal Assent in the last week of November 2008.

6 The revised Scheme includes the following principal amendments:

- The Scheme now provides for just three Development Plan Documents: the Core Strategy, a Hereford Area Plan and a Market Towns and Rural Areas Plan;
- The Core Strategy is moving forward following the “Developing Options” consultation in the summer of 2008, with a view to preparing the submission document during 2009/10. Its timetable has had to be revised to take account of the delay to the Regional Spatial Strategy – which will not reach Examination in Public stage until April to June 2009 and will not be adopted before mid 2010;

- A Hereford Area Plan will be required for Hereford and its immediate environs, taking forward the City's Growth Point status and RSS proposals for the City in an integrated manner and including the delivery of housing, employment and retail growth in a balanced fashion. It is intended to bring this forward for adoption following the adoption of the Core Strategy;
- An equivalent allocations document will be required for the rest of the County and therefore a Market Towns and Rural Areas Plan is also proposed. This will be the third Development Plan Document in the sequence, to be adopted after the Core Strategy and the Hereford Area Plan thereby recognising the needs created by the focus of growth on Hereford.
- In the light of the above the proposed target dates for adoption of the three Development Plan Documents are as follows:
 - i. Core Strategy – target adoption date 2011
 - ii. Hereford Area Plan – target adoption date 2012
 - iii. Market Towns and Rural Areas Plan – target adoption date 2013
- Following the Planning Act 2008, SPDs are no longer included in the Local Development Scheme. This does not mean that all work on SPDs will cease. Indeed it is proposed that a new Supplementary Planning Document is introduced (currently with the working title of a Design Code for Herefordshire) to update the former Development Requirements SPG and bring it up to date with the latest guidance on climate change, design and the relationship to Parish Plans and Village Design Statements. It is also anticipated that, once the associated regulations have been published, work can also commence on a Community Infrastructure Levy Charging Schedule with the intention that it be adopted as soon as possible after the Core Strategy is adopted in 2011.

7 As work on establishing the Local Development Framework is underway, the UDP will continue to provide an overall policy framework. It will be necessary to apply to Government Office to allow relevant UDP policies to be 'saved' beyond March 2010 (when the three year transitional period expires), where these are needed to enable effective planning control and have not yet been superseded by elements of the new system. Work on the saved policies will commence in the summer of 2009.

8 Following approval by Cabinet, the revised Scheme must be submitted to Government Office with a four week period for comment before it can come into effect. The date for the Scheme coming into effect included in the recommendation is subject to possible variations arising from this process.

Financial implications

9 The work programme set out in the Scheme is based on in house resources and the availability of external funding for the Local Development Framework (LDF) via Growth Point and the new Housing and Planning Delivery Grant from 2008/9 onwards.

Risk Management

- 10 Maintenance of the Local Development Scheme is a statutory requirement. The various risk factors to achieving the Scheme's programme are:
- The availability of staff resources;
 - Funding being available to support the timely and necessary development of the evidence base;
 - The extent to which national and regional housing requirements are subject to change as the RSS review process continues;
 - Linked to this, the RSS review proceeding to timetable;
 - Continued changes to secondary legislation following the Planning Act 2008.

Alternative Options

- 11 There are no alternative options, preparation of the Local Development Scheme being a statutory requirement.

Consultees

- 12 Government Office for the West Midlands

Appendices

Appendix 1 – Revised Local Development Scheme

Background Papers

Planning Policy Statement 12: Local Development Frameworks