

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>4 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENT &amp; STRATEGIC HOUSING AND HIGHWAYS &amp; TRANSPORTATION</b>

**CLASSIFICATION** Open

### **Wards affected**

County-wide

### **Purpose**

To agree revisions to the timetable for preparation of the Local Development Framework; and agree interim arrangements in respect of the Local Transport Plan.

### **Recommendation**

**THAT:**

- (a) the Local Development Framework timetable be revised as set out in the table at paragraph 11 below;
- (b) the linkage between the Local Development Framework and Local Transport Plan, and the consequent impact on the Local Transport Plan timetable be noted; and
- (c) the existing Local Transport Plan 2 be adopted as the Council's interim Local Transport Plan 3 pending finalisation of the Local Development Framework submission;

### **Key Points Summary**

- This report provides an update on progress in preparing the Local Development Framework (LDF) and the Local Transport Plan (LTP). Both are part of the Council's Policy Framework.
- The legislative basis for preparing the LDF is changing as a consequence of the Localism Bill, which proposes the revocation of Regional Spatial Strategies (RSS) and new roles and responsibilities for local groups undertaking neighbourhood planning.
- The arrangements for both the public and private funding of new infrastructure linked to development are also under review.

- The recent LDF consultation on the Hereford preferred option produced particular comments and objections to the proposed housing sites in general and the proposed choice of a western relief road corridor in particular. These views contrasted with the outcomes of earlier consultations, which produced generally favourable results. Following the debate at Council on 19 November, the Executive were asked to consider the practicalities of undertaking a poll to assist in clarifying the situation.
- The current published timetable for the LDF preparation made provision for the Core Strategy to be reported to Council at its meeting on 4 February 2011 with a recommendation that the policies be submitted to the Secretary of State for public examination and subsequent adoption later in 2011. It is now clear that this timetable cannot be met and a revised Local Development Scheme timetable will be necessary.
- Having regard to the changing legislative context and the new issues raised in the recent round of consultation, it is prudent to afford an opportunity for the implications for the emerging Core Strategy to be further considered prior to the document being finalised.
- The Council is required to adopt an LTP from 1 April 2011. However the LTP needs to be aligned with the Council's planning strategy. Whilst the latter is being confirmed, the requirement to have a LTP in place can be achieved by extending the life of the present document by adopting it as the 2011 interim LTP3, and reviewing it when the strategic planning position becomes clearer.

## **Alternative Options**

1. The current planning policies of the Council are set out in the 2007 Unitary Development Plan, which runs to 2011. Whilst these policies have been "saved" and will continue in force until replaced, new planning policies are required to influence and control development for the next plan period – currently to 2026. The LDF will set out these new policies and is a statutory requirement, with no alternative to its preparation.

## **Reasons for Recommendations**

2. To afford an opportunity for the implications of the changing legislative context to be fully considered, and to enable further consultation, including a community poll, to be undertaken. Linked to the changes in the LDF timetable, to provide for the continuation of the existing LTP2 to be adopted as an interim LTP3 in the meantime.

## **Introduction and Background**

3. Progress is being made on the LDF to replace and roll forward the Council's planning policies set out in the Unitary Development Plan. A comprehensive programme of consultations has taken place throughout 2010, along with briefings for individual and groups of Members. However, the latest round of consultation raised some new issues. Further consideration of these matters is needed and Council, at its meeting on 19 November 2010, overwhelmingly carried a motion agreeing "...in principle to carrying out a poll with the people of Herefordshire to ask a question relating to construction of a road around Hereford City and that the Executive be asked to consider the practicality of such action."
4. In addition, the legislative background is now changing significantly it would be prudent to extend the current LDF timetable to enable the implications of those legislative changes to be fully considered. Because of the close links between the Council's planning and transport policies, changes in the LDF timetable have implications for the LTP.

5. Both LDF and LTP are part of the Council's Budget & Policy Framework.

## **Key Considerations**

6. The Localism Bill, published in December 2010, introduces a number of significant reforms to the planning system, notably the revocation of RSS. Hitherto the West Midlands RSS has provided a regional context for the preparation of the LDF, particularly in respect of future housing provision. The Bill is expected to pass into law later this year. Thus, whilst at present compliance with the RSS is required, it would be prudent to progress on the basis that it will, in due course, cease to exist. This will allow a degree of flexibility and local choice which has not been available to date in the preparation of the LDF. The Bill also introduces new arrangements for neighbourhood planning within the existing (and continuing) framework of statutory planning control.
7. The Localism Bill also confirms the government's intention to continue with a revised form of the Community Infrastructure Levy to replace Section 106 agreements for collecting developer infrastructure contributions, other than those concerned with affordable housing or the mitigation of site specific impacts. Other new and emerging financial measures include the New Homes Bonus, Regional Growth Fund and Tax Increment Financing. Future sources of finance are therefore not, at present, entirely clear – nor are the investment plans of service providers. These issues impact directly upon the financial viability of development and the ability to pay for new infrastructure. This will require more work to finalise the Economic Viability Study, identify any funding gaps, develop a Charging Schedule to raise contributions under the Levy, and to finalise an Infrastructure Delivery Plan with service providers.
8. The Council's planning policies are currently set out in the Unitary Development Plan. Although the Plan had a nominal end-date of 2011, the policies have been through a formal process of being "saved" and most continue in force by virtue of a direction of the Secretary of State made in February 2010. However, the planning strategy for the future development of the County in the longer term needs to be formulated, and planning policies prepared to deliver it. The vehicle for this is the LDF, a portfolio of documents led by the Core Strategy. This looks ahead to 2026, balancing development needs with protection of the environment, and ensuring alignment of the planning strategy with the Sustainable Community Strategy and other Council priorities such as the Localities agenda.
9. The emerging LDF is founded on a significant evidence base and has been the subject of a comprehensive programme of consultations throughout 2010 including public meetings, presentations, "road shows", coverage in the media and both Parish Council and Member briefings. The consultations in the earlier part of 2010 showed widespread support for the emerging policies. At the time of the detailed consultation on the Hereford package particular comments/objections were raised to both proposed housing sites and the western relief road corridor. The most recent round of consultations has also revealed new issues concerning water quality and infrastructure funding which will need to be resolved before the Core Strategy is finalised.
10. At its meeting on 19 November, Council requested that the practicality of holding a Community Poll on the topic of a relief road for Hereford be explored by the executive. Legal advice has indicated that such an approach would be possible as part of a wider consultation exercise. However, such a poll could not be carried out during the pre-election period, as it would breach the Government's publicity guidance; nor can the facilities used by the Returning Officer on election day be used. At their meeting on 17 February, Cabinet resolved that a community poll be undertaken, as part of the overall consultation process, as early as possible after the election, and that a further report on the detail of the further consultation be brought to Cabinet in June.

11. The current published timetable for the preparation of the Core Strategy is set out in the Local Development Scheme. This envisaged the Core Strategy being reported to Council at its meeting on 4 February 2011 with a recommendation that the document be submitted to the Secretary of State for public examination and adoption later that year. Taking into account both the impact of national policy and legislative changes, and Council's expressed desire to undertake a community poll, it is therefore proposed that the indicative LDF timetable be revised as in the table below. It should be noted that, subject to the outcome of the additional consultation, further revisions to the timetable may be required.

<b>Activity</b>	<b>Date</b>
Cabinet approve detail of further consultation, including community poll	June 2011
Consultation	July – October 2011
Overview & Scrutiny Committee	December 2011
Cabinet	January 2012
Council approve submission of draft Core Strategy	February 2012
Pre-submission publicity	March/April 2012
Submission to Secretary of State	May 2012

12. The Council is required to have a LTP in place for the period commencing on the 1 April 2011. This follows on from the five year period covered by the current LTP (1 April 2006 to 31 March 2011). However, unlike the previous LTPs which had to be submitted to Government by the date when they were due to come into effect, the form and content of the LTP will be for local consideration only and will not need to be submitted to Government.
13. Development of the next Local Transport Plan (LTP3), including the adoption of a 15 year time horizon, taking the strategy to 2026 as per the LDF, has been carried out in parallel with development of the LDF strategy, building on the opportunity to ensure that the long term land use strategy for Herefordshire is underpinned by complementary policies in respect of transport infrastructure. A draft LTP3 was issued for consultation in October 2010 and this was also co-ordinated with consultation on the Core Strategy preferred option for Hereford. An update on the development of the LTP strategy was provided to Environment Scrutiny Committee at its meeting on the 26 November. It was noted in that report that the draft LTP had been written to reflect the LDF Hereford preferred option (as consulted on in September-November 2010). The report also stated that the final review of LTP would need to reflect any decisions regarding the LDF Strategy when it is considered by Council.
14. A coherent new LTP3 can only be determined when the key infrastructure requirements for the County up to 2026 have been agreed through the LDF process. As an interim measure, pending finalisation of the LDF strategy, it is proposed to roll forward the current LTP (LTP2) and that it be adopted as an interim LTP3. The current LTP2 remains fit for purpose at the current time and provides an ongoing strategy which is consistent with the current Unitary Development Plan and provides a sound basis to guide transport provision in the County in the intervening period.

## **Community Impact**

15. The emerging LDF policies have been drafted to align as closely as possible with the Council's wider policies which impact on community matters and fall within planning influence. The involvement of the Local Strategic Partnership is maintained through the Local Development

Framework Task Group which, apart from LSP membership, also includes representative Members from minority political groups on the Council. The impact of the Localism Bill will be very significant in redefining how the Council's policies relate to local communities.

## **Financial Implications**

16. The costs of undertaking a community poll, using postal voting, are estimated at £50k.
17. Preparation of the LDF is being carried out from within existing budgets which are reviewed annually. More work is needed with an Infrastructure Delivery Plan to establish viability of any capital projects associated with the development envisaged by the LDF and to assess the potential for Community Infrastructure Levy and New Homes Bonus to provide capital funding.
18. A current LTP3 will be a key supporting document for any bid to the Local Sustainable Transport Fund.

## **Legal Implications**

19. Advice has been received that an advisory community poll may be undertaken as part of the consultation within overall LDF process.
20. The Council has a statutory duty to prepare a LDF and LTP. The Localism Bill does not change that principle. However when enacted it is expected to enable new roles and responsibilities, especially as regards the role of Parish Councils and other community groups at the neighbourhood level.

## **Risk Management**

21. The principal risks to progression of the Core Strategy are set out above and centre on the legislative changes underway, the emergence of new funding streams and delivery mechanisms, and the outcome of the recent round of consultation. Managing these risks requires further opportunity to consider the implications for the emerging Core Strategy and is the subject of this report.
22. This needs to be balanced against continuing to use the policies of the Unitary Development Plan as a basis for planning control, notably in respect of housing land supply. This can be managed by ongoing monitoring. On a strategic level, the opportunities offered by the LDF and Core Strategy to guide development to meet the Council's broader priorities as set out in the Sustainable Community Strategy and other strategies and programmes will not be able to be realised. However, the impact of the localism agenda is likely to be felt across the range of Council services and further consideration of the emerging Core Strategy can take place within this overall context.

## **Consultees**

23. Extensive community consultations have been carried out as outlined above. All consultations on the LDF have to comply with the Council's own Statement of Community Involvement which was adopted in 2007 and is itself part of the Local Development Framework. Consultation reports are published on the Council's website to cover every stage of the process from 2007 onwards.
24. Overview & Scrutiny Committee considered the proposals to amend the LDF framework timetable and to adopt the existing LTP as LTP3 as an interim measure. The Committee has supported both proposals. It has also recommended that the whole Local Development

process be scrutinised and reviewed by the scrutiny function at the appropriate time having regard to the Local Development Framework timetable as approved by Cabinet. The Committee has also requested that the questions from the public submitted to the Committee be referred to Cabinet to be taken into consideration as part of Cabinet's deliberations on the Local Development Framework.

## **Appendices**

None

## **Background Papers**

Local Transport Plan 2.