

PLANNING AND COMPULSORY PURCHASE ACT 2004: LOCAL DEVELOPMENT SCHEME

Report By: Forward Planning Manager

Wards Affected

Countywide

Purpose

1. To inform the committee of the new system of development planning being introduced by the Planning and Compulsory Purchase Act 2004, and to seek views on the Council's first Local Development Scheme, a document required to be prepared under the new arrangements.

Financial Implications

2. None

Introduction

3. The Planning and Compulsory Purchase Act received Royal Assent in May and is now coming into force. As well as the compulsory purchase powers reported to the last meeting of the Committee, new provisions and requirements for development planning are being introduced. This report summarises the main features of the new system.
4. One of the requirements placed on local planning authorities by the Act is to prepare and publish a statement of how their forward planning work will be organised over a three year period. These statements – Local Development Schemes – have to be in place within six months of commencement of the Act. A Local Development Scheme for Herefordshire has been prepared, and is attached.

The new arrangements for development planning

5. The main features of the new system are:

Legislative context

- New requirement to exercise development plan functions 'with the objective of contributing to the achievement of sustainable development'
- Continuing requirement that planning determinations 'must be made in accordance with the [development] plan unless material considerations indicate otherwise'
- New requirements under EC Directive to undertake formal strategic environmental assessment of plans and programmes

Regional

- A new statutory role for Regional Planning Guidance – as the Regional Spatial Strategy this now forms part of the development plan, and so enjoys development plan status.

Local

- New emphasis on two way links between development plans and community strategies by taking a 'spatial planning' approach
- Structure, local and unitary development plans to be replaced over time with a new concept – the Local Development Framework, a portfolio of planning documents rather than a single plan
- A requirement to prepare a Statement of Community Involvement, setting out how local communities and others will be involved in forward planning. Subject to independent examination and part of the Framework
- More flexible approach to development plan documents – core strategy, proposals map, area action plans, and site specific allocations, prepared and adopted as part of the Framework as needed
- Provision for supplementary planning documents to offer more detailed guidance to development plan documents within the Framework. Unlike supplementary planning guidance, which they will gradually replace, they are subject to statutory procedures (but not to independent examination)
- A requirement to prepare a Local Development Scheme
- A requirement to publish an Annual Monitoring Report reviewing progress against the programme set out in the Scheme, and on how far planning policies are being achieved.

New procedures

6. The new system comes with new development plan procedures. Key features are:
 - A requirement that Framework documents are in 'general conformity' with the Regional Spatial Strategy
 - Emphasis on building consensus through continuous community involvement, as set out in the Statement of Community Involvement
 - The public examination of development plan documents to consider their overall soundness, rather than simply objections made to them, although the right of objectors to appear at the examination remains
 - Inspector's reports and recommendations to be binding
7. The new system will be subject to a transitional period of several years as plans in preparation are completed, and there are specific arrangements in place to provide for this.

Implications for Herefordshire

8. The implications for Herefordshire can be summarised as follows:
- Existing Structure and Local Plans to continue in operation under the transitional arrangements until replaced by the adopted UDP
 - Existing strong links between the Herefordshire Plan, the community strategy, and planning policy documents to be continued
 - The UDP to be completed on the 'old style' regulations, whereby the Inspector's report is not binding
 - The UDP to continue in operation for at least three years after adoption, with an extension to this transitional period for selected policies subject to Government Office agreement
 - Planning documents to be subject to new requirements under European Directive for Strategic Environmental Assessment – will affect the UDP if not adopted by 21 July 2006
 - A requirement to indicate how Supplementary Planning Guidance will be dealt with in the transitional period
 - Post the UDP Inquiry in 2005, work to begin on documents forming part of the new system
 - An immediate requirement to prepare a Local Development Scheme, showing how the new system will operate in Herefordshire in the coming three years
 - The first Annual Monitoring Report to be submitted to Government by December 2005

The Local Development Scheme

9. It is against this background that the Council's first Local Development Scheme has been prepared. The Scheme has benefitted from informal consultation with the Government Office and the Planning Inspectorate.
10. In brief, the Scheme sets out the requirements arising under the Act and explains how they will be addressed within Herefordshire. Key features are:

Statement of Community Involvement and Core Strategy

The Scheme proposes that an early start be made on these two documents, both of which are subject to separate independent examination, and sets out a programme of work linked to the various stages of their preparation.

Future work

Priorities for future work are identified as generic development control policies, housing and employment land allocations, and the Proposals Map. The Map will be a separate document within the Framework, unlike at present where it is an integral part of plans. The Map document will need to be kept up to date as new local development documents are prepared.

Supplementary planning guidance (SPG)

The Scheme proposes that existing SPG to the Local Plans and interim SPG to the UDP continue to be used as such. Further interim Guidance to the UDP will be prepared and published in the transitional period, including Parish Plans. These documents will not enjoy the weight given to the new Supplementary Planning Documents but will have status as a material consideration.

11. The Scheme is to be kept under review and up to date with respect to both programme and proposed documents.

Conclusions

12. The new development plan system is clearly intended to be very different from its predecessor. For Herefordshire, it will allow a more flexible approach. It will be important that the many documents which may form part of the Council's Local Development Framework are coherent and that the system as implemented is understandable by the community. To that end, the Local Development Scheme is the community's first point of contact and is the first step in creating a Local Development Framework for the County.
13. The Local Development Framework will form part of the Council's Policy Framework and the Scheme sets out responsibilities for approving documents within the new system which will need to be incorporated into the Council's constitution. It is proposed that Cabinet be responsible for approving the Scheme, following consultation with Planning Committee and this is reflected in the following recommendation.

RECOMMENDATION

THAT the Committee endorse the Local Development Scheme and recommends that the Cabinet Member (Environment) considers submitting the Scheme to Cabinet for approval.