
REPORT TO:	Environmental & Development Services Committee	AGENDA ITEM: 10
DATE OF MEETING:	27th January 2005	CATEGORY: RECOMMENDED
REPORT FROM:	Deputy Chief Executive	OPEN
MEMBERS' CONTACT POINT:	Gill Hague 595821	DOC:
SUBJECT:	Local Development Scheme	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: ES03

1.0 Recommendations

- 1.1 Members of this Committee recommend that full Council agree the Local Development Scheme (LDS) attached as Appendix 1 for submission to the Secretary of State (S of S).

2.0 Purpose of Report

- 2.1 To seek Members agreement to the first South Derbyshire Local Development Scheme, which must be submitted to the S of S for approval by 28th March 2005.

3.0 Detail

- 3.1 Members will recall that at their meeting on 11th November 2004 a report set out the changes introduced by the Planning and Compulsory Purchase Act 2004 (the Act) which requires the preparation of a suite of Local Development Documents (LDDs) that will constitute the Local Development Framework (LDF) and over time replace the Local Plan.
- 3.2 The LDS is a public statement identifying which documents will be produced, in what order and when. It will be the starting point for the community and stakeholders to find out about the authority's planning policies in respect of a particular place or issue, and the status of those policies.
- 3.3 Although the first LDS should focus on what will be produced during the first three years from the commencement of the Act, it should also indicate in general terms what future work is proposed.
- 3.4 The LDS should identify key milestones and the resources required to prepare the various documents. For PSA6 purposes, the test of 'completion' is whether or not such milestones have been achieved.

- 3.5 The LDS must be submitted to the S of S for approval and it will be assessed on his behalf by the GOEM, which amongst other things will assess the document's fitness for purpose. To pass this test the document must have a robust approach, be deliverable and realistic in terms of timetable, contain a comprehensive approach and be easy to understand. The LDS does not need to be the subject of independent examination or published for public comment. It will come into effect four weeks after being submitted to the GOEM unless the S of S intervenes in that period or requests more information. A copy must be made available for inspection in the Council offices during working hours and published on the website.
- 3.6 The emerging Local Plan can be saved for three years from the date of its adoption (anticipated as being May 2005). Given that it was prepared in accordance with current government guidance, in particular the principles of sustainable development, it is anticipated that the policies it contains can be saved for longer. However, this would be subject to approval by the S of S and will require evidence, for example in an annual monitoring report, that they remain up to date. It is anticipated that decisions in this regard will be taken towards the end of the first LDS.
- 3.7 The documents proposed in the LDS for preparation during the period up to September 2007 therefore largely constitute those where the emerging Local Plan has set out a commitment to provide additional detailed guidance on specific policies i.e. Supplementary Planning Documents (formerly called SPG) including a joint SPD with Derby City for the proposed housing site at Highfields Farm. Those documents will however take longer to prepare due to the need for a Sustainability Appraisal.
- 3.8 The first of the new type documents to be prepared will be the Statement of Community Involvement (SCI) as it will set out the standards to be achieved by the local authority in involving the community in the preparation, alteration and continuing review of all LDDs and planning applications.
- 3.9 Consultants are currently engaged on producing a draft SCI, which should be available for presentation to Committee in June 2005. A formal six weeks consultation period is then required. Following amendments resulting from the consideration of submissions received the final document must be submitted to the S of S and a further six weeks consultation period allowed. An independent examination to consider the document's soundness is then carried out. After the examination the Inspector will produce a report with recommendations that will be binding on the authority. The authority must adopt the SCI as soon as possible after receipt of the Inspector's Report. The preparation of all LDDs must comply with the SCI.
- 3.10 Another new type document it is proposed to prepare as soon as possible is an Action Area Plan for the land between Woodville and Swadlincote Town Centre that lies on either side of the proposed Swadlincote Regeneration Route. This type of document may also require a Strategic Environmental Assessment as well as a Sustainability Appraisal.
- 3.11 Under the old system housing requirements for Derbyshire were established in the Regional Planning Guidance (RPG). Those figures in turn were broken down to District level in the Derby & Derbyshire Joint Structure Plan, and although policies in that document can also be saved it too will eventually disappear completely. In future District housing requirements will be set out in

the Regional Spatial Strategy (RSS) the document that will replace the RPG. The current RPG runs till 2021 but a review is to commence in 2005 with anticipated adoption by 2008. The new document will contain District targets and is likely to cover the period up to 2026. It is therefore proposed to start a review of the housing section of the Local Plan in 2007 when initial estimates of future requirements beyond 2011 should be known.

4.0 Financial Implications

- 4.1 Funding for specialist surveys/reports to be undertaken by consultants was identified and approved as part of the implementation plan for the spending of the 2004/2005 Planning Delivery Grant. Most other work will be undertaken in house and will therefore be covered by existing staff costs. Any additional future resource requirements will have to be identified in service development proposals.

5.0 Corporate Implications

- 5.1 The LDS should be based upon a three year rolling cycle and must take account of committee dates to ensure that milestones are realistic. However, Committee dates are currently only set for a year at a time.
- 5.2 Government guidance places great emphasis on adopting an integrated approach towards preparing planning documents that has regard to the timetable for preparation and content of other Council strategies. The review of the Council's Consultation Strategy currently being undertaken may assist the integration of external and internal consultation.

6.0 Community Implications

- 6.1 Government guidance places great emphasis on the need to adopt an integrated approach that will join up community planning. LDFs should be prepared on a clear understanding of community needs and the community should recognise that the LDF is one of the delivery mechanisms for the community strategy.

7.0 Conclusions

- 7.1 Although the LDS itself is not a Development Plan Document, it is appropriate that it is agreed by Council as a whole, for it identifies and sets out the work programme for producing those documents that will in future constitute the Development Plan. It is of itself a document of importance particularly with regard to the work of the Planning Division, and it has implications for the timing and preparation of other Council strategies.
- 7.2 Given the additional procedures necessary for the preparation of new documents and the need to meet the milestones set out in the LDS for Best Value and Planning Delivery Grant purposes, it is likely that the preparation of documents will take longer in future and the work programme less flexible than in the past.

8.0 Background Papers

The Planning and Compulsory Purchase Act 2004
Planning Policy Statement 12: Local Development Frameworks
Creating Local Development Frameworks: A Companion Guide to PPS12

