



DERBY CITY COUNCIL

COUNCIL CABINET
16 MARCH 2004

Report of the Director of Development & Cultural Services

Local Development Framework

RECOMMENDATION

- 1.1 To note the imminent changes being made by the Government to the statutory planning system which will affect the Council's key policy framework during 2004/5.
- 1.2 To consider the views of the Planning and Environment Commission on the proposals.
- 1.3 To request the Director of Development and Cultural Services initiates preparation of the Statement of Community Involvement in consultation with the Director of Policy.

REASON FOR RECOMMENDATIONS

- 2.1 The Planning and Compulsory Purchase Bill will receive Royal Assent in June 2004 and will fundamentally change the nature and preparation of development plans.
- 2.2 The report was referred to the Planning and Environment Commission for comment.
- 2.3 The Statement of Community Investment will be a central part of the new Framework but will require considerable preparatory work as it is a new type of document.

SUPPORTING INFORMATION

- 3.1 The Planning and Compulsory Purchase Bill is expected to receive Royal Assent in June 2004. Local authorities need to work in advance of that date on the preparation of a Local Development Scheme (LDS). The content of the LDS will need to include:
 - a. a proposed 3 year project plan of all the local development documents to be contained in the Local Development Framework (LDF); and
 - b. proposals for saving any plans (in whole or part) from the current planning system.

- 3.2 In addition, we will need to prepare a draft Statement of Community Involvement (SCI) which will need to include proposals for engaging the local community in:
- a. the preparation of local development documents; and
 - b. handling of significant planning applications.

It is expected that proposals could build on initiatives established by local strategic partnerships (LSP's), and the SCI will therefore need to be integrated within both the Derby City Partnership Consultation Strategy and the Council's own strategy for community involvement, including Area Panels and forums established for involvement of ethnic minorities, disabled people, women, youth and the elderly.

- 3.3 Thirdly, the Council will need to prepare a strategic vision for its area based on the community strategy. It is expected the latter will form the basis of a draft core strategy for the LDF.
- 3.4 The strategic vision of the LDF, the LDS and the SCI need to be put in place by the end of 2004, which is a very tight timetable. In addition, these documents are not just planning documents, they will embrace a variety of Council and Partnership activities with the added efforts of key stakeholders and the community.
- 3.5 The Council is fortunate in having many of the building blocks in place:
- a. During preparation of the revised City of Derby Local Plan, currently subject to Public Inquiry, the Council acted on the advice of GOEM to make the plan more strategic, in anticipation of the Bill receiving Assent at about the same time as the CDLP Inspector's report is considered by the Council. It is therefore anticipated that much of the CDLP will be capable of being 'saved';
 - b. There are a number of policy documents and plans that have been adopted as Supplementary Planning Guidance which may be capable of being carried forward as Supplementary Planning Documents and there are also partnership plans such as the Derwent New Deal plan which could be considered for inclusion.
 - c. The new Derby Community Strategy provides just the sort of strategic vision which the Government wants to see integrated with the Local Development Framework, not only enabling the Community Strategy to inform the content of LDF's, but recognising that LDF's will provide a delivery mechanism for the Community Strategy and other local initiatives' aims and objectives.
- 3.6 The preparation of the LDS and SCI will not, however, be without difficulty. The CDLP Inquiry will run until February 2004, involving planning and other Council staff. In addition, whilst ODPM is currently consulting on a Draft Planning Policy Statement 12: Local Development Frameworks, whilst the Planning and Compulsory Purchase Bill remains at Committee stage there will remain some uncertainty about the details to be contained in the core legislation and, therefore, the status of the emerging guidance. Nevertheless, the new planning

framework is clearly based less on a bureaucratic process and more on an inclusive partnership activity, where a strong element of innovation will be possible, within the broad framework of current planning and sustainability guidance.

- 3.7 The Government expects local planning authorities to have complete Local Development Frameworks in place by 31 March 2007. To meet this challenge we anticipate that different ways of working will be necessary to harness the energies of a variety of players, and we propose to examine that subject with Chief Officer Group, Members and key stakeholders in some depth.

The Government Office for the East Midlands is using a document based on its understanding of the Planning and Compulsory Purchase Bill in training seminars on the LDF, at which the Council has been represented. The document makes a little clearer the hierarchy of documents required:

LDF: the folder of Local Development Documents (LDD's) which together make up the spatial strategy.

LDS: Local Development Scheme - the programme for preparation of the LDD's.

LDD's: will comprise:

- Development Plan Documents (DPD) prepared by the relevant plan-making authority. In our case, the Regional Spatial Strategy (RSS) and any saved parts of the CDLP, or Joint Minerals and Waste Local Plans. DPD's are subject to independent examination. DPD will include a core strategy, site specific allocations, Area Action Plans, Proposals Map, Key Diagram and generic Development Control Policies.
- Supplementary Planning Documents (SPD) will be similar to Supplementary Planning Guidance but may cover a wider range of documents. They will not be part of the Development Plan or subject to independent examination but will be material in planning decisions.
- Statement of Community Involvement (SCI) referred to earlier in this paper. Unlike SPD the SCI **will** be subject to independent examination.

SA: Sustainability Appraisals need to be integrated into Local Development Frameworks.

- 3.9 Where independent examination is required for any constituent parts of the LDF, the Inspector's report and recommendations will be binding on the authority. As the SCI will be subject to examination, the Council will need to ensure that community involvement in planning is joined up with other community involvement initiatives.

- 3.10 Plans that are capable of being saved under the provisions of the Bill will be regarded as saved for only three years after adoption. The CDLP and the Waste Local Plan would fall within that provision. However, policies contained within either adopted or 'to be adopted and saved' plans may be capable of carrying forward if they comply with LDF principles, in which case they may continue past the three years subject to Secretary of State approval.
- 3.11 To assist in understanding the proposed new system I have mapped the proposals as they currently appear in Appendix 2. The Council's procedures are not shown within the diagram as the assumption has to be made that the LDS, LDF, LDD's and SCI will be key policy decisions all requiring Cabinet and Council approval.

OTHER OPTIONS CONSIDERED

4. None.

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Map of Proposals

IMPLICATIONS

Financial

1. It is not yet possible to define precise costs of the new system. It is expected that revenue budgets currently devoted to work on the City of Derby Local Plan, Derby and Derbyshire Structure Plan, and preparation of Joint Minerals and Waste Local Plans will be used for preparation of the new Local Development Documents.

Legal

2. The Planning and Compulsory Purchase Bill when enacted in 2004 will replace much of the legislation contained in the Town and Country Planning Act 1990 and subsidiary or related legislation.

Personnel

2. There will undoubtedly be implications for the staffing of the Development Division but it is not possible at this stage to predict the precise impact of the new system on staff needs or training.

Corporate Objectives and Priorities for Change

4. The planning system has an impact directly or indirectly on all the Council's Corporate Objectives. It will also address some of the Council's Priorities for Change, particularly:

Promote the City as a major force for industry, commerce, culture and tourism, and

Decide planning applications more quickly while maintaining the quality of decision making within a framework for the sustainable economic, environmental and social development of Derby.

