



## **Local Development Scheme – approval of draft LDS3 for submission to the Secretary of State**

### **SUMMARY**

- 1.1 Cabinet approved the Council's second Annual Monitoring Report (AMR) for submission to the Secretary of State in December last year. As part of its remit, the AMR considered progress made over the last year in preparing the various planning documents that will form the Council's Local Development Framework. The current programme for preparing these documents is set out in the Local Development Scheme, the second version of which was brought into effect in August 2006. The LDS programme is intended to be revised and 'rolled forward' each year.
- 1.2 In several cases, the AMR identified necessary changes to the programme and gave reasons for these. A broad indication of the revised programme was set out, but not a detailed timetable.
- 1.3 Cabinet is now being asked to approve detailed revisions to the LDS programme for submission to the Secretary of State. Provided that the Secretary of State does not request any significant changes, Cabinet is also being asked to authorise the third LDS to be brought into effect on or before 31 March 2007. Meeting this deadline is likely to help the Council perform better against best value performance indicators and to secure planning delivery grant in future years.

### **RECOMMENDATION**

- 2.1 To agree the revised programme of document preparation set out in Appendix 2 as the key element of the revised Local Development Scheme.
- 2.2 To authorise the Corporate Director of Regeneration & Community in consultation with the Cabinet Member for Planning and Transportation to prepare the full LDS3 document, incorporating the programme set out in Appendix 2, and to submit this to the Secretary of State before the end of February 2007.
- 2.3 Provided the Secretary of State does not request any significant changes to the LDS3 programme, to resolve to bring it into effect before March 31 2007.

<b>REASON FOR RECOMMENDATION</b>
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3. The Town and Country Planning (Local Development) (England) Regulations 2004 require the Council to formally resolve to bring an LDS or revised LDS into effect. Government has indicated that bringing the latest LDS into effect before the end of March 2007 is likely to assist in maximising future Planning Delivery Grant.



## **Local Development Scheme – approval of draft LDS3 for submission to the Secretary of State**

### **SUPPORTING INFORMATION**

- 1.1 The Council brought its first Local Development Scheme (LDS) into effect on 17 May 2005 and its second on 11 August 2006. The LDS sets out the programme for preparing planning documents over a three-year period. The programme will usually be up-dated and 'rolled forward' on an annual basis. This report is seeking Cabinet approval for a revised programme that will form the basis of the third LDS. It also seeks authority to prepare the full LDS3 document based on the programme attached as Appendix 2 and to submit this to the Secretary of State. It further seeks authority to bring the LDS3 programme into effect provided the Secretary of State does not request any significant changes to the programme.
- 1.2 Government has very recently proposed that Councils should bring a revised LDS into effect before the end of March this year. It is likely that achieving this target will assist in assessing performance against best value indicators and may benefit our Planning Delivery Grant settlement in future years. It is therefore hoped to submit the LDS3 to the Secretary of State following this Cabinet meeting. She then has one month to request the Council to make changes to it or to request more time to consider it. Subject to this, it should be possible to formally bring the new LDS into effect before March 31.
- 1.3 Cabinet have already considered the main issues regarding the revised programme, at its 19 December 2006 meeting when it considered the Annual Monitoring Report (AMR). This identified necessary changes to the LDS programme and gave reasons for them. Broad indications of the revised programme were set out, but not a detailed timetable. The attached LDS3 programme provides this detail.

The main elements of the revised LDS programme and reasons for changes are:

#### **Statement of Community Involvement**

Full Council resolved to adopt the SCI at its January 24 meeting and this will be recorded in the revised LDS.

#### **Core Strategy DPD**

There is a need to review the existing programme in the light of decisions by the Planning Inspectorate that have found submitted Core Strategies to be 'unsound'. It has become apparent that the requirements for evidence base and the generation and testing of issues and options before Preferred Options stage are significantly more demanding than initially thought. There is also a need to ensure that the document is in conformity with the RSS Review, so proposals cannot be firmed up

until that process has been completed, which will not be before the end of 2007. It is now proposed to concentrate on evidence gathering, issues and options generation throughout this year and much of next year. This will include a number of informal consultations, with formal consultation on the 'Preferred Options' taking place in September 2008. The revised programme would envisage submission to the Secretary of State in March 2009, the Examination in September 2009 and adoption in June 2010. The current LDS2 envisaged 'Adoption' in June 2009, although this was only indicative. South Derbyshire and Amber Valley District Councils are adopting the same programme timetable to allow for greater consistency in preparing all three documents.

### **City Centre Eastern Fringes Area Action Plan DPD**

Although Cabinet agreed a 'Preferred Option' last year, the programme for preparing this document is also being put back to allow for more evidence gathering and options testing. It is felt that 'Preferred Options' consultation should not proceed until a number of crucial studies, such as transport and flood risk assessment, have been completed. These studies would have had to have been carried out at some stage in any event. The revised programme envisages consultation on 'Preferred Options' now being undertaken in July 2007, 'Submission' in January 2008, the 'Examination' in July 2008 and 'Adoption' in March 2009. The current LDS2 envisaged 'Adoption' in July 2008.

### **Sites For More Sustainable Communities DPD**

LDS2 did not envisage work beginning on this until January this year, although the programme will need to be revised for the reasons outlined in the 'Core Strategy' section. It is also proposed to amend the LDS scheme to allow the document to consider a full range of site allocations rather than just housing. This will give it far more flexibility and enable it to consider wider sustainability issues such as the relationship between housing and employment areas. In addition, there is now a strong case to consider preparing a joint DPD with adjoining local authorities for an area somewhat larger than the City's administrative boundaries. This would enable a coherent approach to the planned growth of the Derby Principal Urban Area as envisaged in the RSS Review. This issue requires further consideration by the respective local authorities and other partners. It is not possible at this stage to make a specific commitment to joint working, but LDS3 makes reference to the advantages of doing so and indicates that the issue will be considered in more detail in next years LDS4.

### **Joint Minerals and Waste DPDs**

The Council is currently preparing a joint Aggregates Minerals Site Allocations DPD and a joint Waste Site Allocations DPD with the County Council. The revised LDS3 programme envisages the programme for preparing the Minerals DPD being put back about three months, with adoption programmed for September 2009 rather than June. No significant change is proposed to the Waste DPD programme with adoption still envisaged in November 2009. LDS3 also identifies a programme for preparing a joint Minerals Core Strategy and a joint Waste Core Strategy. However, most of the milestones for these fall beyond the three-year programme of LDS3 and indicative dates only are set out.

### **Design Guidance SPD**

Progress on this document has been delayed following the departure of a specialist consultant who had been brought in on a temporary basis to work on it. A full time

Urban Design Policy Officer has now been appointed and work will now re-commence. It is intended to carry out public participation on a draft document in November 2007 and to adopt it in September 2008. LDS2 envisaged adoption in July 2007.

### **Rykneld Road and Manor Kingsway SPDs**

These two SPDs are being prepared for major new housing led developments identified in the Local Plan Review. Both have slipped to some degree due to the need to undertake more evidence gathering and early consultation than was originally envisaged. Formal consultation on a draft of the Rykneld Road SPD took place in November last year. Adoption is now envisaged in April this year as opposed to December 2006 envisaged in LDS2. Formal consultation on a draft of the Manor Kingsway SPD will take place in March this year. Adoption is now envisaged in July this year as opposed to January.

### **Nature Conservation Guidance SPD**

This was adopted in April meeting the LDS 2 target and will be reflected in LDS3.

### **Darley Abbey Conservation Area Appraisal SPD**

As set out in the AMR report, the Darley Abbey Conservation Area Appraisal and Management Proposals have been abandoned as a formal SPD. However, it is still intended to prepare non - SPD Appraisals of all Conservation Areas throughout the City. Preparation work on this will be starting in early 2007.

### **Planning Obligations SPD**

- 1.4 A substantial amount of early progress has been made on this SPD, but the amount of work needed and staff shortages led to some slippage. It is now intended to undertake formal consultation on a draft document in June this year and to adopt it in November. This compares with an adoption date of April this year envisaged in LDS2.

Cabinet is now being asked to approve a detailed revision to the LDS programme for submission to the Secretary of State. Provided that she does not request any significant changes, Cabinet is also being asked to authorise the third LDS to be brought into effect on or before 31 March 2007.

#### **For more information contact:**

#### **Background papers:**

#### **List of appendices:**

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None

Appendix 1 – Implications

Appendix 2 – Schedule of Proposed Local Development Documents

<b>IMPLICATIONS</b>
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**Financial**

1. The revisions to the programme proposed should not add to the costs of delivering the programme of plan preparation set out in the current Local Development Scheme. The programme proposed assumes that existing staff resources will be maintained and that significant levels of unanticipated work will not arise. Use of Planning Delivery Grant has been earmarked to supplement the budget in the current year and in 2007/08. Performance in achieving the programme set out in the LDS is likely to influence future levels of Planning Delivery Grant.

**Legal**

2. The preparation and review of an LDS is a statutory requirement on the Council.

**Personnel**

3. The Local Development Scheme is a key item in the Plans and Policies Business Plan.

**Equalities impact**

4. The LDS itself does not have an equalities impact, but the documents it proposes for preparation will need to pay particular attention to this issue.

**Corporate Priorities**

5. The proposal predominantly comes under the Council's priorities of improving the quality of life in Derby's neighbourhoods, building healthy and independent communities and delivering excellent services, performance and value for money.