
Meeting: EXECUTIVE

Agenda Item:

Portfolio Area: Environment and Regeneration

Date: 12 JULY 2016

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**LOCAL DEVELOPMENT SCHEME (LDS) -
COMMUNITY INFRASTRUCTURE LEVY (CIL)**

KEY DECISION

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1. PURPOSE

- 1.1 This report informs members of a timetable change to align the Local Development Scheme (LDS) with submission of the Stevenage Borough Plan to the Secretary of State in July 2016, as recommended by the report “Stevenage Local Plan – Submission to Secretary of State” that follows on this Agenda.
- 1.2 The LDS also adjusts the work programme for taking the Community Infrastructure Levy Charging Schedule through its statutory procedures.
- 1.3 As this report updates a detailed report to Executive on 15 December 2015 on the same subjects, explanation of the purposes of the named documents is not repeated here.

2. RECOMMENDATIONS

- 2.1 That the LDS 2016 document appended to this report be approved.
- 2.2 That the LDS 2016 is brought into immediate effect through publication on the Stevenage planning web pages.

3. BACKGROUND

- 3.1 The Executive has previously authorised:
 - preparation of a new local plan for Stevenage: the Stevenage Borough Local Plan (SBLP).

To operate as the statutory plan in support of planning decisions, the SBLP must go through a series of preparation steps prescribed by statute.

- In principle, to prepare the Community Infrastructure Levy Charging (CIL) Schedule. This followed the CIL review reported to Executive on 15 December 2015.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1 LOCAL DEVELOPMENT SCHEME 2016

- 4.1.1 The Stevenage Borough Local Plan is ready for submission to the Secretary of State for Examination by an independent Planning Inspector. A separate report, next on this agenda, recommends submission and explains the ensuing process, subject to the outcomes of the inspector's report.
- 4.1.2 Independent Examination starts with 'yes / no' legal compliance tests: inclusion of the local plan in an up to date LDS, effective discharge of the duty to cooperate and prescribed appraisals, in particular the Sustainability Appraisal.
- 4.1.3 This report makes recommendations which ensure that the LDS is up to date and aligns with actual delivery of the local plan programme.
- 4.1.4 The revised LDS 2016 comprises a brief document and chart, appended to this report. It sets the following timetable for the new local plan:
- January / February 2016: 'Publication' consultation
 - July 2016: Submission to the Secretary of State
 - September – November 2016: Examination in Public
 - December 2016 - February 2017: Receipt of Inspector's report
 - February - July 2017: Adoption of new local plan
- 4.1.5 The above timetable represents a slippage of 6 months on the LDS programme reported on 15 December 2015. This is mainly due to the number of representations received and time required for negotiations with objectors. Local Plans should aim to reach maximum consensus before being submitted for Examination. Despite this slippage the work programme remains course to meet the government target for Councils to have up to date local plans in place by 2017.
- 4.1.6 Adoption of the SBLP is a full Council decision under Regulation 4(1) and 4(3) of the Local Authorities Functions and Responsibilities Regulations 2000. It is subject to the Inspector finding the draft plan legally compliant and 'sound' – that is justified, effective and deliverable. The timing of Adoption depends on a positive inspector's report arriving in time for a full Council meeting in either April or May 2017.
- 4.1.7 Under the Localism Act 2011 there is no longer a requirement to notify LDS to Government. Therefore it can be brought into effect immediately through publication.

4.1.8 Authorities are required to keep their LDS up to date and monitor local plan preparation progress in the Annual Monitoring Report. A further update of the LDS is intended following Adoption of the SBLP. At that point it may be opportune to take on board the details of the Inspector's report on the SBLP and possible changes arising from a March 2016 Expert Report to Government on the Local Planning system.

4.2 COMMUNITY INFRASTRUCTURE LEVY

4.2.1 Owing to a resource focus on the local plan, the CIL timetable reported on 15 December 2015 is reprogrammed as follows:

- February 2017: Preliminary Draft Charging Schedule
- July 2017: Draft Charging Schedule
- September 2017: Submission
- November 2017: Examination in Public
- January 2018: Adoption

4.2.2 Slippage on the CIL programme is around 9 – 12 months. Introducing CIL is not as pressing as delivering an adopted local plan. Section 106 remains an adequate means for securing developer contributions until it is pared back further by Government. Unlike CIL, however, S106 cannot generally be relied on to fund collectively the costs of additional infrastructure necessary to support delivery of the local plan projects.

4.2.3 The CIL Charging Schedule bears on the use and development of land. While it does not make land use allocations, it does impact on land value and therefore it is subject to a Regulation process of public participation and independent examination.

4.3 STATEMENT OF COMMUNITY INVOLVEMENT

4.3.1 The LDS also includes the programme for reviewing Council's Statement of Community Involvement (SCI). The current SCI was adopted in May 2012. It is normally revised and updated every five years.

4.3.2 The SCI sets out how members of the public and other stakeholders will be involved in the planning process. It is shown in the LDS for completeness.

4.3.3 The timetable for updating the SCI is also slipping by around 3 months. Its preparation will now begin in March 2017, rather than December 2016, as previously scheduled.

5. IMPLICATIONS

5.1 Financial Implications

5.1.1 The preparation of the new local plan and Community Infrastructure Levy is funded from within an agreed departmental budget.

5.2 Legal Implications

- 5.2.1 Preparation of a local plan is a statutory duty upon every Local Planning Authority. Local plans are prepared within the framework set out by the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. This includes the statutory requirement to prepare and maintain a local development scheme.
- 5.2.2 Detailed regulatory requirements governing, among other matters, consultation and examination arrangements for local plans are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.2.3 Preparation of Community Infrastructure Levy is given effect by the 2008 Planning Act and governed by The Community Infrastructure Levy Regulations 2010 (as amended).

5.3 Equalities and Diversity Implications

- 5.3.1 A 'brief' Equalities Impact Assessment of the Stevenage Borough Plan was carried for the publication stage of the plan. It found that the impact was positive and that a full impact assessment would not be required. As the plan content has not changed since publication, a further EqIA is not considered appropriate at this point.
- 5.3.2 The EqIA will be included and combined with the broader Sustainability Appraisal of the local plan for independent examination.
- 5.3.3 An Equality Impact Assessment of the Planning Policy service has previously been carried out. It identified that the unit's responsibilities and methods would not discriminate against people on grounds of age; disability; gender; ethnicity; sexual orientation; religion/belief; or by way of financial exclusion.

5.4 Risk Implications

- 5.4.1 Not having up to date local plan documents in place exposes the Council to the risk that it does not have a reasoned basis for planning decisions or framing investment. In particular, the government's default position in the absence of an up to date plan is that planning applications should be approved in line with the national planning policy framework.
- 5.4.2 Planning Authorities that have not submitted a plan for independent examination by March 2017 will be liable for government intervention.
- 5.4.3 The potential risks to the Council in undertaking the preparation of new local planning documents are monitored within the Planning Policy team on an on-going basis. Mitigation measures are identified to alleviate the risks.

5.5 Policy Implications

- 5.5.1 The statutory development plan for the Borough forms a part of the Borough Council's over-arching policy framework. It has potentially wide-ranging policy implications beyond the field of spatial planning.
- 5.5.2 There will be a need for positive interaction between the plan, as it develops, and other plans and strategies of the Borough Council (and other stakeholders) as they are revised and updated to ensure that a consistent and holistic approach emerges.

5.6 Planning Implications

- 5.6.1 When adopted in 2016, the new Stevenage Borough Local Plan will replace the Stevenage District Plan Second Review (SDP2R), adopted in 2004. The latter will be revoked / withdrawn by the Borough Council under the Adoption Notice procedure.
- 5.6.2 Once the new local plan becomes a part of the statutory development plan, all planning applications will have to be tested against its provisions. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.6.3 Once implemented, CIL will become a non-negotiable charge on all qualifying development.

5.7 Environmental Implications

- 5.7.1 There will, inevitably, be considerable environmental implications from the development of a new local plan. These are assessed in the Sustainability Appraisal, statutorily required by European Directive 2001/42/EC, as translated into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, and the 2004 Planning and Compulsory Purchase Act.

5.8 Staffing and Accommodation Implications

- 5.8.1 The Planning Policy team currently consists of four permanent full-time professional staff, and two temporary staff members, one working part-time. The workload necessitated by the timetable in the revised LDS will be monitored on an on-going basis.
- 5.8.2 A Programme Officer (who independently administers the examination process) has been appointed on a fixed term contract. She has her own office, to maintain her independence of the Planning Policy Team.
- 5.8.3 An Inspector, independent of the Council, will be appointed by PINS. The Council will meet the costs, in full, of the Inspector and his accommodation.

5.9 Human Rights Implications

- 5.9.1 It is intended that the new local plan, and the process of preparing it, should be inclusive and respectful of human rights. The adopted Statement of Community Involvement spells out the rights that the public have to engage with the plan-making process.
- 5.9.2 Implications are (directly or indirectly) considered through the preparation of Sustainability Appraisal and Equalities Impact Assessment.

5.10 Information Technology Implications

- 5.10.1 Document management and consultation software has been used for the preparation of planning documents since 2008. This allows for documents to be published and responses to be made, directly on-line.

BACKGROUND PAPERS

- BD1 - [European Directive 2001/42/EC, 2001](#)
- BD2 - [Planning and Compulsory Purchase Act, 2004](#)
- BD3 - [Planning Act, 2008](#)
- BD4 - [Environmental Assessment of Plans and Programmes Regulations, 2004](#)
- BD5 - [Community Infrastructure Levy Regulations, 2010](#)
- BD6 - [Town and Country Planning \(Local Development\) \(England\) Regulations, 2012](#)
- BD7 - [National Planning Policy Framework, 2012](#)
- BD8 - [Stevenage District Plan Second Review \[SDP2R\], adopted in 2004 and as saved with amendments in 2007](#)
- BD9 - [Statement of Community Involvement, 2012](#)
- BD10 - [Stevenage Borough Local Development Scheme, August 2014](#)
- BD11 - [Whole Plan Viability Study including Community Infrastructure Levy, 2015](#)

APPENDICES

Appendix 1: Stevenage Borough Local Development Scheme, January 2016