

Meeting: Executive
Portfolio Area: Environment
Date: 16 February 2005

LOCAL DEVELOPMENT SCHEME, 2005
(Department of Environmental Services)

KEY DECISION

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1 PURPOSE

- 1.1 To inform Members about the statutory requirements of the Planning and Compulsory Purchase Act 2004 in respect of development planning activity and to formally approve the first statutory Local Development Scheme for Stevenage.
- 1.2 To advise that Council be asked to approve the Local Development Scheme for Stevenage, 2005.

2 RECOMMENDATIONS

- 2.1 To recommend Council approve the Local Development Scheme for Stevenage, 2005.
- 2.2 To delegate to the Head of Development and Planning powers to make such minor changes to the Scheme to ensure that it is compliant with Government requirements, following advice from GO-East.
- 2.3 To authorise officers to prepare Local Development Documents in accordance with Local Development Scheme for Stevenage, 2005, subject to the availability of resources.
- 2.4 To authorise officers to keep the Local Development Scheme for Stevenage under review and to bring such updates and revisions as prove necessary to Executive for approval at appropriate points.

3 BACKGROUND

- 3.1 The Planning and Compulsory Purchase Act came into force on 28 September 2004. It sweeps away the town planning system that has been in place since 1968. This will have significant implications for the council in terms of its statutory plan-making responsibilities.
- 3.2 The new Act replaces the structure plans prepared by county councils and local plans prepared by district councils. In their place will now come regional spatial

strategies (RSS) prepared by Regional Planning Bodies (in our case EERA) and Local Development Frameworks (LDFs) prepared by district councils. County Councils now have plan-making powers only for minerals and waste issues, but the Hertfordshire Structure Plan 1998 continues to exist and it will have statutory force until the new RSS and LDF are in place.

- 3.3 The RSS for the East of England is the recently deposited East of England Plan (cf elsewhere on these papers), which is currently out to public consultation.
- 3.4 Unlike local plans (such as the Stevenage District Plan), which were a single document, the new Local Development Frameworks will be a series of documents. But, as previously, they will – in combination - set out the statutory development and planning framework.
- 3.5 The LDF has to be in conformity with national and regional planning policy and it also has to flow from the Community Strategy prepared by the Local Strategic Partnership.
- 3.6 Each district council is required to produce the following documents:
- A **Statement of Community Involvement (SCI)**, which sets out how and when the local community will be involved in the preparation of the LDF.
 - A **Core Strategy** * which sets out the vision and a broad spatial strategy for the area as a whole (such as ‘Stevenage will become an emerging regional city of over 100,000 population by 2021 with major sustainable urban extensions to the west and to the north’).
 - A suite of **generic development control policies** * that are non-site specific (such as ‘Development will not be permitted in the Green Belt.’).
 - **Site-specific allocations and policies** * that identify land parcels that are allocated for specific uses (such as ‘200 new homes will be built at the former Fairview Road playing fields, of which at least 30% will be affordable.’).
 - An Ordnance Survey-based **proposals map**, that is updated every time that a Development Plan Document (DPD) (marked * in 3.5/3.6) is produced or updated.
 - An **Annual Monitoring Report (AMR)** each year, which sets out progress against the LDS and reports upon key planning indicators (such as the number of new homes built) in the previous year.
- 3.6 In addition to these compulsory documents the council may produce any of the following:
- **Area Action Plans (AAPs)** *, which provide a more detailed planning framework for areas where significant change or conservation is needed or anticipated (such as the town centre).
 - **Supplementary Planning Documents (SPDs)**, which set out in more detail proposals related to matters dealt with in the statutory documents. These are the equivalent of current supplementary planning guidance (such as parking standards).
- 3.7 The current statutory planning documents for Stevenage are:

- Hertfordshire Structure Plan (prepared by the county council)
- Hertfordshire Waste Local Plan (also prepared by Hertfordshire CC)
- Hertfordshire Minerals Local Plan (again prepared by Hertfordshire CC)
- Stevenage District Plan Second Review (prepared by the Borough Council)

These are augmented by various pieces of supplementary planning guidance (SPG), such as the town centre SPG and the vehicle parking standards SPG, which are non statutory documents approved by Executive on behalf of the council, following public consultation.

- 3.8 The Stevenage District Plan Second Review was adopted on 8 December 2004. Its policy provisions are considered as 'saved' (i.e. continuing to have statutory force) for only three years under the requirements of the new Act unless the council applies for authority (from Government) to allow them to continue to have force. The aim of this provision in the Act is to encourage Local Planning Authorities to progress the development of LDFs as quickly as possible to replace old-style local plans.
- 3.9 Members will note that the entire Local Development Framework is not scheduled to be in place until the end of 2008, so permission will need to be sought to extend the life of the saved District Plan Second Review policies to that point.
- 3.10 When the new planning system fully comes into force these plans will all be replaced by the following documents:
- Regional Spatial Strategy for the East of England (currently being prepared by the East of England Regional Assembly - EERA)
 - Hertfordshire Waste and Minerals LDF (to be prepared by Herts County Council)
 - Stevenage LDF (to be prepared by the Borough Council)
- 3.11 The first draft Local Development Scheme (LDS) for Stevenage is lodged in the Members' library. It sets out simply and easily what the document aims to do and the resources and risks associated with undertaking this work.
- 3.12 Much of the contents of the document are prescribed by statute. The LDS has to be submitted to Government for formal approval by 28 March (four paper copies and one electronic version are required). Officers have already had several discussions with representatives of the local Government office (GO-East) and their advice and assistance has been useful. It is believed that the LDS in this format will receive GO-East approval but final advice is still awaited.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The new Act requires that councils have to prepare LDS, which are programme management documents that set out a clear and timetabled programme for the production of the LDF for the area. Whilst Government has given the Executive the statutory power to approve the LDS, it is considered that because Council alone will retain the statutory power to approve DPDs, Council should approve the LDS.
- 4.2 There are a number of important internal and external influences that have played a role in framing the timetable and priorities outlined in the draft LDS. One of the most important of these is the East of England Plan, which provides a significant part of the new statutory context for the LDF. The programme set out in the draft LDS is

strongly influenced by the timetable and contents of the East of England Plan, and the priorities that flow from it.

- 4.3 Another strong influence is the work of the Environment and Economy Review Panel, which, at its meeting in September 2004, undertook a facilitated prioritisation exercise on the non-statutory functions of the Planning Policy service as part of its current Best Value review of the regulatory services. This identified – *inter alia* - that whereas producing Area Action Plans (AAPs) rated relatively highly for the Panel, the production of SPDs did not. This is reflected in the work programme set out in the LDS.
- 4.4 Officers have also taken account of the LDS proposals of North Hertfordshire District Council because of the cross-boundary work necessary on the Urban Extension Area Action Plan which needs to appear in the LDS documents of both authorities.
- 4.5 In consequence of these, and other, influences it is suggested that the Stevenage LDF should comprise the following documents:
- A statement of community involvement, to be in place by mid-2006, setting out how and when the local community will be involved in the preparation of Local Development Documents;
 - A core strategy document, setting out the vision for Stevenage's development to 2021 based on its allocated role in the RSS, with a key diagram, to be accompanied by a suite of generic development control policies. This is to be formatted as one document to be in place by the summer of 2008;
 - A second document setting out site-specific allocations and policies to 2021, which it is planned will be ready by the end of 2008;
 - Area Action Plans which fall into two types: those prepared solely by the Borough Council; and one prepared jointly by the Borough Council and North Hertfordshire District Council for the urban extension(s) identified in RSS. These AAPs will have their own Ordnance Survey based maps that will act as insets to the main proposals map.
 - Those prepared solely by the Borough Council will cover the town centre and Gunnels Wood (both to be completed by the summer of 2008) and the Old Town (by the end of 2008). The former two plans will concentrate on how to direct necessary major change in these important areas to a coherent and strategic pattern, whilst the Old Town AAP will focus on conservation and how to sensitively handle development pressures in this important part of the town;
 - That prepared jointly by the Borough Council and North Hertfordshire District Council for the Stevenage West and Stevenage North urban extensions. The AAP will need to cover a wide range of issues, including the extent and size of the new urban extensions, revisions to the Green Belt boundaries and also encompassing residential, employment, educational, social, community and infrastructure issues.
 - An Ordnance Survey based proposals map that is updated every time that a new DPD is adopted;
 - SPD on design guidance (to raise the quality of development in design terms), to be in place by the summer of 2008;

- Annual monitoring reports, which will be published in the fourth quarter of every year from 2005 onwards.
- 4.6 The suggested LDF documents aim to provide appropriate planning guidance to control and regulate development and their timetable is, essentially, dictated by the external influences identified above and the statutory requirements of the new Act. Wherever practicable it is suggested that pairs or trios of DPDs should be prepared in parallel to ensure the best use of staff and financial resources. The whole LDF is proposed to be in place by the end of 2008.
- 4.7 It is not legally possible to adopt any other statutory planning documents in the LDF without first having in place an adopted core strategy. This is reflected in the timing of the various first phase Local Development Documents (LDDs). Otherwise it might be possible to bring forward other LDDs in a much shorter timescale. The preliminary work involved in preparing two of the Area Action Plans (for the town centre and Gunnels Wood) is already underway and would probably enable earlier adoption of these LDDs were it not for the constraint that the core strategy must be adopted first.
- 4.8 It should also be noted that it may not prove necessary to progress one of these pieces of work to AAP: if the new town centre SPD fulfils its proper role in guiding the imminent planning applications for the regeneration and redevelopment of the town centre, it may not prove necessary to prepare an AAP for the town centre.
- 4.9 Members should be aware that the Government requires adherence to the LDS and that that the LDS is kept under frequent review. It is intended to carry out reviews of progress against the LDS every year. Unfortunately, the LDS – as prescribed by Government - is too detailed to act as an effective programme management document. In particular, the Gantt chart and the LDD profiles create a false impression about the certainty of the timetable – relatively small changes of circumstances could cause delays and thereby create the need for changes to the LDS.
- 4.10 This would not necessarily be important or significant were it not for the fact that the Government proposes to use adherence to the LDS as a Best Value indicator and one that will, additionally, be used as one of the indicators to assess the sum of Planning Delivery Grant awarded to the council annually for the improvement of the planning service.
- 4.11 The new LDF system will prove expensive in its initial years as Government requires there to be an extensive evidence base to underpin LDF work. Given that Stevenage is one of the major growth points identified in the East of England Plan, and that – unlike Harlow – there has not been extensive investigation of issues by EERA through the process of developing the Plan, there is a need for extensive study work to underpin the development of ‘Greater Stevenage’.
- 4.12 Specific pieces of new work will be necessary to support and underpin the LDF in its early stages, especially the Core Strategy. Based on work undertaken by Hertfordshire County Council, in investigating the implications of the new-style strategic environmental appraisal regime (an EU initiative now part of UK planning legislation), these supporting studies will include:
- An employment and economy study (commissioned from DTZ Pineda in conjunction with English Partnerships) #

- a retail capacity and potential study (derived from the work of the Council's town centre development partners, ING/Stanhope) #
- a housing needs study (the 2003 Couttie study) #
- a gypsy accommodation needs study (jointly with four other Hertfordshire authorities) #
- an open space and recreation study (commissioned from PMP Consultants, November 2004) #
- a town centre and neighbourhood centres 'health check'
- an urban capacity study
- environmental capacity assessment [including a Conservation Area review, landscape character assessment #, etcetera...]
- demographic studies (with Herts County Council)
- transport capacity studies (with Herts County Council as Highway Authority)
- Health services capacity study (with the health care trust)
- Education service options study (with Herts County Council as LEA and other providers)
- Infrastructure capacity and enhancement report [to cover water, sewerage, gas, electricity, telecommunications/ITC]

4.13 A landscape character assessment – jointly commissioned with North Hertfordshire District Council - has recently (2004) been completed and will not need updating. All of the studies identified # above are either completed, already underway or will shortly be commissioned.

5 IMPLICATIONS

5.1 Staffing Implications

The programme and timetable set out in the LDS assumes that all establishment posts in the Planning Policy team are filled. The majority of posts in the team (4/6), however, are currently empty.

5.2 Financial Implications

It is anticipated that there will be a carry forward into 2005/06 from the 2004/05 Budget for District Plan consultation. In addition, a Priority 1 bid of £100,000 ongoing has been included in the 2005/06 Revenue Forward Plan. Work on the Local Development Scheme, together with the East of England Plan referred to elsewhere on this agenda, will be met from these funds. Given the volume of evidential based work that needs to be commissioned for the Local Development Framework and other demands on these budgets it is difficult, at this stage, to determine precisely the level of funding that will be needed to meet these requirements. Officers will report back to the Executive, during the course of the 2005/06 financial year, if these budgets are likely to come under pressure.

5.3 Planning Implications

The East of England Plan provides a very important part of the new statutory context for the preparation of the council's own LDF. Should the timetable of the Plan be subject to slippage, or its contents significantly alter, these eventualities will represent significant challenges to adherence to the timetable and work programme outlined in this LDS.

A change in Government if there is a general election prior to the adoption of the Plan could also have significant implications for the LDS given that the Conservative party have stated that they will abolish EERA (and the other regional assemblies) and GO-East (and the other regional Government offices) if they return to power. It is assumed that this will mean the end of the East of England Plan. The abolition of EERA, and it is assumed the abolition of RSS, would have very significant implications for the future shape of the statutory town planning system given that the Planning and Compulsory Purchase Act gives RSS such a prominent role.

5.4 Other Implications

There are no other direct implications to report at this time.

BACKGROUND DOCUMENTS

- Planning and Compulsory Purchase Act (ODPM, 2004).
- Planning Policy Statement 12: Local Development Frameworks (ODPM, 2004)
- Creating Local Development Frameworks (ODPM, 2004)
- East of England Plan (EERA, December 2004).

APPENDICES

- A. Local Development Scheme for Stevenage 2005 [lodged in Members' library]