

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
EXECUTIVE**

05 October 2015

Dear Councillor

EXECUTIVE - Tuesday 6 October 2015

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional report:-

14. Plan-making Programme for Central Bedfordshire

Attached is a copy of the Plan-making Programme for Central Bedfordshire.

Should you have any queries regarding the above please contact Sandra Hobbs, Committee Services Officer on Tel: 0300 300 5257.

Yours sincerely

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Committee Services Officer
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Central Bedfordshire Council

EXECUTIVE

6 October 2015

PLAN MAKING PROGRAMME FOR CENTRAL BEDFORDSHIRE

Report of Cllr Nigel Young, Executive Member for Regeneration (Nigel.young@centralbedfordshire.gov.uk)

Advising Officers: Jason Longhurst, Director of Regeneration & Business Jason.longhurst@centralbedfordshire.gov.uk and Richard Fox, Head of Development Planning and Housing Strategy, Richard.fox@centralbedfordshire.gov.uk

This report relates to a Key Decision

Purpose of this report

1. To recommend to Council that the Development Strategy be withdrawn and the legal proceedings be discontinued. To endorse a new plan-making process and to delegate authority for the Local Development Scheme.

RECOMMENDATIONS

The Executive is asked to:

1. **recommend to Council that the Development Strategy is withdrawn and the legal proceedings be discontinued;**
2. **note that work will commence immediately on a new plan-making process; and**
3. **delegate authority to the Director of Regeneration and Business and the Executive Member for Regeneration to approve the Local Development Scheme (LDS) and any consequent amendments.**

Overview and Scrutiny Comments/Recommendations

2. This item has not been considered by Overview and Scrutiny.

Background

3. Central Bedfordshire submitted its Local Plan, the Development Strategy, for examination by the Secretary of State in October 2014. In February 2015, initial hearings were held with the Inspector and on the 16 February a decision letter was received by the Inspector concluding that the Council had not complied with the Duty to Cooperate with its neighbouring authorities. Therefore, the examination process had to be halted.
4. An application for judicial review of the Inspector's decision was made to the High Court on 12 March 2015. However, the Council's oral application was dismissed on the 16 June. To protect its position, the Council decided to instigate an appeal.
5. Meanwhile, the Development Strategy has maintained its status as a 'live' plan.

Current Position

6. Since the beginning of the year the local planning situation has moved on, critically that the housing numbers that had been proposed in the Development Strategy and subsequent Allocations Local Plan are now out of date (see later in this report). This is because the Office for National Statistics published new population projections in February of this year. The position, therefore, is that even if the Council were to be successful pursuing the Inspector's decision in the High Courts and the Examination Hearings reopened, it is highly unlikely that the Development Strategy would be found 'sound'. Pursuing this course of action is therefore no longer viable.
7. The Council has recently received confirmation that the Secretary of State will not "call in" the HRN2 application, leaving it free to grant planning permission for this proposal. This means that together with East Leighton Linslade and HRN1, the majority of the large scale developments that were proposed in the Development Strategy can be implemented helping the Council's 5 year housing land supply position (see later in this report). Withdrawing the Development Strategy now will not prejudice this position.
8. It is, therefore, recommended that the Development Strategy be formally withdrawn by Council under Section 22(1) of the Planning and Compulsory Purchase Act 2004, as amended by Schedule 25 Part 17 of the Localism Act, 2011.

Housing Supply Position

9. The Development Strategy is now afforded little, if any, weight and this has been borne out by recent appeal decisions where both the Development Strategy and the Central Bedfordshire North Core Strategy policies for the supply of housing held no weight and sites outside the settlement envelope were granted permission. This is because the National Planning Policy Framework (NPPF) requires that local planning authorities identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements. Where a five year supply cannot be demonstrated, relevant policies for the supply of housing are considered 'out of date' and there is a presumption in favour of sustainable development. In practice, this means that councils who have less than 5 years supply are susceptible to planning applications being granted on appeal rather than being able to direct growth to the optimum locations for the benefit of the area as a whole.
10. For the Development Strategy, Central Bedfordshire's objectively assessed housing need (OAN) was set out in the Strategic Housing Market Assessment (SHMA) (June 2014). This established a housing need figure of 25,600 new homes for the period 2011 to 2031 (the Development Strategy actually proposed 31,000 to meet part of Luton's unmet housing need).
11. However, in February 2015 this year, the Government published new population projections. The new housing need figure for Central Bedfordshire alone is now 29,500 (source: SHMA update, May 2015) new homes over the period 2011 to 2031. This does not take into account provision for any unmet need arising from neighbouring authorities which has yet to be agreed.
12. The figure of 29,500 is currently used to calculate five year land supply but this position cannot be maintained in the longer term for the reason set out above and is already being challenged at appeal. The housing trajectory contains information on all sites which are expected to deliver housing within the five year supply period. This is updated as required, reflecting the constantly changing position depending on what houses have been built, what planning applications have been granted and forecasts for building on large sites. The current position is that the Council is working on re-establishing a 5 year land supply.
13. The Council is preparing a new Housing Strategy which will provide guidance for the market on tenure, mix, design and accessibility of new dwellings. This, together with a rolling 5 year housing land supply will help the Council to resist unwelcome residential planning applications outside settlement envelopes until the new plan can be afforded weight.

14. In the absence of a planned approach to new housing which demonstrates a commitment to the location and delivery of new development the Council will continue to be vulnerable to speculative planning applications in undesirable places without the support of the community facilities, transport, green spaces etc. It is critical that infrastructure is planned alongside housing.

Next Steps

15. The Treasury's paper 'Fixing the foundations: Creating a more prosperous nation' published in July states 'It is vital that local authorities put in place local plans that set the framework for the homes and jobs local people need.' It will publish league tables setting out local authorities' progress in local plans and promises that the government will bring forward proposals to significantly streamline the length and process of local plans. The Housing and Planning Minister said in a written statement that the government will have the power to intercede if local authorities have not produced a Local Plan by early 2017.
16. Given the significant issues and risks of not having a plan in place and the Government's recent announcement, it is now evident that production of a new Local Plan will be critical to set the necessary framework for the level of housing to be provided and the best places for it to be located based on a robust evidence base. Once sufficient progress has been made on the plan it can be afforded weight and this will allow its policies to be taken into account in the housing supply calculations.
17. Members are requested to support a new programme of plan-making to be embarked upon immediately. It is essential for a new Local Plan to manage growth to 2035 is prepared as soon as possible to enable new development, particularly housing, to be brought forward in a planned and cohesive manner, incorporating the necessary infrastructure. The absence of a plan setting out the infrastructure requirements of the area also makes bidding for grant funding very difficult. Policies will also need to be put in place to protect the built and natural environment through the determination of planning applications. Having a plan in place will ensure that the right housing and commercial development takes place.
18. Preparing a new Local Plan is a complex, difficult, technical task dependant on a number of factors mainly relating to existing government policy, the requirements of the planning regulations and emerging practice. Many local planning authorities have been encountering difficulties because of the plan-making legislation and the way that the Planning Inspectorate has been applying the legislation. The Minister's Statement which was published after the Examination Hearings into the Development Strategy also urges the Planning Inspectorate to support local authorities.

19. Following the receipt of the Government Inspector's letter in February the Council commissioned the Planning Officers' Society to undertake a critical review of the process of preparing and submitting the Development Strategy. They concluded that Central Bedfordshire Council is the most complex and difficult situation they have seen because of the need to analyse a range of strategic alternatives for growth and secure co-operation in so many areas; this will be a major challenge for the Council at both elected member and officer level. They also felt there was a need to ensure that the evidence base is as strong as possible and, therefore, advised the independent production of the sustainability appraisal, green belt review and growth options.
20. Work has been continuing on technical matters relating to the Development Strategy and some elements of work already carried out will be able to be updated and refreshed as evidence for a new Local Plan. This includes working on a new engagement plan under the Duty to Co-operate, learning the lessons from the Development Strategy. Some new areas of work will need to be either begun or commissioned to be carried out by external consultants. There also continues to be emerging case law and best practice which officers will have regard to in preparing a new plan.
21. Since the Gypsy and Traveller Plan was withdrawn by Council in September 2014, there has been further policy guidance issued by the Government. In addition, some cases in the courts are ongoing. Current cases indicate that the most robust approach is to plan for gypsies in one plan together with the settled community. The likely first step will be a 'call for sites' which will enable a range of gypsy and traveller sites to be put forward for evaluation.

Plan-making Programme

22. The new plan-making programme will be set out and published in due course in a new Local Development Scheme (LDS) (the mandatory programme for plan-making). This document simply sets out which documents will be produced and the timetable for each one. However, beyond a broad description, the content of the document(s) will not be specified in the LDS.
23. Details of what planning reforms are to take place and implications of the government's deadline of April 2017 have not yet been forthcoming. The LDS will need to reflect any consequences for the Council that this could have and may be subject to change.

24. Given the need to expedite the plan-making process and the limited scope of the LDS, it is recommended that delegated authority is given to the Director of Regeneration and Business and the Executive Member for Regeneration to approve the LDS and any subsequent changes that have to be made.

Reason/s for decision

25. To ensure that the Council retains control of growth and the provision of associated infrastructure.

Council Priorities

26. Local plans are integral to the delivery of three of the Council's priorities:
- enhancing your local community – creating jobs, managing growth, protecting our countryside and enabling businesses to grow;
 - promote health and well being and protect the vulnerable;
 - better infrastructure – improved roads, broadband reach and transport.

Corporate Implications

Legal Implications

27. Planning is a statutory function under various Acts including the Planning and Compensation Act 2004 and Localism Act 2011. New local plans will form the statutory Development Plan and will be the basis for consideration of planning applications. Until this happens the existing adopted documents will continue to set the planning framework. The withdrawal of the Development Strategy will also result in the cessation of the current legal proceedings.

Financial Implications

28. The scale of the Council's investment in Local Plans should be seen in the context of the scale of new investment in Central Bedfordshire, including commercial and business investment, infrastructure investment and investment in new homes and services that they will enable. In addition, the New Homes Bonus Scheme seeks to provide a powerful local incentive to support the development of new homes. The Council will also receive NNDR revenue from new commercial development. The cessation of judicial review proceedings undertaken by the Council may result in the Council paying the Planning Inspectorates costs it has incurred so far in defending the Council's action.

29. Producing Local Plans is a statutory requirement and the Medium Term Financial Plan takes into account the requirements both to prepare them. The service will continue to look at the most cost effective ways of preparing the documents.
30. Whilst there is a consultancy budget which can be drawn down to prepare various technical studies it is recognised that the preparation of them may create a financial pressure. There is an earmarked reserve, however, designed to cater for this.

Equalities Implications

31. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
32. Good planning can improve environments and opportunities for communities experiencing disadvantage. Planning which does not adequately engage with, or consider the needs of, local communities is unlikely to improve their life chances and may further entrench area-based disadvantage. Promoting equality of opportunity and social inclusion relates to the access to facilities and services, enhancing employment opportunities, the protection of open spaces as well as a broad range of policies concerned with quality of life. Addressing the strategic land use, transport and development aspects of these needs is key to ensuring that the planning system is used to its full potential to deliver benefits to all communities
33. Any Local Plan must be subjected to an Equality Impact Assessment as part of the procedural requirements.

Risk Management

34. The process of producing a Local Plan and other planning policy documents is long and complex. High quality project management and risk management skills will be required. Project teams are in place to oversee the work and risk management is part of the process of management. A risk assessment, along with mitigating actions will be contained within the Local Development Scheme. Risks associated with the Development Plan are captured within the Council's Strategic Risk Register, which is regularly reviewed and considered by senior management and the Audit Committee. There may be a risk that the Council's Community Infrastructure Levy may not progress in the absence of an adopted plan but we are awaiting legal advice on this.

Public Health

35. Any Local Plan could have a number of benefits in terms of public health and wellbeing. These include promoting healthy lifestyles through enabling walking and cycling and through appropriate leisure and open space provision. Health infrastructure and securing appropriate developer contributions towards such provision are also important aspects, in association with planned housing provision.

Community Safety

36. The Council has a statutory duty to do all that it reasonably can to address community safety across all of its functions. Plan-making has an indirect influence on community safety, setting out policy to deliver appropriate provision of community infrastructure and to ensure that individual development proposals take account of community safety issues.

Sustainability

37. Sustainable development is at the heart of all the strategic and local planning documents produced. All local plans are subject to a specific Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) in order to comply with the relevant regulatory requirements.

Conclusion and next Steps

38. Should Executive agree the recommendations and Full Council formally withdraw the Development Strategy the Council will embark immediately on a new Plan to ensure the Council retains control over the development pressures in the area.
39. It is anticipated that consultation will take place on the Plan in September and October 2016 with “publication” of the Plan in April/May 2017. The final adoption of the Plan will depend on timeframes imposed by the Planning Inspectorate.

Appendices

None

Background Papers

National Planning Policy Framework

www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Treasury’s Productivity Plan

www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf

DCLG Written Statement July 2015

<http://www.parliament.uk/documents/commons-vote-office/July%202015/21%20July/8-Communities-and-Local-Government-Local-Plans.pdf>

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