

Luton & South Bedfordshire Joint Committee

3rd February 2012

AUTHOR	Chris Pagdin (Head of Planning and Transportation Luton)
SUBJECT	The Luton Local Development Scheme and Interim Luton Statement of Community Involvement
PURPOSE	To approve a revised Local Development Scheme for Luton in order to prepare a Local Plan for Luton
RECOMMENDATIONS	1. That the revised Local Development Scheme for Luton dated 3rd February 2012 be adopted as the LDS solely for the area of Luton; 2. That the draft Statement of Community Involvement for Luton be adopted as the interim SCI applying solely to Luton, pending new government planning regulations.
REASON FOR RECOMMENDATIONS	The Joint Committee remain the plan-making authority for southern Central Bedfordshire until 31st March 2012: to enable the speedy preparation of a new Local Plan for Luton.

1. INTRODUCTION

- 1.1 The joint Planning committee remains the planning authority for Luton and southern Central Bedfordshire until 31st March 2012. Following the Secretary of State's withdrawal of the jointly submitted Core Strategy on 7th September 2011, it is necessary for the Joint Committee to approve a new LDS and an interim SCI which will apply solely to Luton. This will enable the Borough Council to swiftly prepare a new Local Plan (when it resumes local planning authority powers on 1st April 2012) in order to replace ageing saved policies.

- 1.2 The Planning and Compulsory Purchase Act 2004, requires local planning authorities to produce a Local Development Scheme (LDS) and a Statement of Community Involvement (SCI) as part of the Local Plan or Development Plan Document preparation process. The Localism Act 2011 has introduced some new regulatory changes which mean that the LDS, like the SCI, is no longer to be submitted to the Secretary of State and many plan preparation procedures are to be streamlined under coming Local Plan regulations.
- 1.3 The LDS is the starting point for the community and stakeholders to find out which documents will be prepared as part of the LDF and the timescale for their preparation and the SCI sets out what processes and methods of consultation the planning authority will undertake.

2. REVISING THE LDS and SCI

- 2.1 In preparing an LDS, it is necessary to focus on the timetable for the preparation of the Local Plan for Luton and the process of evidence gathering and early stakeholder engagement. Allowance has also been made in the LDS to ensure that the 'duty to cooperate' (section 33A to the Planning and Compulsory Purchase Act 2004) has been 'built in' under the Localism Act (section 110).
- 2.2 This duty is also incorporated within the interim SCI for Luton. However, in drafting the SCI there are obviously some uncertainties and risks as the draft Local Plan Regulations (July 2011) may change from those consulted on. It is therefore necessary to regard the SCI as 'interim'.
- 2.3 The approach taken for the LDS and interim SCI is set out in Appendix 1.

3. NEXT STEPS

- 3.1 Following adoption, the LDS (Appendix 1) and interim SCI (Appendix 2) can be formally published on Luton Borough council's web site and be made available in both in hard copy and electronically. The Date of adoption will run from 3rd February 2012.

4. EQUALITIES IMPLICATIONS

- 4.1 The revised LDS and SCI will enable early stakeholder and diverse community participation on the preparation of a new Local Plan for Luton

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications as the proposals are covered within Luton borough Councils budget for plan preparation

6. LEGAL IMPLICATIONS

6.1 There are no legal implications.

Appendix1: Luton Borough Council Executive Report 23rd January 2012



For: (x) <table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Executive</td> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Meeting Date: XX December 2011 Report of: Chris Pagdin Report author: Chris Pagdin and Kevin Owen	Executive	<input type="checkbox"/>	CLMT	<input type="checkbox"/>	Agenda Item Number: For Executive – private: delete if not appropriate NOT FOR PUBLICATION Exempt information falling within paragraph(s)..... Of part 1 of schedule 12a to the local government act 1972
Executive	<input type="checkbox"/>				
CLMT	<input type="checkbox"/>				

Subject: Local Plan for Luton. (For Executive Only) Lead Executive Member(s): Cllr R Davis Wards Affected: All	Consultations: Councillors Scrutiny Stakeholders Others	(x) X <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Recommendations

To agree the work program and timescale for delivering a new Local Plan in order to prepare a Local Development Scheme (LDS), and Luton Statement of Community Involvement (SCI).

Background

1. The Localism Act was enacted on 15th November 2011 and it introduced powers for the government to publish new regulations on plan making to make it simpler and easier for the public to understand. New regulations (anticipated to be published in January 2012) will allow Local Authorities to combine previously separate Development Plan Documents (DPDs) into a single Local Plan (e.g. combining core strategy, strategic objectives, development management policies, site allocations and proposals maps under 1 plan) should they wish. Supplementary Planning Documents (SPD) can be also prepared only if necessary. A key change to plan making is that the examining Inspector's report on a Local plan will no longer be binding on the local authority.
2. The new plan making regulations streamline preparation of the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI), neither of which are now required to be submitted to Secretary of State (Localism Act clause 111 operates from 15th January 2012). The LDS sets out the programme of plans to be made, their subject matter, area and any revision. Similarly, the SCI which sets out how people and groups will be consulted and engaged in plan making, will follow streamlined public engagement.
3. Following the withdrawal of the Core strategy by the Secretary of State (7th September 2011), a series of member seminars (7th October and 24th November) coordinated by the Head of Planning & Transportation has set out a work plan and timetable for the speedy preparation of a new Local Plan for Luton. This is now presented for comment to the Executive of 23rd January 2012. However, as the Joint Committee for Luton and southern Central Bedfordshire is still currently the local planning authority until 31st March 2012 it will need to go to the sub committee meeting on 3rd February 2012 for formal approval.

4. In anticipation of the resumption of full plan making powers, a new Local Plan Working Group is being set up which will oversee the detailed work program of the plan. The first meeting of this group will be provided with a report on details of the evidence studies being provided.

The current position

The proposed work program and timetable is set out in Appendix 1.

Goals and Objectives

To ensure that there is the speedy preparation of a Local Plan for Luton to provide a framework for planning decisions on major development and regeneration of the town, including as a spatial framework for the Council to assist any communities wishing to prepare Neighbourhood Plans.

Proposal

5. In summary, the work program in Appendix 1 identifies the 4 key stages of Local Plan preparation, starting with evidence gathering and first formal public engagement; culminating in pre submission public consultation; a public examination; and final adoption in July 2014 - taking some 30 months. It is also intended that a new Statement of Community Involvement (SCI) be prepared which is based on the previous version but focused on Luton and takes account of the new regulations.

Local Development Scheme

6. The work plan in Appendix 1 allows for the formulation of a program of evidence base studies with which to prepare the ground for public engagement in September 2012 and the program will be steered by the Local Plan working Group. Early engagement has already begun with corporate stakeholders and members, and will be a continuous process up to and including a formal consultation in September 2012. The key stages are set out on the Gantt Chart in Appendix 1 and together with the main document will form the basis for preparing a Local Development Scheme for Luton. The Local Plan will be prepared in accordance with a Sustainability Appraisal from the beginning at the key plan decision making stages.
7. In summary the key stages are:-
 - Community engagement and evidence gathering: Jan - September 2012;
 - Pre submission Draft consultation April 2013;
 - Public Examination January 2014;
 - Adoption July 2014
8. The Joint Committee for Luton and southern Central Bedfordshire is still the planning authority until April 2012 and the sub group meeting on 3rd February will therefore, need to agree the LDS and state that the formal timetable has begun, where and when the LDS can be inspected and it must be published on line.

Statement of Community Involvement

- 9. The existing joint Statement of Community Involvement (SCI) was adopted by the Joint Committee in March 2011. However this will have to be adapted to a Luton only SCI because of withdrawal of the submitted Draft Core Strategy and the need to prepare a local Plan for Luton. The main changes will be to:-**
- **To focus solely on Luton;**
 - **To remove any references to the Growth Agenda as a context within the text of the document;**
 - **To update its references to SCI procedures and regulations arising from the Localism Act.**
- 10. This amended SCI will be presented to the Joint Committee sub committee on 3rd February.**
- 11. Public consultation on the adapted SCI is not needed because the new version will not change the way that the Borough Council intends to consult its residents. The Luton SCI will be published online where people can comment on it if they wish. There will also be an opportunity to review the document in the summer with key stakeholders before the main period of public engagement on the Local Plan.**

Community Infrastructure Levy

- 12. The Borough Council will prepare a formal plan document on the Community Infrastructure Levy (CIL). This will be critical to the delivery of the policies and objectives of the Local Plan and will form one of the key tests of the soundness of the Local Plan. In particular, as the Local Plan progresses through its timetable, there will be a need to identify the key strategic infrastructure requirements arising from the impacts of the proposed development strategy. The strategic list of infrastructure will be set out in an 'Infrastructure Plan' and will be used to determine the 'schedule of charges' that developers will have to pay to address the cumulative impacts of development.**
- 13. Section 106 contributions will still operate but will be strictly limited to address site specific harm arising from development on site.**
- 14. The draft work plan in Appendix 1 does not yet list the preparation of the CIL document. This will be included once a detailed timetable has been prepared and added to the LDS as a separate document with its own timetable; Gantt chart; statutory procedures; and public examination. However, it is intended that the CIL document will be examined at the same time as the Local Plan. Preparation of CIL will also be subject to a Sustainability Appraisal.**

Conclusions

15. The proposed work program and Gantt chart represent a feasible program with which to deliver a new Local Plan for Luton. Nonetheless, the timetable is challenging and may need further review and adjustment. This is because of the uncertain impact on resources resulting from the Neighbourhood Planning process, further national planning guidance expected in April and further issuing of plan making regulations stemming from the Localism Act. Subject to these caveats, the Borough Council should endorse the proposed approach as the basis for presenting an LDS and revised SCI to the Joint Committee for formal approval.

Key Risks

That a delay in formulating the work program and consultation arrangements for preparing a new local Plan will harm the environment and sustainable planning of Luton.

Consultations

Appendices and additional background papers attached:

Appendix 1: : Work Program & timetable: New Local Plan for Luton

IMPLICATIONS

For Executive reports

For CLMT Reports

- grey boxes must be completed
Clearance is not required
- all statements must be cleared by an appropriate officer

		Clearance – agreed by:
Legal	The report deals with the start of the statutory plan-making process but otherwise there are no legal implications.	Agreed by John Secker (Legal Services) on the 5 th January 2012.
Finance	The work program and commissioning of the underlying evidence base and public consultations, require a significant budget provision which will be considered at the Full Budget Council meeting in February.	Darren Lambert, Finance Manager (E&R) on the 6 th January 2012
Equalities	There are no immediate Equalities implications arising from this report as it involves a work program for the planning of the town over 15 years. However, plan preparation is subject to sustainability appraisal and will integrate Equalities and Health Impact Assessment at appropriate stages to address any arising equalities matters.	Agreed by Sandra Legate, Equality and Diversity Policy Manager on the 6 th January 2012
Environment	There are no immediate environmental implications to this report as it involves a work program for the planning of the town	Strategy and Sustainability Officer on the 6 th January 2012

	over 15 years. However, plan preparation is subject to sustainability appraisal at appropriate stages as well as public consultation which will help to ensure sustainable development of the town in future years.	
Community Safety	There are no immediate community safety implications to this report as it involves a work program for the planning of the town over 15 years. When more detailed policies and proposals emerge, and as a result of consultations, there will be an opportunity to address any arising community safety matters.	Agreed by Nicola Perry, Strategic Manager, Community Safety & Civil Protection on the 6 th January 2012
Staffing	None.	
Other	None.	

FOR EXECUTIVE ONLY - Options:

Appendix 1: Work Program & timetable: New Local Plan for Luton

1. Under the Planning and Compulsory Purchase Act 2004, local planning authorities are required to produce, and keep up to date, a Local Development Scheme (LDS) as part of the Local Development Framework (LDF) process covering a package of separate Development Plan Documents (DPDs).
2. However, the Localism Act was enacted on 15th November 2011 and it introduced powers for the government to publish new regulations on plan making to make it simpler and easier for the public to understand. New Local Plan regulations introduce the 'Local Plan' as the collective of separate DPDs where appropriate. Furthermore, the requirement to produce an LDS is unaltered although some procedures have been simplified e.g. the LDS is no longer to be submitted to the Government.
3. The LDS is the starting point for the community and other stakeholders to find out which development planning documents will be prepared by the Local Authority for its area and the timescale for their preparation. The LDS also identifies resources and includes a risk assessment for any DPD in the LDS. New Local Plan regulations require an Authority Monitoring Report to monitor the progress of plan making against the timetable in the LDS. The local authority can determine how to publicise and represent progress e.g. via on line timetables.
4. This work program is focused exclusively on the timetable for the preparation of a Local Plan for Luton to be included in the LDS. Minerals and Waste planning is subject to its own LDS and is currently being prepared as a combined draft Minerals and Waste Core strategy covering Luton and the rest of the authorities within Bedfordshire.
5. The preparation of a Community Infrastructure Levy is a DPD in its own right and requires a preparation process which includes an Examination. The resources, timetable and scoping for this DPD will be incorporated subsequently into the work program and LDS.
6. The Local Plan will cover the whole of the Borough Council's administrative area. It will set out a 15 year plan period and produce a spatial distribution of development land allocations including housing and employment, retail and leisure, for the plan period. It will also set out provision for transport infrastructure, education and health and policies for environmental enhancement and protection.
7. The broad Local Plan timetable proposed is as follows:-
 - Evidence gathering/refining - ongoing
 - First formal consultation – September 2012
 - Pre submission consultation – April 2013
 - Submission – September 2013

- Examination – January 2014
 - Inspector’s Report – April 2014
 - Adoption – July 2014
8. The evidence base will be underpinned by a series of evidence studies – both internal and commissioned. There will also be a need to coordinate and liaise with neighbouring authorities on those study topics with cross boundary implications. A Local Plan working group is being set up which will oversee the detailed work program of the plan. The first meeting of this group will be provided with a report on details of the evidence studies being provided.
9. A Gantt chart setting out an indicative timetable for the Local Plan for Luton over the 30 months is set out in figure 1 below.

Figure 2 – LDS Gantt Chart

Local Plan Timetable

Year	2011			2012											2013							2014																							
Months	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J												
LBC Local Plan														R19						R20					S									E						IR					A

Development Plan Documents

Abolished LDF 2004 Regs New Local Plan 2012 Regs

- Commencement (Project Planning)
- Evidence preparation
- Formal consultation
- Consideration of Responses and preparing LP
- Consultation on Published Local Plan
- Consideration of Pre submission Representations
- Submission
- Examination
- Inspectors Report
- Adoption

Reg 25	Reg 19
Reg 27	Reg 20
	Reg 21
S	S= Reg 23
E	E= Reg 25
IR	IR= Reg 26
A	A= Reg 27