
Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 18 October 2012
Subject: Development Strategy for Central Bedfordshire – consultation responses and next steps
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: The report summarises the issues arising from the recent consultation on the draft Development Strategy for Central Bedfordshire and suggests some initial responses to those issues. The views of the Committee are sought prior to consideration by Executive and Council.

Advising Officer: Richard Fox, Head of Development Planning and Housing Strategy
Contact Officer: Simon Andrews, Strategic Planning and Housing Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. The Development Strategy, as an overarching planning policy document, has the potential to contribute to each of the Council priorities. The main focus of the document is “Enhancing Central Bedfordshire” through planning for the new homes, jobs and infrastructure the area needs while protecting the countryside. However, the document can also help contribute to improved educational attainment and promoting health and wellbeing, through securing appropriate contributions from new development. Infrastructure planning and delivery is a key focus of the Strategy and there is a critical link between adoption of the Development Strategy and implementation of the Community Infrastructure Levy (CIL).

Financial:

2. The report to the Executive on 4 October 2011 included detail on the costs associated with producing a Development Strategy and the costs of not producing one. The Executive agreed that there was a need to produce a Development Strategy, with the associated financial implications.

3. Other than staff costs already built in to the base budget, the main financial cost associated with producing the Development Strategy is consultant's costs in preparing technical studies and the cost of the Public Examination. The latter includes the Planning Inspectorate's costs (around £100,000) and the legal/consultants costs in representing the Council's case (also estimated at around £100,000). Publishing the Pre-Submission draft of the Development Strategy (January 2013) does not necessarily commit the Council to this expenditure but Submission to the Secretary of State (May 2013) would do. These costs were known when Executive committed to producing a Strategy in October 2011.
4. The scale of the Council's investment should be seen in the context of the scale of new investment (new commercial and retail development as well as residential) into Central Bedfordshire that a Development Strategy will enable. The Development Strategy document will also enable a Community Infrastructure Levy (CIL) to be produced that will help lever in funding for new infrastructure to support development. The cost of plan-making should also be seen against the cost of the alternative approach of fighting public inquiries against inappropriate development.

Legal:

5. Once adopted the Development Strategy will form part of 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.

Risk Management:

6. A risk register is maintained and reviewed on a regular basis as part of the project management of this work.

Staffing (including Trades Unions):

7. Not Applicable

Equalities/Human Rights:

8. The draft Development Strategy was subject to a specific Equality Impact Assessment prior to the public consultation. The results show that the draft Development Strategy covers a broad range of issues and does so in a way that does not discriminate against particular groups. The overall results were extremely positive in terms of helping to advance equality of opportunity. This Equality Impact Assessment will need to be revised and updated following changes to the Development Strategy. This will be done and the results made consulted upon as part of the Publication period in January 2013

Public Health

9. The Development Strategy could have a number of benefits in terms of public health and wellbeing. There is a specific section of the document that seeks to summarise the interactions between strategic planning and public health. 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 the Community Infrastructure Levy (CIL).

Community Safety:

10. Various policies within the Development Strategy address community safety issues, particularly those relating to standards for new development.

Sustainability:

11. The Development Strategy has as its underlying basis the achievement and delivery of sustainable development. The Development Strategy has been subject to a specific Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) in order to comply with the relevant regulatory requirements. The results of this work were published for comment alongside the Development Strategy. The SA/SEA work will be revised and updated following any changes to the Development Strategy.

Procurement:

12. Not applicable.

RECOMMENDATION(S):

The Committee is asked to consider the table of key issues at Appendix A, together with the suggested response, and recommend to Executive changes to the Development Strategy.

Background

13. In addition to the statutory requirements, there are compelling local reasons for producing a strong and proactive planning policy framework. New development within communities can bring many benefits (new homes, jobs, shops, community facilities etc) and a positive framework can act to enable and encourage this development. Similarly, some development proposals bring harmful impacts and planning policies can help bring about mitigation of these impacts or, where the impact cannot be mitigated, enable the Council to resist inappropriate development proposals.
14. Currently there are separate planning policy frameworks for the north and south of Central Bedfordshire. This Development Strategy seeks to draw together for the first time a comprehensive framework for the whole of Central Bedfordshire. Once adopted, the Development Strategy will largely replace the adopted Local Plan and “endorsed” Joint Core Strategy in the south and the Core Strategy and remaining Local Plan policies in the north.
15. The Council’s Executive approved a Plan-making Programme for Central Bedfordshire in October 2011. This established the principle of a “Development Strategy” for the area for the period 2011 to 2031. It also proposed a Gypsy and Traveller Plan covering the same period, which is being progressed separately.
16. The Council undertook informal consultation in February/March 2012 on the key strategic issues. This fed into the draft Development Strategy that was considered by this committee on 16 May and 11 June 2012.

Consultation – June to August 2012

17. The draft Development Strategy was published for consultation from 20 June until 8 August 2012. In accordance with the Council's Statement of Community Involvement (SCI), the Strategy was made available on the Council's website and in local libraries and Customer Service Centres. A summary leaflet was also produced to highlight the key issues and outline the process for responding. Emails or Letters were sent to around 4,000 individuals or groups that have commented on previous strategies or that wanted to be kept informed.
18. In total around 3,250 comments were made to the draft Strategy by approximately 330 individuals or groups. The key issues arising from these representations are summarised in the table at Appendix A. Also included in this table is a suggested response to the key issue. Following the comments of this Committee, the suggested responses will be worked up into a revised version of the Development Strategy to be considered by Executive in November.

Next Steps

19. Agreeing the version of the Development Strategy to be formally Submitted to the Secretary of State is a function of Council. This is programmed for the Council meeting on 29 November 2012, after having been through Executive on 6 November. At this stage, the Committee is asked to provide an initial steer on the "direction of travel" before the detailed work is undertaken and considered by Executive and Council.
20. Members will no doubt be aware of the importance of getting an adopted Strategy in place and the impact that this has on the timescales for revising the Strategy. The table at Appendix A should therefore be seen as an emerging piece of work that will continue to be refined as the revised Strategy is produced and as additional evidence work is completed.
21. Prior to Submission, the draft document must be Published for a 6-week period to enable representations to be made. Although these representations will be summarised by officers, they are ultimately for the attention of the Planning Inspectorate. The format of the 6-week consultation is therefore quite formal as it is effectively the pre-cursor to the Examination process.
22. Representations made during this 6-week period must relate to the "soundness" of the Strategy. To be "sound" the National Planning Policy Framework requires a plan to be:
 - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

23. The Council will need to be aware of these tests of soundness when producing the revised Strategy. Once the Strategy is submitted to the Secretary of State a Planning Inspector will be appointed to consider the Strategy, together with any representations that have been made to it. Following the Examination process the Inspector will conclude whether the document is sound or not and make recommendations to the Council accordingly.
24. The procedure relating to Inspector's reports has changed since the LDF documents for the north of Central Bedfordshire were adopted. The detailed implications of these changes are still emerging and there isn't yet clarity on how the new arrangements will work. However, it appears that while an Inspector will still determine whether a document is sound or not, the Inspector is only able to recommend changes for Council to consider and not impose binding policy changes as was the case previously. That said, the Inspector's changes would still carry substantial weight and the Council would need good reason to depart from the Inspector's recommended changes.
25. The estimated timetable for the next stages of the process is set out below:

18 October	Overview and Scrutiny Committee
6 November	Executive
29 November	Full Council
Early January 2013	"Publication" start date
Mid February 2013	"Publication" end date
May 2013	Submission to the Secretary of State
September 2013	Examination hearing sessions start
December 2013	Inspectors report due
February 2014	Adoption

Conclusion and Next Steps

26. Members are asked to consider the table of key issues at Appendix A, together with the suggested response, and provide a steer to guide more detailed changes to the Development Strategy.

Appendices:

Appendix A – Table of Key Issues arising from consultation

Background Papers: (open to public inspection) N/A