
Meeting: Executive
Date: 6 November 2012
Subject: Development Strategy for Central Bedfordshire
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development

Summary: The report presents the draft Pre-Submission version of the Development Strategy. This version of the Development Strategy incorporates changes arising from the recent public consultation and, following consideration by Council, is the version that will be published for a further 6-week period of consultation and then submitted to the Secretary of State.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Simon Andrews, Strategic Planning and Housing Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Council
Key Decision No
**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

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 Executive on 4 October 2011 received a report that included detail on the costs associated with producing a Development Strategy and the costs of not producing one. The Executive resolved 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). Costs at this level can be met from within the Development Planning and Housing Strategy budget. The decision to submit the Development Strategy to the Secretary of State is a function of Council, rather than an Executive function. The decision to incur the above costs is also, therefore, a Council decision. The financial costs associated with producing a Development Strategy were known when Executive committed to the work 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 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 be a "local plan" and 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 will be 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 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.

Overview and Scrutiny:

13. This matter will be considered by the Sustainable Communities Overview and Scrutiny Committee on 18 October 2012. Comments will be provided following this meeting.

RECOMMENDATIONS:**The Executive is asked to:**

1. **consider the draft Pre-Submission Development Strategy attached at Appendix A (circulated separately to the Agenda) and recommend that Council agree the document for the purposes of Publication and Submission to the Secretary of State; and**
2. **recommend that Council delegate authority to the Director of Sustainable Communities, in consultation with the Executive Member for Sustainable Communities – Strategic Planning and Economic Development, to make any minor amendments to the Development Strategy:**
 - (i) **prior to Publication;**
 - (ii) **after Publication but before Submission; and**
 - (iii) **during the Examination process.**

Reason for Recommendations: To enable progress on the draft Development Strategy prior to its formal submission to the Secretary of State in May 2013 and during the Examination period.

Executive Summary

14. This report presents the draft Pre-Submission Development Strategy for Central Bedfordshire. The Development Strategy is an overarching planning policy document that will set out the overall approach to new development in Central Bedfordshire for the period to 2031, including new homes, jobs and infrastructure and detailed policies to guide decisions on planning applications.
15. This version of the Development Strategy incorporates changes arising from the recent public consultation and, following consideration by Council, is the version that will be published for a formal 6-week period of consultation and then submitted to the Secretary of State.

Background

16. The Development Strategy is a planning policy document that will set out the overall approach to new development in Central Bedfordshire for the period to 2031. It will contain targets for new development, such as new homes and jobs, needed locally in the period and will identify large-scale new development sites, as well as setting out details of the infrastructure needed to accompany such development. The Strategy will also set out detailed policies against which future planning applications will be determined.
17. 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.
18. 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. The Site Allocations Development Plan Document (DPD) for the north adopted in 2011 will remain in place.
19. 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.
20. 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 the Sustainable Communities Overview and Scrutiny Committee on 16 May and 11 June 2012.

Consultation – June to August 2012

21. 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.
22. In total around 3,250 comments were made to the draft Strategy by approximately 330 individuals or groups. The issues arising from these representations have been considered and, where possible, changes to the Strategy recommended. These changes are included in the draft Pre-Submission version of the Strategy attached at Appendix A.
23. Not all issues can be resolved at this stage and inevitably there will be objections that will continue on through the process and will ultimately be considered by the Planning Inspector as part of the Examination process. The objective at this stage is to find as much common ground as possible and narrow down the issues that continue through to Examination.

Next Steps

24. 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. There may be changes arising from Executive's consideration of the draft Development Strategy and other changes that emerge that will need to be included in the version that is considered by Council on 29 November.
25. 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.

26. 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.
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

27. 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.

28. 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 is not 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.

29. 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

30. The timetable set out above is a challenging one. In order that we can respond flexibly to issues as they arise, while still maintaining democratic accountability, delegated authority is recommended. This has been carried out for previous Local Development Framework (LDF) documents for the northern part of Central Bedfordshire and has worked successfully.

31. There are three key stages when delegated authority will be important. Firstly, there may be a need for further minor changes to be made to the Strategy following Council and before the Publication period. Secondly, after the Publication period, minor changes can be put forward, in schedule form, for the Inspector's consideration. These changes should not go to the heart of the Strategy but be matters of detail, consistent with the overall thrust of the Strategy. Thirdly, during the Examination itself, issues may arise that need a response within a short period of time. Delegated authority to suggest further minor changes to the Strategy in response to issues arising from the Examination hearing sessions would help keep the timetable on track. This is the approach used previously and successfully for the two LDF documents already adopted.
32. In order to ensure that the timescales are adhered to, it is recommended that authority is delegated to the Director of Sustainable Communities, in consultation with the Executive Member for Sustainable Communities – Strategic Planning and Economic Development, to make any minor amendments to the Development Strategy (i) prior to Publication; (ii) after Publication but before Submission; and (iii) during the Examination process. More substantial changes to the Strategy would not be covered by this delegation and would need to be considered through the normal channels.
33. Members also need to be aware that, following the Localism Act and publication of the National Planning Policy Framework and new Planning Regulations, the terminology has changed. The LDF is no longer a concept that applies to emerging documents. All "development plan documents" such as the Development Strategy are now called "local plans" but more than one local plan can be produced for an area.

Conclusion and Next Steps

34. Members are asked to consider the draft Pre-Submission Development Strategy attached as Appendix A and recommend that Council agree to formally Publish the draft Strategy for a 6-week period and then following the 6-week period to Submit the draft Strategy to the Secretary of State.

Appendices:

Appendix A – Draft Pre-Submission Development Strategy (circulated separately to the Agenda)

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