

THE SHADOW EXECUTIVE

16 DECEMBER 2008

SUBJECT	THE CENTRAL BEDFORDSHIRE LOCAL DEVELOPMENT SCHEME (LDS) (To present Members of the Shadow Executive with the revised Local Development Scheme (timetable for production of the Local Development Framework))
REPORT OF	Director of Sustainable Communities
<i>Contact Officer: Connie Frost-Bryant, Planning Officer (Tel: 01462 611329)</i>	

IMPLICATIONS

SUSTAINABILITY	The Local Development Framework (LDF) will be part of the statutory planning framework for the District and Unitary Authority after 1 st April 2009 and is one of the key mechanisms to help achieve sustainable development in the District over the next 10-20 years.
FINANCIAL	The Core Strategy & Development Management Policies Development Plan Document (DPD) and the Site Allocations DPD attract Planning Delivery Grant monies when key milestones are reached.
LEGAL	There is a legal requirement to prepare an LDF under the Town and Country Planning and Compulsory Purchase Act 2004, the requirements for producing the LDF documents are set out in The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 & 2008. The production of a Central Bedfordshire LDS is also a requirement under The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.
PERSONNEL/EQUAL OPPORTUNITIES	The LDF relates to a number of minority communities and will be formed in accordance with the council's Equal Opportunities Policy and Equalities Plan.
COMMUNITY DEVELOPMENT/SAFETY	None
TRADES UNION	None
HUMAN RIGHTS	None
KEY ISSUE	Yes
BUDGET/POLICY FRAMEWORK	No

OTHER DOCUMENTS RELEVANT TO REPORT

Statement of Community Involvement, The Town and Country Planning and Compulsory Purchase Act 2004, Planning Policy Statement 12, The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.

RECOMMENDATION(S):

1. that the **Central Bedfordshire Local Development Scheme** be approved for formal submission to the Secretary of State, and following approval, be brought into effect.
2. that the **Director of Sustainable Communities in conjunction with the Portfolio Holder (Sustainable Development)**, be authorised to make any changes to the **Central Bedfordshire Local Development Scheme** both prior to submission, and in response to any comments made by GO-East and the Secretary of State.
3. that the **Shadow Executive** notes that, in view of the need to submit the new LDS to the Secretary of State no later than 31 December 2008, the decision at 1 above is urgent and therefore exempt from call-in under Rule 15 of the Scrutiny Procedure Rules.

Reason for Recommendation: In order to meet the requirements of the Town and Country Planning and Compulsory Purchase Act 2004 and the The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.

Local Development Scheme

Background

1. Members are aware that the Planning and Compulsory Purchase Act 2004 introduced the new Local Development Framework (LDF) system to replace the Local Plan system. LDFs are intended to provide planning authorities with an opportunity to take a fresh look at their areas, developing strategic approaches to spatial planning that deliver sustainable development and reflect the aspirations of local communities. The starting point for preparing the Council's LDF is the Local Development Scheme (LDS) which was first brought into effect in December 2005. The LDS sets out a timetable for production of component parts of the LDF.
2. The main documents that the Mid Bedfordshire LDF is comprised of are the:
 - Statement of Community Involvement (adopted in February 2006)

- Core Strategy & Development Management Policies DPD
- Gypsy and Traveller DPD
- Site Allocations DPD

A series of technical reports, Sustainability Appraisals and several Supplementary Planning Documents will also be produced.

3. One of the Government's Key Performance Indicators is to achieve the key milestones set out in the LDS. The success in meeting these milestones has been directly linked to the level of Planning Delivery Grant that a Council may receive and this will continue for 2008/9.

The Impact of Streamlining

4. Planning Policy Statement 12 outlines the key ingredients of local spatial plans and how they should be prepared. It must be taken into account by local planning authorities in preparing development plan documents and other local development documents. This was revised in June 2008 under a process referred to as 'streamlining'. The two main outcomes of this are that the formal Preferred Options Stage has now been removed to allow for improved consultation arrangements which give the public more opportunity to get involved at the beginning of the process; and that final representations on the DPD must now be made before it is submitted to the independent Inspector. The process for each DPD and timetable associated with it had to be revisited in the light of streamlining.

Content of LDS

5. The LDS comprises:
 - a brief overview of its purpose and contents,
 - a table showing each local development document (LDD) and supplementary planning document (SPD) to be prepared and what its status, purpose and broad content will be,
 - A Gantt chart setting out the timetable for preparing each LDD and SPD and key milestones in its preparation
 - A table of Local Plan: First Review policies, which will be 'saved' for 3 years until the subsequent DPDs are adopted
6. There is no statutory requirement to consult on the LDS, however once approved, the LDS will be reviewed annually through the Annual Monitoring Report.

Previous Revisions

7. In May 2006, the Mid Bedfordshire Executive considered a revision to the original LDS which sought to reprofile some of the key milestones in response to changing regional issues (the East of England Plan) and staff changes. The amendments approved by the Executive formally came into force in July 2006.

8. Again in April 2007, the Executive approved a Second Revision to the LDS which was needed due to the restructuring of the Development Plan Team, the need to do further technical work to form a robust evidence base and the need to consider further guidance from CLG.

The Third Revision

Central Bedfordshire

9. The Local Government Reorganisation and the ensuing move from Mid Bedfordshire District Council to the unitary authority of Central Bedfordshire from 1st April 2009 has necessitated a further review of the LDS, as this new project plan must now take account of Central Bedfordshire. However, during the current review, the Luton and South Bedfordshire Growth Area will remain excluded, as regulations determine that their LDS remains under the aegis of the Luton and South Bedfordshire Joint Committee. Production of a Central Bedfordshire Local Development Scheme is a statutory requirement under the The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, with the deadline of 31st December 2008 set for the new LDS to be submitted to the Secretary of State. In addition to this new statutory requirement, a number of issues have arisen which have affected the timetable set out in the LDS (Second Revision).

In view of the Statutory requirement to submit the new LDS to the Secretary of State no later than 31 December 2008 this decision is urgent and therefore exempt from the formal call-in procedure under Rule 15 of the Scrutiny Procedure Rules.

Core Strategy and Development Management Policies DPD

10. The timetable for work on the Core Strategy and Development Management Policies DPD was always a challenging one. In addition, it was formulated with the expectation that the Government's proposals for "streamlining" the LDF system would be published in early April 2008. These proposals, in the form of a revised PPS12: Local Spatial Planning and revised regulations, were not published until the beginning of June and it has taken some time to align the process for the Mid Beds LDF.
11. In addition, there is continuing uncertainty over key regional planning issues – namely the proposed Eco-town in the Marston Vale and the possible expansion of Milton Keynes into Mid Bedfordshire through the South East Plan. While the Eco-town issue is still the subject of some uncertainty even following the publication of the Draft Planning Policy Statement, a short delay in the timetable allowed sufficient time to respond to the consultation on the Secretary of State's proposed changes to the South East Plan which were published for consultation on 17th July 2008.

12. Finally, several pieces of technical work needed to be completed, including the Open Space, Sports and Recreation Needs Assessment which looks at the provision of open space in Mid Beds with the aim of formulating standards for new development. Work on these standards was completed in September. A further study of the implications of the draft Core Strategy on the Strategic Road Network also had to be completed in conjunction with the Highways Agency and Bedfordshire County Council. Both of these studies were key pieces of the evidence base to support the Core Strategy and it was important that this work was complete before progressing further with the document.
13. While the slight delay is unfortunate, it is due to circumstances that are largely outside the control of the Council. It is important to ensure that the evidence base is comprehensive and the additional time enabled this work to be completed and allowed the Council to reflect on emerging regional planning issues.
14. One of the results of these changes is that the Draft Submission Publication period for the Core Strategy and Development Management Policies DPD began on 13th October rather than 18th August as had been hoped. Submission of the document to the Secretary of State will also be slightly delayed and is expected to occur shortly after Mid Bedfordshire Full Council at the end of January next year.

Site Allocations DPD

15. This further revision is also considered necessary in order to defer submission of the Site Allocations DPD until after adoption of the Core Strategy. This is prudent in order to ensure that any changes to the Core Strategy that arise through the Examination process can be incorporated into the Site Allocations DPD before submission, since changes cannot be made after this point. This change means a delay of around 6 months in the adoption of the Site Allocations DPD from the Second Revision. The latest housing land availability monitoring report shows the equivalent of between 10 and 15 years supply of housing land within the district. The delay to this document would therefore not prejudice the delivery of housing in accordance with the RSS14 requirements and has been informally endorsed by GO-East.

Gypsy and Traveller DPD

16. After extensive consultation during the two separate Issues and Options phases in March and October 2007, a further site search was required to find alternative sites that may be considered to be more suitable than those identified in the previous rounds. These sites are being informally consulted upon in November 2008 and so due to these extra informal stages; there has been some unavoidable slippage in the timetable.

17. As a result of these issues, it is recommended that the timetable for the Core Strategy be adjusted as set out in the table below. More detail is set out in the attached Gantt Chart at Appendix A.

DPD	Adoption (Second Review)	Adoption (Third Review)
Core Strategy & DM Policies	July 2009	November 2009
Gypsies and Travellers Site Allocations	May 2009 September 2010	July 2010 March 2011

18. The delay to the timetable is unfortunate but is considered essential if this Council is to progress with a sound and robust document. The timetable remains a challenge but is achievable and resources are now in place to meet the relevant milestones. Furthermore, a meeting was held with GO-East (Government Office for the Eastern Region) in October to discuss these revisions to the timetable and as such it has been agreed in principle.
19. Some alterations to the revised timetable may be required by the Secretary of State, and in anticipation of this, delegated authority is sought for the Director of Sustainable Communities in conjunction with the Portfolio Holder (Sustainable Development) to resolve these through GO East. Delegated authority is also sought to amend the text of the Local Development Scheme as necessary to reflect the changes proposed. This may be particularly necessary for the timetable of the Site Allocations DPD which relies on assumed Committee dates for Central Bedfordshire as these are yet to be determined.

The Next Steps

20. The LDS must be submitted to GO-East to assess whether it is 'fit for purpose'. If GO-East consider the LDS to be acceptable in terms of the priorities and nature of the documents identified, they will discuss with the Planning Inspectorate the proposed timetables in respect of the independent examination of each LDD. If the Planning Inspectorate are satisfied, they will enter into a Service Level Agreement with this Council against the broad parameters of the LDS. The LDS will then be resubmitted formally to the Secretary of State (represented by Go East). The LDS will come into effect four weeks after submission unless the Secretary of State intervenes or asks for more time. When the LDS takes effect the Council is required to make copies available at the Council offices and publish it on the website.

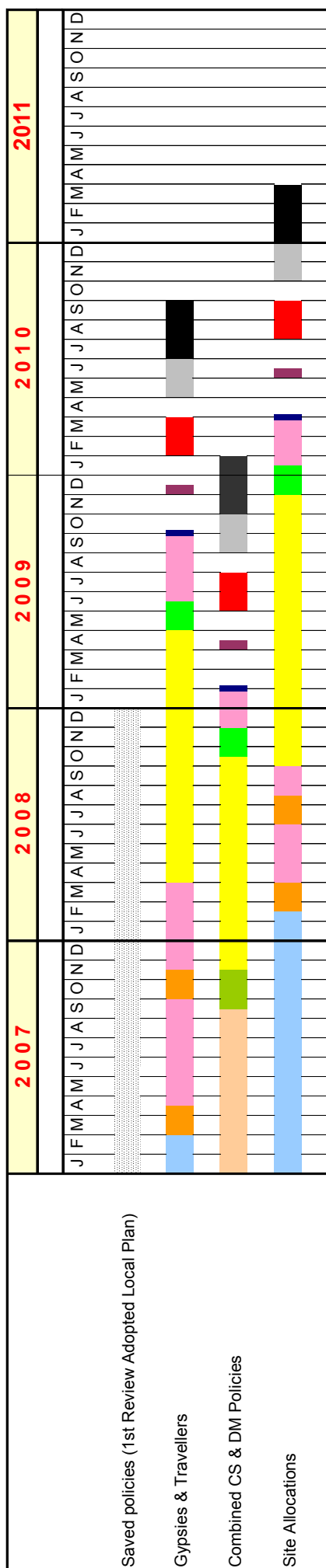
21. The Planning Regulations require that the LDS (or any subsequent revision) must be agreed by the Council's Executive, then submitted to the Secretary of State for approval (via Go East) and once approved, brought into effect and published on the Council's website. However, in addition to the requirement to publish the LDS on the website, officers consider that it would be appropriate to contact those organisations and individuals whose details are on the LDF database to advise them of the revised LDS.

Conclusion

22. Given the factors set out above, and in the context of general support from GO East, it is recommended that the Central Bedfordshire Local Development Scheme is submitted formally to the Secretary of State and then brought into effect four weeks after that date provided that the revisions are approved.

Appendices: Appendix A: Central Bedfordshire LDS
Background Papers: Planning Policy Statement 12: Local Spatial Planning
The Local Government (Structural Changes)
(Transitional Arrangements) (No.2) Regulations 2008
Location of Papers: Mid Beds District Council Offices, Priory House

Appendix A: The Central Bedfordshire Local Development Scheme



Pre Production (evidence gathering and front loading)
Consultation on Issues and Options
Preparation of Preferred Options
Consultation on Preferred Options
Consideration of comments/preparation of Draft Submission document
Draft Publication



Summary of consultation responses
Submission to Inspector
Pre-Examination meeting
Public Examination
Receipt of Inspectors Report
Adoption



Timescales subject to Planning Inspectorate