

Agenda Item

Executive Board

14 March 2007

JFM



East Devon Local Development Scheme: Revised Timetable

Summary

This report sets out a revised programme for the East Devon Local Development Scheme to be submitted to the Secretary of State for approval following discussion with the Government Office for the South West and the Planning Inspectorate. The Local Development Scheme sets out the programme for the preparation of each of the documents that will make up the Local Development Framework over a three-year period.

Recommendation

The Head of Planning and Countryside, in consultation with the Environment Portfolio Holder, be given delegated authority to make any minor amendments to the programme for the revised Local Development Scheme if required to meet any concerns of the Government Office for the South West or the Planning Inspectorate and the revised and updated Local Development Scheme then be submitted to the Secretary of State.

a) Reasons for Recommendation

Under the Planning and Compulsory Purchase Act 2004 the Council has to submit to the Secretary of State a Local Development Scheme (LDS) and to review this annually. The need for revision to the timetable for the LDS was specified in the East Devon Local Development Framework Annual Monitoring Report considered by the Executive Board at its meeting on 13 December 2006.

b) Alternative Options

Not applicable.

c) Risk Considerations

The Council would be in breach of the statutory requirement of the Planning and Compulsory Purchase Act 2004 if a Local Development Scheme were not produced and reviewed.

d) Policy and Budgetary Considerations

The Local Development Framework (LDF) will progressively replace policies in the East Devon Local Plan and with the Regional Spatial Strategy will form the statutory Development Plan. Most of the work required for the Local Development Framework will be carried out by the Policy Team from existing budgets and some Planning Delivery Grant is being used to employ consultants to carry out specialised areas of work required to form the evidence base for the LDF. Consultants are also being used to produce the University of Exeter Science Park Supplementary Planning Document and this work is being jointly funded with Devon County Council, Exeter City Council and Exeter University.

e) Date for Review of Decision

Not applicable, but the Local Development Scheme is itself reviewed annually

1.0 Introduction

1.1 The Local Development Scheme is a statutory three-year programme management plan for the preparation of a Local Development Framework. It is the starting point for the preparation of a Local Development Framework.

1.2 The Local Development Scheme serves two main purposes:

- It provides the starting point for the community to find out what the local planning authority's policies are for the area, as it will set out the documents that currently form the development plan for the planning of the area.
- It sets out the programme for the preparation of Local Development Documents over a three-year period, with details of which Local Development Documents will be produced, in what order and when, including timetables for document preparation.

1.3 The programme will reflect Council priorities and determine the most effective use of resources.

1.4 The Government Office for the South West wrote to all Local Planning Authorities in the South West on 12 December 2006 recognising that authorities are considering reassessing their LDS, both in the light of their forthcoming Annual Monitoring Report and of any documents that might need to be prepared to support implementation of the new PPS3. However, GOSW stressed that after this they were keen to for LDSs to become definitive programme management documents and from 1 April 2007 they will only expect them to be departed from in exceptional circumstances or as agreed in response to annual monitoring. A Ministerial Statement issued on 5 December made the same point and also announced additional support to local authorities in preparing Local Development Frameworks.

1.5 The Local Government White Paper also announced that the requirement for independent examination of the SCI by the Planning Inspectorate will be repealed at the earliest opportunity. The Barker Review of Land Use Planning Final Report – Recommendations published in December 2006 stated (paragraph 4.17) that one of the major findings of the responses to the Review's Call for Evidence and the Review's own field research was that the process for producing the content of an LDF is structurally too complicated, takes too long and is in need of adjustment. There was also concern that authorities will focus on procedural requirements rather than planning content. Kate Barker recommended that:

DCLG should urgently review the regulations and guidance behind the new plan-making system to enable the next generation of development plan documents to be delivered in 18-24 months in place of the current 36-42 months, while ensuring appropriate levels of community involvement. Draft guidelines should be published by summer 2007, drawing on the views of other stakeholders including the Better Regulation Executive. This will involve:

- streamlining of Sustainability Assessment (SA) processes including removing or reducing requirements where a related higher tier policy has already been subject to SA and exploring how SA requirements can be streamlined for Supplementary Planning Documents;
- streamlining of Local Development Scheme processes to a short programme of intended development documentation by local planning authorities;
- refashioning the Statement of Community Involvement into a corporate 'comprehensive engagement strategy' along with removal of the need for independent examination, as proposed in the Local Government White Paper 2006;

- increasing the speed with which Supplementary Planning Documents can be delivered;
- regional and local planning authorities and Inspectors should ensure that regional and local plans deliver against the original objective of being short documents that do not duplicate national policy;
- the removal of a formal requirement for an issues and options phase of plan-making, leaving the Preferred Options and Submitted stage. Preferred Options should be generated via effective and focused engagement with stakeholders, especially those vital to the delivery of the plan;

Speaking at a meeting hosted by the Royal Town Planning Institute on 29 January 2007, the Secretary of State Ruth Kelly highlighted uneven progress with Development Plan Documents. She said the Planning Inspectorate has received 92 for examination out of an originally expected 250. and of those it has examined, almost half have not been up to scratch. Planning minister Yvette Cooper has given a strong indication that the promised Planning White Paper, due later this year, will include proposals to make the LDF system less cumbersome and more user-friendly. She told a session at the Ecobuild conference at Earls Court, London, on 1 March that "too much bureaucracy" has built up around the Local Development Framework (LDF) regime. "We have to make it easier for councils to get on with it," she said, after making it clear that the government was interested in acting on some of Kate Barker's proposals for streamlining the planning system.

- 1.6 Nationally there is a mixed picture as the new style local planning documents have faced scrutiny at examination in public, The first two core strategies to be considered by the planning inspectorate for Lichfield and Stafford were judged as unsound and, as Inspector's reports are binding under the new system, those authorities will have to start the process again. Three other authorities have withdrawn their core strategies from the examination process in the light of the Lichfield and Stafford decisions to carry out further work. In particular it is clear that a robust and credible evidence base is required to be able to justify policy decisions. Three authorities (including South Hams) have had their core strategies judged as sound but it is clear from the Inspectors' reports that these had deficiencies and are not models to be followed. In any case whilst there is now much more guidance available about the LDF process than when these authorities embarked on producing their Core Strategies there is no blueprint of what a Core Strategy should look like. The Stafford Core Strategy was criticised by the Inspector for its lack of local distinctiveness and it is clear that the LDF approach requires bespoke plans rooted in local circumstances and thus there will never be a model core strategy. One of the issues raised by the Inspector in respect of the Lichfield core strategy was that it did not make realistic provision for a ten year supply of housing as required by Government guidance and was not flexible enough to deal with the changing circumstances that may flow from the emerging Regional Spatial Strategy for the West Midlands. Whilst the draft RSS for the South West has been published this does not provide certainty about development provision in East Devon as in her response to the submission of the RSS the Secretary of State noted the subsequent issuing of revised national household projections on 14 March 2006, and asked the Regional Assembly to consider how the RSS might respond. It cannot be assumed therefore that the development provision for East Devon in the submitted RSS will be approved.

2.0 Summary of the Revisions to the Local Development Scheme

- 2.1 The first completed part of the LDF was the adoption on 19 July 2006 of the East Devon Local Plan. The only change proposed to the Local Development Documents to be produced is for a Gypsy and Traveller Caravan Sites DPD and two additional Supplementary Planning Documents are proposed. These documents are discussed below. The text of the LDS has been updated and the other substantive changes relate to the timetables for document

production which have been amended in order to ensure that they are in line with the production timetable of the Regional Spatial Strategy (RSS). The Examination in Public of the draft RSS commences on 17 April 2007 and closes on 6 July 2007. The Panel Report is therefore likely to be published at the end of 2007 and the Secretary of State's proposed changes early in 2008 followed by the issuing of the Revised RSS in mid 2008.

- 2.2 ODPM Circular 01/2006, Planning for Gypsy and Traveller Caravan Sites sets out a three stage planning process for the identification of sites for gypsy and traveller accommodation. The first step is a gypsy and traveller accommodation assessment (GTAA) assessing need and identifying pitch requirements for each local authority area. Step two is for the Regional Planning Board specifying in the Regional Spatial Strategy (RSS) pitch numbers for each local planning authority. Step three is for the number of pitches specified in the RSS to be translated into specific site allocations in a Development Plan Document (DPD). Members will be aware that a GTAA has been completed for Devon and this recommends that an extra 9 pitches be provided in East Devon up to 2011. In a section dealing with transitional arrangements the Circular states that where there is an urgent need to make provision, local planning authorities should consider preparing a site allocations DPD in parallel with, or in advance of the core strategy. Accordingly, a **Gypsy and Traveller DPD** is proposed to be included in the LDS. The Regional Planning Board are carrying out a single issue review of the RSS on this topic and to ensure the DPD conforms with the RSS it should not be submitted until the Secretary of State's proposed changes to the RSS review are published.
- 2.3 The proposed additional Supplementary Planning Documents, as referred to in the Annual Monitoring Report will address;
 - **Section 106 Agreements** to include contributions towards affordable housing, open space etc. Also included will be measures to improve transport along the Exmouth to Exeter corridor, including cycle stands and storage facilities (the Corporate Overview Committee at its meeting on 2 November recommended (Minute 23. 3) that the SPD include contributions from relevant development proposals towards measures to improve public transport along the Exmouth to Exeter corridor, reflecting a proposal in the County Council's Local Transport Plan); and
 - **Nature Conservation and Biodiversity** to support work by the Countryside Service in respect to nature conservation policies in the Local Plan and the Biodiversity Action Plan.
- 2.4 The Issues and Options Report for the University of Exeter Science Park Supplementary Planning Document was considered by Development Control Committee on 31 October 2006 and public consultation on this document closed on 5 February. The timetable has been revised to reflect the current position with adoption proposed early in 2007.
- 2.5 An early draft of the Statement of Community Involvement was reported to the Corporate Overview Committee on 31 August 2006 and a revised version is the subject of a separate report on this agenda.
- 2.6 The timetables for the Statement of Community Involvement, Core Strategy, Axminster Area Action Plan have been revised as set out in the Annual Monitoring Report.
- 2.7 The revised programme has been forwarded to the Government Office for the South West and the Planning Inspectorate and it is recommended that delegated authority is given to the Head of Planning and Countryside, in consultation with the Environment Portfolio Holder, to make any amendments to the programme to meet any concerns raised by those bodies before submission to the Secretary of State.

3. Saved Policies

- 3.1 The Government has issued a protocol for handling proposals to save adopted Local Plan and Structure Plan policies beyond the 3 year saved period that automatically applies from provisions in the Planning and Compulsory Purchase Act 2004. Policies in the East Devon Local Plan are automatically saved for 3 years from the date of adoption (ie until 19 July 2009) .This protocol will also apply to those policies and the guidance states that LPAs should write to Government Offices 6 months before the expiration of the relevant 3 year period (i.e by 19 January 2009).

Legal Implications

The relevant statutory framework is clearly identified in the report; no further legal observations.

Financial Implications

The financial implications are as indicated in the report.

Consultation on Reports to the Executive

The Executive Board considered a revised timetable for the Local Development Scheme at its meeting on 13 December 2006 as part of the East Devon Local Development Framework Annual Monitoring Report. This report was also considered by the Corporate Overview Committee on 30 November 2006 and by the Development Control Committee on 12 December 2006.

Background Papers

- Planning and Compulsory Purchase Act 2004.
- Planning Policy Statement 12: Local Development Frameworks.
- The Town and Country Planning (Local Development) (England) Regulations 2004.
- Creating Local Development Frameworks – A Companion Guide to PPS 12.
- Report to Executive Board on 13 December 2006 on the East Devon Local Development Framework Annual Monitoring Report.

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Executive Board
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