

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>10 OCTOBER 2012</b>
<b>SUBJECT:</b>	<b>BURY LOCAL PLAN – LOCAL DEVELOPMENT SCHEME</b>
<b>REPORT FROM:</b>	<b>CABINET MEMBER (NEIGHBOURHOODS AND REGENERATION)</b>
<b>CONTACT OFFICER:</b>	<b>PAUL ALLEN – HEAD OF PLANNING POLICY AND PROJECTS</b>
<b>TYPE OF DECISION:</b>	<b>CABINET (KEY DECISION)</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>The Local Development Scheme (LDS) sets out the proposed timetable for the production of Bury’s Local Plan and identifies the scope and coverage of the documents the Council intend to produce.</p> <p>Members are being asked to approve the revised Local Development Scheme (October 2012) and to resolve that it shall have effect from the date of this decision.</p> <p>Members are also requested to authorise the Director of Environment and Development Services in consultation with the Cabinet Member for Neighbourhoods and Regeneration to make any future timetable amendments as necessary together with any changes to the document content of the LDS.</p> <p>The Local Development Scheme (October 2012), is available at the Members’ Information Point and has been made available in electronic format to all Members.</p>

<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p><b>Option 1 (Recommended option)</b></p> <p>That Members approve the Local Development Scheme (October 2012) and resolve that it shall have effect from 10 October 2012, and be published on the Council’s website.</p> <p>Members also requested to authorise the Director of Environment and Development Services in consultation</p>
---	--

	<p>with the Executive Member for Neighbourhoods and Regeneration to make any future timetable amendments as necessary (including on the direction of the Secretary of State) together with any changes to the document content of the Local Development Scheme, and to resolve the date from which such amendments shall have effect.</p> <p><b>Option 2</b></p> <p>That Members seek revisions to the proposed Local Development Scheme – Members to specify the nature of any revisions to be sought.</p> <p><b>Reasons</b></p> <p>The Planning and Compulsory Purchase Act 2004 (as amended) requires Local Planning Authorities to prepare and maintain a scheme to be known as their Local Development Scheme (LDS). The approval of the revised LDS will ensure that this requirement is complied with and the LDS is up-to-date.</p> <p>The delegated authority for revisions as outlined in Option 1 is considered necessary to allow for amendments to the timetable and contents of the LDS.</p>
<p><b>IMPLICATIONS:</b></p>	
<p><b>Corporate Aims/Policy Framework:</b></p>	<p>Do the proposals accord with the Policy Framework?        Yes</p> <p>The existing Bury Unitary Development Plan forms part of the Council’s Policy Framework (being one of the statutory plans listed under Article 4 of the Council’s Constitution) and will be replaced eventually by Development Plan Documents to be produced under the arrangements of the Planning and Compulsory Purchase Act 2004 and statutory instruments and guidance resulting there from.</p>
<p><b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b></p>	<p>The work programmes set out in the LDS will require significant commitment of staff resources in the Planning Policy and Projects section and there are likely to be costs associated with the production of documents and progress of the statutory procedures to adoption. The costs of staffing will be met from the existing revenue budget, as will Bury’s contribution towards the costs of developing the Minerals and Joint Waste Development Plans. The Development Plan Reserve, which had a balance of £161,281 at 31<sup>st</sup> March is also available to meet one-off costs, but it should be noted that a significant proportion of this is likely to be required to meet the costs of the public examination of</p>

	the Core Strategy (see separate report on the agenda).
<b>Statement by Executive Director of Resources:</b>	<p>The costs of the continuing work involved in progressing the Local Plan will be funded mainly from revenue budgets.</p> <p>Any costs to be charged against the Development Plan Reserve will need to be carefully monitored to ensure that commitments do not exceed the balances available.</p>
<b>Equality/Diversity implications:</b>	<p>No</p> <p>The Equality Analysis document relating to this project is attached. There are no issues or recommendations identified in it.</p>
<b>Considered by Monitoring Officer:</b>	<p>Yes</p> <p>The Monitoring Officer is satisfied that the proposals set out in this report and in the Background Papers listed are consistent with the statutory requirements placed on the Council as Local Planning Authority, within the Council's Policy Framework and within the legal powers of the Council.</p>
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Committee

**TRACKING/PROCESS**

**DIRECTOR: K G Atkinson - EDS**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
25.09.12	24.09.12		
Scrutiny Committee	Committee	Council	

---

## **1.0 BACKGROUND**

- 1.1 Members will be aware that the Council is currently preparing a Local Plan which will set out planning policies for the Borough and will form the basis for guiding growth and development within the Borough to 2029.
- 1.2 The Planning and Compulsory Purchase Act 2004 (as amended) requires all authorities to produce a **Local Development Scheme (LDS)** which sets out their timetable for preparing their Local Plan, to be revised at such time as they consider appropriate.
- 1.3 Bury's last Local Development Scheme was prepared in November 2009. It is now appropriate to revise the LDS to reflect the new Town and Country Planning (Local Planning) (England) Regulations 2012 and to amend the timetables for the Core Strategy, Site Allocations and other documents which will form part of the Bury Local Plan.
- 1.4 To bring the LDS into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect. This report seeks approval for the Local Development Scheme (October 2012) to have effect from 10 October 2012.
- 1.5 The authority for previous amendments to the LDS was delegated to the Executive Director of Environment and Development Services, in consultation with the Executive Member for Environment and Transport, by the Council's Executive Committee on 22 March 2006 (minute EX.1274 refers).
- 1.6 As a result of changes brought forward by the Localism Act 2011, it is no longer necessary for the LDS to be submitted to the Secretary of State (although the Secretary of State may direct that the LPA make any changes he thinks appropriate). It should be noted, however, that all Development Plan Documents which will form part of the Local Plan, must at the appropriate time be submitted to the Secretary of State for independent examination.
- 1.7 The content requirements for the LDS have also been streamlined, and as a result the October 2012 LDS is significantly different to the previous version approved in November 2009. Authority is sought for future amendments to the LDS to be delegated to the Executive Director of Environment and Development Services, in consultation with the Cabinet Member for Neighbourhoods and Regeneration.

## **2.0 ISSUES**

- 2.1 As indicated above, as part of the requirements of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), local authorities must maintain an up-to-date project plan, or **Local Development Scheme (LDS)** setting out what Development Plan Documents (also known as Local Plans) they intend to produce, their scope and geographic coverage, and timetables for their production.

### **Summary of Changes to the Local Development Scheme**

- 2.2 The previous Local Development Scheme was prepared in November 2009. Since then a number of legislative and policy changes have taken place, including the enactment of the Localism Act 2011, new Town and Country Planning (Local Planning) (England) Regulations 2012 and the introduction of the National Planning Policy Framework.

- 2.3 It should also be noted that the previously submitted Core Strategy was withdrawn in June 2011. As a result, the timetables included within the November 2009 LDS are no longer achievable.
- 2.4 The LDS (October 2012) sets out the following timetable for the next steps in the preparation of the Core Strategy:
- Consultation on Second Draft Publication Core Strategy: October – November 2012
  - Publication of proposed submission documents: April – May 2013
  - Submission: August 2013
  - Examination: November 2013
  - Adoption: April 2014
- 2.5 The amendments to the Core Strategy timetable will have a knock-on effect on the timetables for the preparation of the other development plan documents which the Council has previously agreed to produce. The timetables for the following DPDs have therefore been amended:
- Site Allocations
  - Site Allocations for Gypsies, Travellers and Travelling Showpeople
- 2.6 The LDS also includes the Greater Manchester Joint Waste Plan, which was adopted by all the Greater Manchester authorities on 1 April 2012 (minute C.571 refers), and the Greater Manchester Joint Minerals Plan, which has been prepared by Greater Manchester Minerals and Waste Planning and is currently undergoing examination and is scheduled for adoption in April 2013.

### **Monitoring and Review**

- 2.7 Progress with the preparation of the documents included within the LDS will be assessed each year as part of the Authority's Monitoring Reports that the Council are required to publish to monitor the impact of planning policies and progress with plan preparation. The Localism Act 2011 also established a requirement for up-to-date information showing the state of the authority's compliance (or non-compliance) with the LDS timetable to be made available to the public. This information will be published on the Council's website.
- 2.8 In order to ensure the timetable is kept up-to-date, authority is sought for the Director of Environment and Development Services in consultation with the Cabinet Member for Neighbourhoods and Regeneration to make any future timetable amendments as necessary together with any changes to the document content of the LDS, and to resolve the date from which such amendments shall have effect. This may include where the Secretary of State may direct the authority to make any changes he considers appropriate.

### **Decision Making**

- 2.9 Members attention is also drawn to the decision making requirements for Local Plan documents which are set out in the Bury LDS and include the following:
- 2.10 For each Development Plan Document the levels of political responsibility are as follows:
- Cabinet Decision for all pre-publication stages.
  - Full Council resolution required for publication of proposed submission documents and adoption stages, with delegated approval to the Cabinet

Member for Neighbourhoods and Regeneration for minor post-publication changes and submission.

- 2.11 For the Greater Manchester Joint Waste DPD and Joint Minerals DPD the levels of political responsibility are as follows:
- Joint Waste Planning Committee / Joint Minerals Planning Committee decision for all pre-publication stages.
  - Full Council resolution required by each of the 10 Greater Manchester authorities for publication and adoption stages, with delegated approval to the Joint Committee at submission.
- 2.12 For the Statement of Community Involvement and each Supplementary Planning Document the levels of political responsibility are as follows:
- Cabinet Decision for all stages, including adoption.

### **3.0 CONCLUSION**

- 3.1 The Government is keen that each Local Planning Authority should produce a Local Plan for its area. However, this will require significant commitment and resources from the local authority. Members are requested to support the proposals for Bury's LDS as a realistic and practical approach to Local Plan preparation, making use of existing resources, to replace the existing Bury UDP and its associated documents.
- 3.2 The first priority is to have in place a Core Strategy setting out the vision and strategic policies for the Borough as soon as practicable. The second priority will be a Site Allocations DPD which will set out detailed policies and proposals to deliver and guide land allocated for specific uses. At this point the existing Bury UDP will be effectively replaced. Preparation of the GM Joint Waste DPD and Joint Minerals DPD has run alongside the preparation the Core Strategy and been co-ordinated and managed by GM Minerals and Waste Planning Unit.
- 3.3 The third priority will then be to prepare a Site Allocations for Gypsies, Travellers and Travelling Showpeople DPD and bring forward a set of Supplementary Planning Documents to provide further guidance. It is intended that this arrangement will give the Borough the scope to respond quickly and effectively to planning issues as they emerge and, in line with Government intentions, for the Borough to take a pro-active approach.

---

#### **List of Background Papers:**

Bury Local Development Scheme October 2012

#### **Contact Details:**

Paul Allen  
Head of Planning Policy and Projects  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Tel: 0161 253 5283

Email: [p.n.allen@bury.gov.uk](mailto:p.n.allen@bury.gov.uk)