
MEETING: Management Board
Executive

DATE: 15 March 2004
31 March 2004

SUBJECT: Planning Reform Agenda and Future Development Plan
Provisions for Bury

REPORT FROM: Executive Member for Environment & Transport

CONTACT OFFICER: Paul Allen – Planning Policy Manager

TYPE OF DECISION: Key

REPORT STATUS: For publication

PURPOSE/SUMMARY:

This report explains the imminent changes in legislation affecting the future provision of statutory development plan documents which are being introduced under the Planning and Compulsory Purchase Bill. These changes are expected to come into force in Summer 2004.

The report seeks approval for work to commence on meeting the requirements of the anticipated new legislation, and to abandon the previously planned work to provide updated development plan provision through a review of the Bury Unitary Development Plan.

OPTIONS AND RECOMMENDED OPTION (with reasons):

Option 1

That Members approve an immediate shift in existing resources to the preparation of development plan documents for the Borough under the imminent new legislation for Local Development Frameworks.

Option 2

That Members note the imminent new legislation but await final details before sanctioning the commencement of work on a Local Development Framework for Bury.

Recommended Option

That Members approve an immediate shift in existing resources to the preparation of development plan documents for the Borough under the imminent new legislation for Local Development Frameworks.

Reasons

Bury's existing UDP Review work is not sufficiently advanced to be carried forward under the proposed transitional arrangements, and Government Office North West is already calling for inputs under the new system. In particular, Local Authorities are being requested to have a Local Development Scheme (LDS), a 3 year rolling work programme of documents to be produced, in place by the end of 2004. Meeting this requirement will be a performance measure which Government will be taking into account in assessing Planning Development Grants. It is important, therefore, that the Authority makes progress as soon as possible to ensure Bury's LDS is in place by the end of 2004, and that work commences on the development plan documents which will make up Bury's Local Development Framework (LDF) so that up to date plans are also put in place as quickly as possible.

IMPLICATIONS

Financial Implications and Risk Considerations

No major resource implications as a consequence of this report at this stage.

However, in order to progress the preparation of the LDS and the LDF, there will be a requirement to undertake a number of studies and background research. Much of this research, including an Urban Capacity Study, Open Space Needs Survey and a Protected Species Survey, will need to be undertaken by external consultants. It is envisaged that these will be paid from monies received through the Planning Delivery Grant.

Also see statement by Director of Finance and E-Government below.

Risk considerations see under Section 2 of this report.

Corporate Aims/Policy Framework

Do the proposals accord with the Policy Framework? Yes No

The existing Bury UDP forms part of the Council's Policy Framework (being one of the statutory plans listed under Article 4) and will be replaced eventually by Development Plan Documents to be produced under the new arrangements described in this report for Local Development Frameworks.

Are there any legal implications? Yes No (new legislative provisions pending)

Considered by Monitoring Officer: Yes Comments

Statement by Director of Finance and E-Government: No major resource implications as a consequence of this report at this stage. Initial work can be accommodated within existing budgets.

However, Members should be aware that the new system requires the production of a Local Development Scheme (LDS) which is a 3-year rolling programme setting out timetables and resources to be devoted to Local Development Framework preparation and production. Central Government will judge future Council performance on 'planning policy' against programmes set out in the LDS and award Planning Development Grant accordingly. It will be increasingly important, therefore, to ensure that the Council has robust timetables and adequate resources for all aspects of LDF production from background research and evidence gathering, through inclusive public involvement to speedy preparation and quality document production.

A subsequent report on Bury's LDS will detail staffing and resource implications.

Staffing/ICT/Property: As indicated above, staffing implications of the new system will be considered in a subsequent report on Bury's LDS.

Development Plan Documents produced under the new LDF arrangements will contain revised/new planning policies and proposals which could have implications for land and property holdings. Subsequent reports will allow any implications to be assessed as policies and proposals emerge.

Wards Affected: All wards

Scrutiny Interest: Economy, Environment and Transport

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
15/3/04			
Scrutiny Panel	Executive	Committee	Council
Presentation given on 19/2/04	31/3/04		

1.0 BACKGROUND

New legislation under the Planning and Compulsory Purchase Bill is expected to come into force in Summer 2004, and with it will come sweeping changes for the reform of the development plans system, together with changes affecting regional planning functions, planning application procedures and compulsory purchase.

This report draws Members' attention to the changes which will affect the future production of development plans in Bury because work needs to commence now in anticipation of the new arrangements. The possible implications of other proposed changes is uncertain at present and can await finalisation of the legislation.

2.0 ISSUES

Under the proposed new arrangements for development plans and associated documents the old system of Unitary Development Plans (UDPs) and supplementary planning guidance (SPG) will be abolished and each local authority will be required to produce a **Local Development Framework (LDF)**.

The LDF will be effectively a "portfolio" of **Local Development Documents (LDDs)**, some of which would have development plan status and be subject to independent examination - **Development Plan Documents (DPDs)**, and others the status of what is currently known as supplementary planning guidance - **Supplementary Planning Documents (SPDs)**.

The starting point for local authorities will be the preparation of a **Local Development Scheme (LDS)**. The LDS is intended to be a rolling programme setting out what Local Development Documents the Council proposes to prepare and the timetable for preparing each document over a three year period. Importantly, the Government is looking to local authorities to have their LDS in place by the end of 2004, and it is this requirement that means it is vital that this work starts as soon as possible. Government Office North West is already requesting draft LDSs be submitted to them now.

Members should also note that the submission of an LDS on time, and performance in line with the LDS programmes, will be used in future by Government to assess the Council's performance and inform future financial support in terms of Planning Development Grant settlements.

Key Elements of the New Arrangements

For the information of Members the following is an outline of the main implications of the new system for Bury's future development plan coverage:

Regional Level

At the regional level Members should be aware that the current arrangements for Regional Planning Guidance will be replaced by a requirement for Regional Spatial Strategies and these strategies will have 'statutory development plan' status. See **Appendix 1** for summary of key changes and features of the new regional arrangements.

We can therefore expect Regional Planning Guidance for the North West to become a Regional Spatial Strategy for the North West and Local Development Frameworks will have to be in general conformity with the Regional Spatial Strategy. The effect of these changes will be to give added status and weight to regional policies. This will mean that housing requirements that are currently identified as targets in Regional Planning Guidance will be given statutory status under the Regional Spatial Strategy.

Local Level

At the local level the Government is introducing the concept of **Local Development Frameworks (LDFs)** – see **Appendix 2** for summary of key changes and features of the new system. Rather than having a single major planning document, as is the case with the Bury UDP, the new system will make provision for a suite of documents which together will make up the LDF.

The Government intends that LDFs should contain a wider range of policies than has normally been included in development plans produced under the current system to introduce a ‘spatial dimension’ with generalised spatial policies referred to as ‘core policies’. In particular, local authorities are being directed to develop closer linkages between LDFs and those elements of their Community Strategy that relate to the development and use of land. Nevertheless, the Government is also looking to local authorities to streamline the current system with shorter more succinct documents, more criteria-based policies and policies which avoid excessive detail.

The Government is also looking to speed up the process and to achieve this aim is looking to have fewer stages in the preparation of documents and, most importantly, will be making Inspectors’ Reports binding.

The LDF process envisages four main stages:

- ***Pre-production*** – the survey and evidence gathering stage.
- ***Production*** – this stage begins with consultation on ***issues and options*** and authorities are being directed to “front load” the preparation process by taking key decisions on the spatial strategy, proposals and land allocations at this early stage. Following this ***preferred options and proposals*** will be published for comment. After comments have been considered a ***submission development plan document*** is to be prepared for examination.
- ***Examination*** – this involves an independent examination by a Planning Inspector into the “soundness” of the plan.
- ***Adoption*** – this involves the authority taking on the binding report from the Planning Inspector and publishing the final adopted document.

The Government hopes that this new LDF process will take about three years rather than the more usual five or more years currently experienced. This aim is exemplified in the new requirement for local authorities to set out a three year rolling programme of the documents they intend to produce in a **Local Development Scheme**. Government is clearly going to be paying particular attention to the timetables and levels of resources which authorities are devoting to planning provisions in their LDS.

In terms of other documents, the LDF process anticipates the following provisions:

- **Development Plan Documents** – these will include:
 - A Core Strategy:** which will comprise a vision and strategic objectives for the area, along with a spatial strategy, a number of core policies and a monitoring and implementation framework.
 - Site specific allocations and policies:** which will set out allocations of sites for specific or mixed uses.
 - Area Action Plans** (where needed): to enable proposals for major change or conservation of a specific area to be brought forward.
 - Generic Development Control Policies:** a suite of criteria-based development control policies to ensure development meets the vision and strategy set out in the Core Strategy.
 - Proposals Map:** which will show all policy designations and proposals on an Ordnance Survey map and may include Inset Maps for specific areas.
- **Supplementary Planning Documents** – these will replace the former supplementary planning guidance and will allow the local authority to provide additional guidance on issues associated with the policies and proposals in Development Plan Documents.
- **Statement of Community Involvement** – this is a new requirement and illustrates the importance that Government is now attaching to engaging the community in planning. The Council will be required to set out in the Statement the measures which it will undertake to engage the community and interested parties in the preparation, alteration and review of **all local development documents and significant development control decisions**.
- **Sustainability Appraisal/Strategic Environmental Assessment** – all local development documents will be required to carry out sustainability appraisals as an integral part of the preparation process and after July 2004 all documents will also need to comply with the European Directive for Strategic Environmental Assessments.
- **Annual Monitoring Reports** – a further indication of the Government's determination to speed up the development plan process and apply stricter performance measures is the requirement for authorities to submit Annual Monitoring Reports. These will partly be a mechanism for rolling forward the Local Development Scheme provisions, making amendments and explaining any missed targets or milestones, and will also provide a mechanism for monitoring the effectiveness of particular policies and signalling any needs for policy reviews or alterations.

Risk Management and Diversity

At the present time the legislation in the Planning and Compulsory Purchase Bill is still not finalised and, therefore, there is some risk that details could change. However, with Government issuing draft guidance and already setting requirements it is clear that matters are unlikely to be changed significantly at this stage. It is also clear that it should not be long before legislation is approved (scheduled mid-2004) so any chance of carrying out abortive work is limited. Furthermore, it is considered that there is greater benefit to be had in getting off to an early start with work on the new system to meet Government performance requirements.

There are not considered to be any diversity issues arising out of this report. However, once work starts on the various plans and documents required under the new system, then diversity issues will be a matter that will be taken into consideration to ensure all rights and equalities are adequately addressed.

Consultations

The Executive Member for Environment and Transport has been made aware of the new system and the reasons for commencing work as soon as possible. A presentation on the new system was given to the Economy, Environment and Transport Scrutiny Commission on 19 February 2004. This report is to be presented to Management Board on 15 March 2004.

3.0 CONCLUSION

This report has shown that the Government intends to make large scale changes to the development planning system with the aim of speeding up the process. It also wishes to see the planning system play a more pro-active and central role in the activities of local authorities and especially in the ways by which they engage with local communities.

However, it can also be seen that the system being introduced is complex and likely to place heavy burdens on local authorities if the wide ranging changes and requirements are going to be met within the timetables which Government is seeking to set.

Planning Development Grant (PDG) is clearly one of the main ways that Government will be looking to drive through its proposed changes. Local authorities will need to demonstrate that their performance is meeting both the timetables set by Government, and the timetables that authorities will need to set for themselves, to gain maximum benefit from PDG. It is essential, therefore, that Bury makes the best of the opportunity it has at present to start work on implementing the new system now. At this stage it is unlikely that the legislation will change significantly.

List of Background Papers:-

Planning and Compulsory Purchase Bill

Draft Planning Policy Statement 12 – Local Development Frameworks and associated draft regulations and guidance.

Contact Details:-

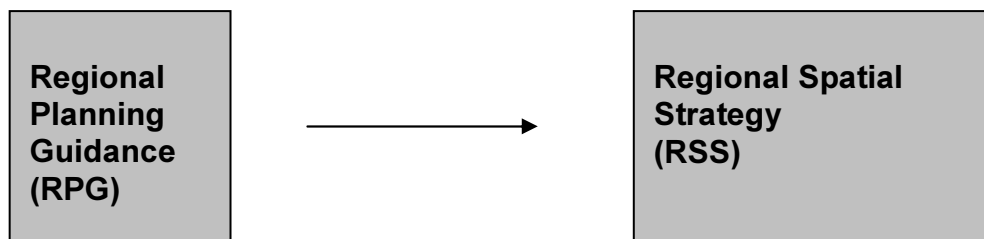
Paul Allen – Planning Policy Manager, Craig House, 5 Bank Street, Bury, BL9 0DN

Tel: 0161 253 5283

Email: p.n.allen@bury.gov.uk

Appendix 1 – The Government’s Planning Reform Agenda

Proposed Changes at Regional Level



The main differences between RPG and RSS:

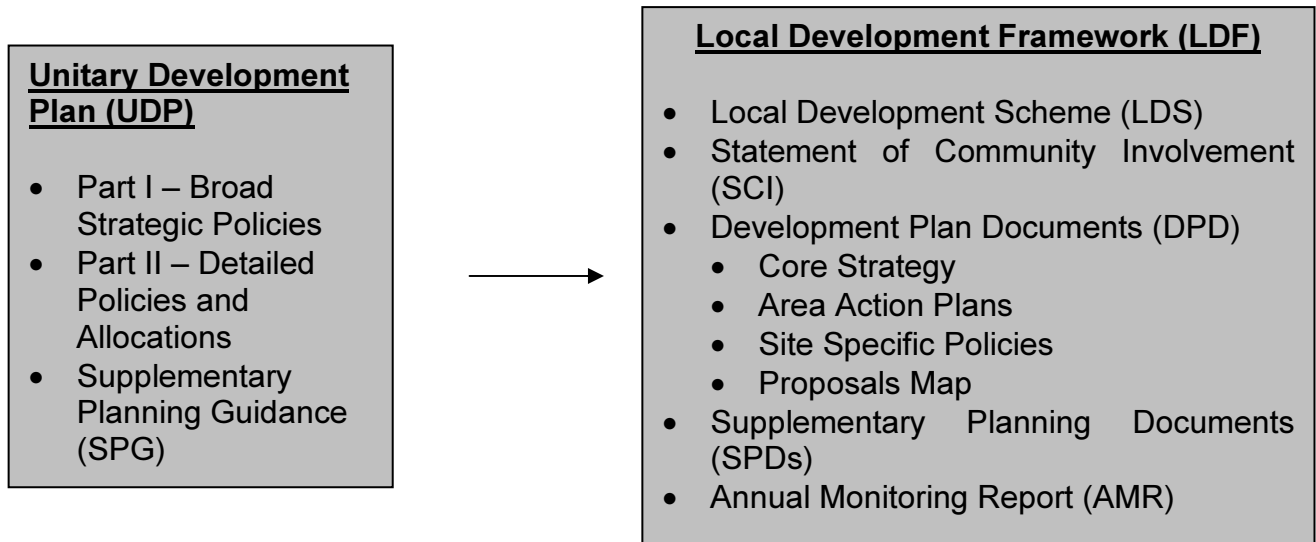
- RSS will have statutory status and, therefore, additional weight will be given to regional policies;
- RSS will form part of the Development Plan;
- LDFs to be in general conformity with RSS.

The key features of the RSS will be:

- A Vision for 15 to 20 years;
- Strategic policies with regional dimension;
- Focus on outcomes;
- Focus on sub-regions;
- Establish broad locations and criteria for development;
- Integrated with other regional strategies, including Regional Housing Strategy.

Appendix 2 – The Government’s Planning Reform Agenda

Proposed Changes at Local Level



The main differences between UDPs and LDFs:

- LDFs will be a continuous process (3 –year rolling programme);
- Wider spatial planning;
- Greater emphasis on sustainable development;
- Requirement for comprehensive evidence base;
- Scope for joint development plans (e.g. neighbouring authorities or sub-region).

The key features of the LDF are:

- A series of documents rather than 1 single document like the current UDP;
- All DPDs must incorporate a Sustainability Appraisal/Strategic Environmental Assessment;
- Authorities will be required to produce an Annual Monitoring Report;
- Increased emphasis on community participation and authorities required to produce a ‘Statement of Community Involvement’;
- ‘Front-loading’ of community involvement rather than consulting when a document has been drafted;
- Give spatial expression to the Community Strategy;
- Current system should be streamlined / more succinct documents;
- Process should be speeded up, making it easier to respond to changing circumstances;
- Policies and proposals should still reflect national planning guidance and ensure general compliance with regional policies;
- Linked to BVPI and Planning Delivery Grant, potentially greater call on resources.

Appendix 3 – Summary of Proposed Changes

LDDs, LDFs, LDSs, DPDs, RSSs, AAP, SCIs, SPDs, AMRs and SEAs

1. Existing System

- 1.1 The statutory development plan is called the UDP. It is interpreted in the context of national and regional planning guidance. Beneath the UDP is non-statutory Supplementary Planning Guidance. This is not part of the UDP, but sets out how it is interpreted in more detail.

2. New System

- 2.1 The UDP will be replaced by a Local Development Framework (LDF). This will consist of a portfolio of documents, including:-

- (a) Core Strategy - vision and key policies
- (b) Site specific policies - eg for particular landholdings; ELPM
- (c) Area Action Plans (AAP) - masterplans for wider areas
- (d) General development control policies - eg domestic extensions
- (e) Proposals Map - policies expressed as an OS map.

- 2.2 Documents (a) - (e) above are to be called Local Development Documents (LDD).

- 2.3 In addition to the five LDDs, the LDF will also include several other documents:-

- (a) Statements of Community Involvement (SCI) - details of the consultation process prior to policy-making.
- (b) Supplementary Planning Documents (SPD) - like the current non-statutory SPG.
- (c) Strategic Environmental Assessments (SEA) - an environmental audit of policies.
- (d) Annual Monitoring Reports (AMR) - to indicate future updates.

- 2.4 We have until the end of 2004 to draw up a timetable for implementing the LDF. The timetable is called a Local Development Scheme (LDS).

- 2.5 When we've completed our LDS, we have 3 years to devise our LDF. After that, it has to be updated annually, on a 3 year rolling programme.

3. Other changes with the new system

- 3.1 Existing regional planning guidance will be replaced by Regional Spatial Strategies (RSS). LDFs must incorporate all the conclusions of the RSS.

- 3.2 LDF to be closely linked to Community Strategies, and be an expression of their spatial and development policies.

- 3.3 Land uses to be less determined by zonings on a plan. More use of a tick-list of criteria to decide whether a site is suitable for a particular use.

- 3.4 Inspectors' conclusions at a Public Inquiry are to be mandatory. (This may change).