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**MEETING:** The Executive

**DATE:** 2 February 2005

**SUBJECT:** Bury Local Development Framework – Local Development Scheme

**REPORT FROM:** Executive Member for Environment and Transport

**CONTACT OFFICER:** Paul Allen – Planning Policy Manager

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**TYPE OF DECISION:** Key

**REPORT STATUS:** For publication

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**PURPOSE/SUMMARY:**

Under the new provisions of the Planning and Compulsory Purchase Act 2004 the Council is required to produce a **Local Development Framework (LDF)** which is the title given to a portfolio of documents setting out policies, allocations and guidance for the future development of the Borough. The first step in the LDF process is for the proposed content of the Framework and the timetables for its production to be set out in a **Local Development Scheme (LDS)**.

This report brings forward Bury's first **Local Development Scheme** for approval prior to submission to the Secretary of State.

*A copy of the full Bury LDS document is available at the Members' Information Point, a copy has also been provided directly to Executive Members and a copy is also available on the Council's website at [www.bury.gov.uk](http://www.bury.gov.uk) under Planning Policy information.*

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

**Option 1**

That Members approve the submission of Bury's Local Development Scheme in line with the contents outlined in this report.

That Bury's Local Development Scheme be forwarded to Planning Committee for information.

## Option 2

That Members seek revisions to the proposed content of Bury's Local Development Scheme prior to submission – Members to specify the nature of any revisions to be sought.

### Recommended Option

That Members approve the submission of Bury's Local Development Scheme in line with the contents outlined in this report.

That Bury's Local Development Scheme be forwarded to Planning Committee for information.

### Reasons

Local Authorities are being requested to have their Local Development Scheme (LDS) in place by the end of March 2005. Meeting this requirement will be a performance measure which Government will be taking into account in assessing future Planning Delivery Grant awards. It is important, therefore, that the Authority makes progress as soon as possible to ensure Bury's LDS is in place by the deadline, 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 to replace existing policies in Bury's Unitary Development Plan.

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## IMPLICATIONS -

### Financial Implications and Risk Considerations

The Bury LDS is a programme management document for the preparation of Bury's new development plan provisions. These provisions will have ongoing staffing implications, particularly for the Planning Policy Section, and financial implications in terms of research and information requirements, consultation requirements, production costs and costs associated with statutory procedures prior to adoption e.g. public examination costs, independent Inspector fees, legal and expert witness costs. See statement by Director of Finance and E Government below.

Risk considerations relate to maintaining the timetable and programme set out in the Bury LDS and a risk assessment forms part of the LDS.

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### 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 Bury's Local Development Framework.

Are there any legal implications? Yes  No  (see paragraph .....)  
**Considered by Monitoring Officer:** Yes  Comments

The Monitoring Officer is satisfied that the proposals set out in this report are consistent with the statutory requirements placed on the Council as Local Planning Authority.

**Statement by Director of Finance and E-Government:**

The work programmes set out in the LDS will require significant commitment of staff resources in the Planning and Economic Development Division over a sustained period, particularly in the Planning Policy Section. The production of documents and progress of such through the statutory procedures to adoption will also require significant financial resources, particularly at the public examination stages.

The revenue budget for the division, supported by Planning Delivery Grant, includes funding for the current staffing structure. In addition a contribution of £25,000 per annum is made to a Development Plan reserve for anticipated future costs; this provision had a balance at 31 March 2004 of £116k. It is envisaged that these resources will be sufficient to support the current LDS programme.

However, Members should be aware that Central Government will judge future Council performance on 'planning policy' against programmes set out in the LDS and award Planning Delivery 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.

**Staffing/ICT/Property:**

As indicated above it will be important to ensure that staffing levels are maintained if the programme set out in the LDS is to be met.

At the present time there are unfilled posts for a Temporary Planning Officer and a Monitoring/Compliance Officer. Commitment to vacant posts being filled will be important to maintain progress. In relation to the Monitoring/Compliance

Officer post, in particular, it will be important to ensure that the Authority is able to comply with the requirement to produce Annual Monitoring Reports, the first of which is due at the end of 2005.

ICT will play an important role in aiding consultation processes associated with the production of LDF documents. The Authority's website will need to carry details of all documents produced, allow representations to be made and respond quickly to update requirements.

In relation to property issues 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:** 11/1/05

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
24/1/05	11/1/05		
Scrutiny Panel	Executive	Committee	Council
	2/2/05		

## 1.0 BACKGROUND

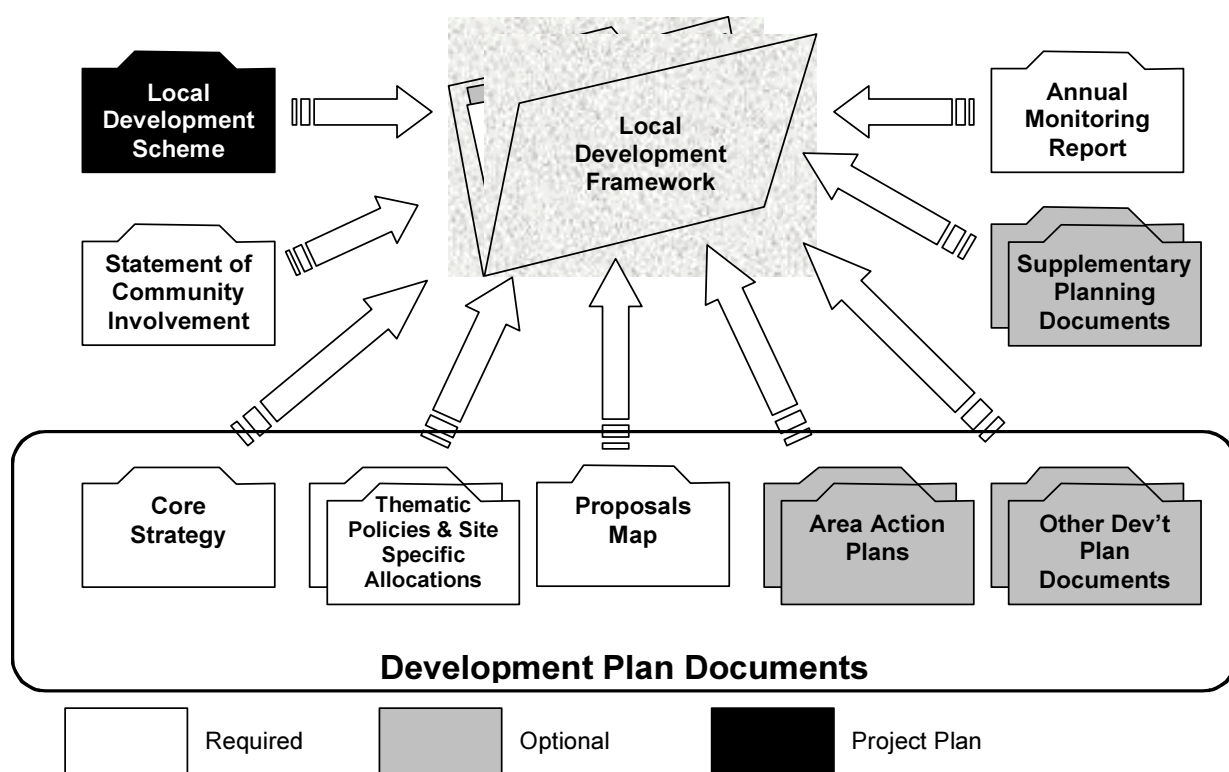
New legislation under the Planning and Compulsory Purchase Act 2004 came into force in Summer 2004, and with it came sweeping changes for the reform of the development plans system, together with changes affecting regional planning functions, planning application procedures and compulsory purchase.

A previous report to the Executive on 31<sup>st</sup> March 2004 sought to anticipate some of the changes being made and, in particular, urged Members to resolve to abandon work on the review of Bury's Unitary Development Plan in favour of progressing new development plan provisions under the emerging proposals for **Local Development Frameworks (LDF)**. (Minute EX1460 refers)

The LDF is effectively a "portfolio" of **Local Development Documents (LDDs)**, some of which will 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)**. A fuller explanation of the new system can be found in the 'Introduction' to Bury's LDS and Diagram 2 from the Bury LDS is repeated below to illustrate what an LDF contains.

*A copy of the full Bury LDS document is available at the Members' Information Point, a copy will also be provided directly to Executive Members and a copy is also available on the Council's website at [www.bury.gov.uk](http://www.bury.gov.uk) under Planning Policy information.*

**Diagram: What a Local Development Framework Contains**



With the new legislation now in force the first step required in creating a Local Development Framework for Bury is for the Authority to produce a **Local Development Scheme (LDS)**. The LDS is a 'project plan' document setting out what the Local Development Framework will contain, a timetable for its production and proposals for monitoring and review.

This report brings forward proposals for Bury's first LDS and seeks approval for Bury's LDS 2005 prior to formal submission to the Secretary of State.

## 2.0 ISSUES

As indicated above the starting point for local authorities in producing a Local Development Framework is the preparation of a **Local Development Scheme (LDS)**.

Importantly, the Government is looking to local authorities to have their first LDS in place by the end of March 2005. 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 Delivery Grant settlements.

### Key Elements of Bury's Local Development Scheme

The LDF process envisages four main preparation 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** are to 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.

Running alongside the above preparation process all Local development Documents are required to undergo sustainability appraisal/strategic environmental assessment as an integral part of the preparation process.

The Government hopes that this new LDF process will take about three years rather than the more usual five or more years currently experienced for development plans. The proposed LDS for Bury seeks to work to this shorter timescale.

It is intended to replace the existing Bury UDP as soon as possible with a set of key **Development Plan Documents** which together will form a major element of Bury's Local Development Framework. However, Members should note that the existing UDP policies will need to be 'saved' and will remain operative until replacement LDF policies are adopted, potentially until 2008/09.

At the centre of Bury's Local Development Framework will be a Core Strategy. This will be a **first priority** for production and will cover the following elements:

- **Core Strategy** – This will derive from Bury's Community Strategy and will add a spatial dimension. A vision for the future development of the Borough addressing social, economic and environmental issues will be included, from which strategic objectives and a strategy for the spatial development of the area will be developed. Primary policies and designations will be included together with a limited range of generic development control policies.

The Bury LDS envisages adoption of the Core Strategy by January 2008.

The **second priority** will be the production of a series of Development Plan Documents which will expand on key themes within the Core Strategy and set out detailed policies and allocations. These documents will comprise the following and the Bury LDS envisages adoption of these documents in two stages; the 'Housing', 'Economy' and 'Environment' DPDs by July 2008 and the 'Communities' and 'Transport' DPDs by December 2008.

- **Managing Bury's Housing Land Supply** – Development Plan Document dealing with planning issues associated with Bury's housing land supply, housing needs and the 'plan, monitor and manage approach' to future housing provision in the borough.
- **Regenerating Bury's Economy** – Development Plan Document setting out policies and allocations for economic regeneration, future employment provision, retailing, town centre revitalisation and tourism.
- **Caring for Bury's Natural and Built Environment** – Development Plan Document setting out policies and allocations for open land, wildlife, natural resources, built environment and heritage.
- **Promoting Sustainable and Healthy Communities** – Development Plan Document promoting Bury's 'cleaner, safer, greener agenda' and growth of stronger communities with policies and allocations for social inclusion, equality, health, crime reduction, education, recreation and community facilities.
- **Towards Sustainable Access and Transport** – Development Plan Document setting out policies and allocations for the promotion of sustainable transport choices.

- **Proposals Map** – the current Proposals Map in the Bury UDP will be replaced as soon as the first new development plan document is adopted and then kept up to date whenever a development plan document is adopted.

In addition to the above, it is envisaged that a joint development plan document covering waste management facilities, a **Greater Manchester Waste Plan**, will be produced under AGMA for Greater Manchester as a whole. This document is yet to be programmed and, therefore, is currently excluded from the Bury LDS.

Complementing Bury's series of key Development Plan Documents will be further documents which it is envisaged at present will largely comprise an extensive set of **Supplementary Planning Documents**. It is envisaged that these will take three basic forms:

- **Policy Guidance Notes** – to provide additional guidance on the implementation of particular policies. Some of these will be updated versions of existing guidance notes and new guidance will continue to be prepared against existing 'saved' UDP policies;
- **Masterplans and Development Area Guidance**, to take the form of providing additional guidance for broad areas of the Borough such as town centres; and
- **Development Briefs** - to provide advice and guidance on the development of specific sites.

This **third priority** set of documents will start preparation after significant progress has been made on the key Development Plan Documents outlined above. A schedule of the current Supplementary Planning Documents to be produced is included in the Bury LDS at Appendix 3 of the LDS.

It should be noted that additional Supplementary Planning Documents are likely to come forward in future and these will be added to the Bury LDS as and when appropriate. The Council also has a number of masterplans, development area strategies and development briefs which have been produced outside the current requirements and these will remain with the status of 'material planning considerations'. At the present time these include:

- **Bury but Better** – Bury Town Centre Vision and Development Strategy.
- **Re-Inventing Radcliffe** – Inner Radcliffe Vision and Development Strategy.
- **SUN Quarter** – Development Brief for Radcliffe town centre sites.
- **Three Sites Masterplan** – Masterplan and development briefs for key regeneration sites in Radcliffe.

The case for further documents of this nature will be kept under review and where considered necessary to have the formal status of Supplementary Planning Documents provision will be made for them to be added to the LDS. Where it is considered that such documents need only to have the status of a



'material planning consideration' then they will continue to come forward as informal documents or Council approved documents.

### **Statement of Community Involvement**

In line with the requirements of the Planning and Compulsory Purchase Act the Council is also required to produce a Statement of Community Involvement (SCI) to explain the approach which will be adopted to involving stakeholders and the wider community in the production of all local development documents and planning applications. In particular, it will identify the role to be played by the Local Strategic Partnership and the Borough's Area Boards and will indicate the measures to be employed to encourage participation from the wider community, particularly hard to reach groups.

It is considered important that all interested parties are encouraged to play a full and effective role in the planning process and, therefore, the production of this document has been given a high priority. This will enable formal submission of the SCI to take place in 2005 followed by early examination and adoption in early 2006.

### **Annual Monitoring Report**

Under the Planning and Compulsory Purchase Act the Council is also required to produce an Annual Monitoring Report (AMR). Copies of which are to be submitted to the Secretary of State.

This document is intended to monitor how effective development plan policies and proposals are in meeting the vision and core strategy for the future development of the Borough. It is also a requirement of the AMR to monitor how the Council is performing against the timescales set in the previous year's Local Development Scheme.

The Annual Monitoring Report, incorporating any proposed revisions to the Local Development Scheme, is to be brought forward towards the end of each calendar year.

### **Risk Management and Diversity**

A risk assessment section is included in the Bury LDS document – see LDS document.

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 and Decision Making**

The Executive Member for Environment and Transport has been made aware of the new system and the approach to future development plan provision in

Bury as detailed in the Bury LDS. This report is to be presented to Management Board on 24 January 2005.

In terms of wider consultation requirements for documents making up the Bury LDF, Members should be aware that a next step in the LDF preparation process will be the production of the Statement of Community Involvement (SCI). It is intended to bring a draft SCI to Members in March 2005.

Members attention is also drawn to the decision making requirements for LDF documents which are set out in the Bury LDS and include the following:

For each Development Plan Document and the Statement of Community Involvement the levels of political responsibility are as follows:

- Executive Decision for all pre-submission stages.
- Council's Economy, Environment and Transport Scrutiny Commission will review evidence and results of consultation at each stage and make recommendations to the Executive..
- Full Council resolution required for submission and adoption stages.

For each Supplementary Planning Document the levels of political responsibility are as follows:

- Executive Decision for all stages except adoption.
- Council's Economy, Environment and Transport Scrutiny Commission will review evidence and results of consultation at the draft stage and make recommendations to the Executive.
- Full Council resolution required for adoption stage.

### **3.0 CONCLUSION**

The Government is keen that the new development plan arrangements will lead to a more responsive and pro-active planning system and that community involvement in planning issues will become more widespread. The Government is also hopeful that the new system will lead to speedier development plan preparation.

However, the new system is complex and it can be seen from the process outlined in this report and the accompanying Bury LDS that the Government's ambitions for the new system will require significant commitment and resources from the local authority.

Members are requested to support the proposals for Bury' LDS as a realistic and practical response to the new requirements which will, within an acceptable timescale, give the Borough a comprehensive and up to date development plan system to replace the existing Bury UDP and its associated documents.

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 to build on the Core Strategy with a set of themed Development Plan Documents setting out more detailed policies and incorporating site specific proposals. At this point the existing Bury UDP will be effectively replaced.

The third priority will then be to bring forward an extensive set of Supplementary Planning Documents to provide further development and policy advice. With a firm comprehensive policy base in place such supplementary documents will be able to take a variety of forms including development control guidance notes, development briefs, masterplans and development area strategies. It 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.

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**List of Background Papers:-**

Planning and Compulsory Purchase Act 2004

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

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