

## BABERGH DISTRICT COUNCIL

<b>From: Head of Economy</b>	<b>Report Number: M167</b>
<b>To: Strategy Committee</b>	<b>Date of meeting: 14 March 2013</b>

### **BABERGH PLANNING POLICY DOCUMENTS - REVISED PLAN PROGRAMME (LOCAL DEVELOPMENT SCHEME – LDS)**

#### **1. Purpose of Report**

- 1.1 This report advises members of an updated 'Local Development Scheme' (LDS - Development Plan preparation programme) and timetable which is attached and proposed for agreement as a formal, revised update to the approved LDS.
- 1.2 The report recommends that preparation of the Development Management Policies and Site Specific Allocations documents be progressed and that a review of the Statement of Community Involvement (from 2006) now be prepared.

#### **2. Recommendations**

- 2.1 That the preparation of a Babergh District Council Development Management Policies document; a Site Specific Allocations document; and a reviewed Statement of Community Involvement (SCI), and all other associated supporting documents (including sustainability appraisal, evidence base etc as required) be agreed.
- 2.2 That Members also approve the supporting, revised timetable for progressing these documents towards adoption (in the form of the attached 'Local Development Scheme' (LDS) at Appendix A) be approved.

The Committee is able to resolve these matters.

#### **3. Financial Implications**

- 3.1 Since the Statement of Community Involvement is no longer required to be examined independently, this removes the examination costs formerly incurred. The timing of the examinations for both the Development Management Policies and Site Specific Allocations documents is anticipated to be across the 2 financial years 2014 - 2016. This is helpful as payments covering the Planning Inspector and examination process are therefore anticipated to span across the 2 financial years.
- 3.2 In addition, expert legal representation, or other appropriate advice / advocacy may be required for the examinations and if so, consequential costs would be incurred. Additional staff costs would be incurred through use of a dedicated 'Programme Officer' for the external examinations.
- 3.3 On the plus side, the important role of adopted Development Management Policies and Site Specific Allocations Development Plan Documents needs to be recognised in their role for generating Governmental incentives / rewards for growth delivery. These take the form of New Homes Bonus and in future, local retention of locally generated business rates. The levels of funding available from these sources are potentially substantial and highly beneficial.

#### 4. Risk Management

- 4.1 This report is most closely linked with the Council's Corporate Risk / Significant Business Nos: 1 – Political and Managerial Leadership; 2 - Efficiencies and Savings; 4 -Capacity. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to agree and put in place additional planning framework documents for Babergh / loss of local control over planning and development decisions (NPPF)	Significant	Marginal	Agree revised LDS for new planning framework documents
Financial controls, safeguards and benefits lost (see section 3)	Significant	Critical	Agree revised LDS for new planning framework documents
Insufficient staff resource available to deliver / staff diversion to competing priorities	High	Critical	Corporate and member level commitment to complete and deliver existing identified priorities (inc. BDF)

#### 5. Consultations

- 5.1 The various consultation and engagement exercises will be guided by Babergh's existing / proposed new Statement of Community Involvement (or SCI). It is a recommendation of this committee report that a review of the SCI now be prepared to bring it up-to-date and reflect current / future circumstances.

#### 6. Equality and Diversity Impact

- 6.1 These planning framework documents will be screened and assessed against prevailing Equality and Diversity Impact assessment requirements at the relevant time. In line with good practice, however, the impacts of these documents on any of those with protected characteristics will be considered during preparation to ensure no form of discrimination would arise.

#### 7. Shared Service / Partnership Implications

- 7.1 Babergh and MSDC are currently engaged in a planning services transformation / integration project aimed at creating a single, combined service. This and other considerations point towards advantages of creating co-ordinated, closely aligned or possibly single new planning documents in future. As yet no formal decisions have been taken in this regard and they do not form part of the consideration or recommendations of this report.

#### 8. Key Information

- 8.1 Preparation of these documents will support the delivery of the Council's objectives in the Core Strategy. They will support local growth and enable decisions on planning applications to be made with a higher degree of predictability and efficiency. They will also help to shape and direct development in accordance with the Core Strategy. The Site Specific Allocations document in particular will address sites of local interest and may be able to meet a lot of the emerging interest in local and neighbourhood planning.

- 8.2 The SCI is a document which sets out how and when the community and other stakeholders will have the opportunity to be involved in planning. Babergh's Adopted SCI (2006) directly reflects the requirements of the 2004 Planning Act. It is important for an up to date and realistic SCI to be adopted by the Council, as it is a legal requirement for the preparation of other Planning documents to comply with the SCI. The legislative changes, together with the current position in respect of Local Government resources and the need for transformation of approach generally, contribute to the need for review of this document. There is no longer a requirement for the SCI to be submitted for Examination, making the procedure for preparation and adoption much quicker than for other Planning Documents.
- 8.3 The Development Management Policies Document, once adopted, will have status as a primary planning document and will form part of the Development Plan. The Core Strategy contains the vision, strategic objectives and spatial strategy policies for the plan area. The Core Strategy does not include the more detailed and specific development management policies. These will largely be in the Development Management Policies Document.
- 8.4 The Site Specific Allocations document, once adopted, will also have status as a primary planning document and will also form part of the Development Plan. The Core Strategy does not include more detailed and specific allocations of land (other than strategic sites). The Site Specific Allocations document will allocate sites for development including housing, employment and other related land requirements. Allocations may need to be accompanied by policies setting out related matters such as access, design etc. It will update site allocations in the Babergh Local Plan 2006. It will be accompanied by a Proposals Map.
- 8.5 Appendices

Title	Location
(a) Revised interim Development Framework programme (focused) - Interim Update Local Development Scheme, March 2013.	Attached

## 9. Background Documents

- 9.1 Statement of Community Involvement – publicly available: Babergh website
- 9.2 National Planning Policy Framework (NPPF - final) March 2012 – publicly available: DCLG website

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# **Babergh Local Development Documents**

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Babergh 'Local Development Scheme' (LDS)

Programme and Timetable for Babergh Local Development Documents

Interim Update (of full Babergh LDS of 2007 – updating Statement of Community Involvement, Development Management Policies and Site Allocations Documents only)

March 2013

Please note that this is a pre-Committee draft version and as such has no formally approved status. It is provided for informative purposes only and represents the latest, anticipated position on the overall new Local Plan programme and anticipated timetables. This interim LDS revision is expected to receive formal consideration by Babergh Council in March 2013.

## 1. EXPLANATORY INFORMATION

### The Local Development Scheme (LDS)

- 1.1 The Planning and Compulsory Purchase Act 'The Act' became law in September 2004. It introduced a new system of Development Plans. Under this a range of new requirements included moving to the preparation of 'Local Development Frameworks' (LDFs). Subsequent Acts of Parliament and associated revisions of their enacting regulations have taken place since then, with The Act being partly superseded by the Localism Act 2011 and the latest Local Planning regulations having been introduced in April 2012. These have changed much of the terminology used, which now reverts to the former term of 'Local Plans', instead of LDFs, for most practical intents and purposes.
- 1.2 The Act requires that all Local Planning Authorities publish a 'Local Development Scheme' (LDS). This is no longer required to be submitted to the Secretary of State. The LDS sets out the authority's intentions regarding the preparation of documents within its Local Plan over a three-year minimum period. When each update of the LDS is finalised it will be made available on the Council's website via <http://www.babergh.gov.uk/babergh/ldf>. The most recent full LDS for Babergh was updated and issued in July 2007.
- 1.3 This Interim Update to the LDS sets out Babergh District Council's intentions regarding only the preparation of three documents – the Statement of Community Involvement, the Development Management Policies document, and the Site Allocations document over the period up to 2015, when the latter two documents are expected to be formally adopted and rolled out.

## 2. CURRENT INTERIM PROGRAMME AND FUTURE PLANS

- 2.1 Circumstances have changed considerably since 2007. These include close joint working and co-operation between Babergh and Mid Suffolk District Councils. These remain 2 distinct sovereign authorities but are well advanced in the process of establishing a single staff structure to serve both councils. Consequently, it appears likely that current and future resource levels and demands will serve to drive the 2 councils increasingly towards the production of co-ordinated (as a minimum) and/or joint planning documents in future, although no formal decisions have been taken yet in this regard and none are pre-empted within this LDS update.

This process of closer alignment or integration (of new planning documents) will start taking effect following completion of the Babergh Core Strategy, Mid Suffolk Core Strategy focused review (2012) and Stowmarket Area Action Plan. A new full LDS may be prepared in the future, which may take the form of an integrated LDS for the 2 Councils. That LDS will set out the programme for preparation of all planning documents for the respective district(s).

- 2.2 As circumstances currently stand, the most important document(s) to be prioritised to follow the Core Strategy deal with new policies for Development Management and then a Site Allocations document that deals with site specific allocations, land designations, boundaries and similar matters. The importance of covering these matters in new planning documents in a timely way is recognised, including the provision of clear, up-to-date Development Management Policies to support decision-making on planning applications.

Accordingly, preparation of the Development Management Policies and Site Specific Land Allocations documents is addressed in this Interim Update to the LDS. Updating the Statement of Community Involvement is also included in this Interim LDS Update.

### **3. STATUS / ROLE OF THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI) AND DEVELOPMENT MANAGEMENT POLICIES DOCUMENTS**

- 3.1 The Statement of Community Involvement is a Local Development Document which sets out how and when the community and other stakeholders will have the opportunity to be involved in planning. Babergh's Adopted SCI (2006) directly reflects the requirements of the 2004 Act. The legislative changes, together with the current position in respect of Local Government resources and the need for transformation of approach generally, contribute to the need for review. There is no longer a requirement for the SCI to be submitted for Examination, making the procedure for preparation and adoption much quicker than for other Local Development Documents. It is important for an up to date and realistic SCI to be Adopted by the Council, as it is a legal requirement for the preparation of other Development Plan Documents to comply with the SCI.
- 3.2 The Development Management Policies Document, once adopted, will have status as a primary planning document and will form part of the Development Plan. The Core Strategy contains the vision, strategic objectives and spatial strategy policies for the plan area. The Core Strategy does not include the more detailed and specific development management policies. These will be in the Development Management Policies Document.
- 3.3 The Site Specific Allocations Document, once adopted, will also have status as a primary planning document and will also form part of the Development Plan. The Core Strategy does not include more detailed and specific allocations of land. The Site Specific Allocations Document will allocate sites for development including housing, employment and other land requirements. Allocations may need to be accompanied by policies setting out related matters such as access, design etc. It will update site allocations in the Babergh Local Plan 2006. It will be accompanied by a Proposals Map.

### **4. TRANSITION AND REPLACEMENT OF OLD (2006) LOCAL PLAN POLICIES**

- 4.1 The adopted Local Plan for Babergh remains the Babergh Local Plan (2<sup>nd</sup> Alteration) of 2006. Around 2/3 of the (approximately 200) policies of this were formally 'saved' in mid 2009. Meanwhile the National Planning Policy Framework (NPPF) has been introduced (since March 2012). NPPF Appendix 1 covers its implementation arrangements and states that the currency of the 2006 Local Plan policies hinges on their degree of consistency with the new NPPF. In the Council's view, there is limited clear conflict overall, so most policies are expected to remain extant until replaced by new Development Plan policies.
- 4.2 The Babergh Core Strategy is anticipated to replace 29 of these (just over 20%) – as set out in Core Strategy Appendix 1. Whilst there remains a commitment to reduce the number and volume of future planning policies very substantially, the afore-mentioned document(s) dealing with Development Management Policies and Site Specific Allocations / matters will complete the replacement of all (or vast majority) of remaining 2006 Local Plan policies.

### **5. RESOURCES AND RISK ASSESSMENT**

- 5.1 This programme has been prepared in line with the current level of (Planning Policy and supportive) staff resources available to Babergh District Council and is considered to be achievable with this resource level. However, there are some unknown factors, the current dedicated team is extremely small, and it is therefore recognised that there will be challenges at the most pressured stages which could cause risks of delays. Resourcing is therefore currently under review with specific regard to ensuring resilience and provision for contingencies and management of identified risks. Contingency measures include the possible use of external Planning staff on a 'task and finish' basis to cover particular areas of the external examination in particular.
- 5.2 Management of political risks will need to employ measures of substantial local member briefings, discussions and participation in agreeing future directions to promote as full an understanding and consensus as possible.

## 6. TIMETABLES

Note: Programme after submission stage follows typical timescales suggested in Local Development Frameworks Examining Development Plan Documents: Procedure Guidance August 2009 (2<sup>nd</sup> Edition).

Important Note: All timings following submission stage can only be estimated approximately and actual timings will depend on a range of variable factors. Accordingly, these dates should not be treated as any kind of definitive schedule.



<b>Title</b>	<b>Statement of Community Involvement</b>
<b>Subject</b>	Community Engagement in Planning
<b>Status</b>	Local Development Document
<b>Area</b>	All of Babergh District
<b>Joint Document</b>	No
<b>Conformity With</b>	NPPF, Planning and Compulsory Purchase Act 2004 as amended.
<b>Who to Prepare</b>	Babergh District Council

### TIMETABLE

<b>Stage</b>	<b>Activity</b>	<b>Timetable</b>
<i>Pre-Production</i>	<i>Evidence Gathering</i>	<i>Jan 2013 – March 2013</i>
	<i>Pre-Production / Commencement of document preparation</i>	<i>March/ April 2013</i>
<i>Production</i>	<i>Early pre -preparation informal engagement</i>	<i>April 2013 6 weeks</i>
	<i>Consideration of comments</i>	<i>1 month May 2013</i>
	Preparation of Draft SCI	June-August 2013
	Babergh DC to agree SCI for consultation	July/ August 2013
	Draft SCI Consultation	September / October 2013 for 6 weeks
	Formal Council Consideration of Responses and Decision Final SCI for Adoption	November / December 2013
Adoption	BDC Adopt SCI	November / December 2013
	Post adoption procedures, rollout & publicity	January / February 2014

<b>Title</b>	<b>Development Management Policies</b>
<b>Subject</b>	Updates the development management policies of the Babergh Local Plan.
<b>Status</b>	Local Development Document
<b>Area</b>	District-wide
<b>Joint Document</b>	No
<b>Conformity With</b>	National Planning Policy – NPPF; Planning and Compulsory Purchase Act 2004 as amended.
<b>Who to Prepare</b>	Babergh District Council

### TIMETABLE

<b>Stage</b>	<b>Activity</b>	<b>Commencing (<i>italics show indicative variations in timetable</i>)</b>
Pre-Production	Evidence gathering / Pre-production stakeholder and community engagement / HRA Screening and SEA Scoping (if required), commence initial consultation (6 weeks), commence document preparation	Mar 2013
Production	Consideration of comments and discussions with community and stakeholders	Sep 2013
	Preparation of Proposed Submission document	Sep 2013
	Formal Babergh District Council consideration of responses and Decision on public consultation on the Proposed Submission document	Jan 2014 ( <i>Dec-Feb 2014</i> )
	Preparation for public consultation on Proposed Submission document	Jan 2014
	Commence Proposed Submission public consultation (6 weeks)	Feb 2014
	Consideration of comments and discussions with community and stakeholders	Apr 2014
	Amendments to finalise Submission document	Apr 2014
	Formal Babergh District Council consideration of responses and Decision to agree Submission document	Aug 2014 ( <i>Jul-Sep 2014</i> )
Examination	Submission of document to the Secretary of State	Sep 2014 ( <i>Aug - Oct 2014</i> )
	Pre-hearing meeting (PHM) / Inspector's Exploratory Meeting – if required	Nov 2014
	Independent examination hearing	Dec 2014
	Consultation on Main Modifications arising from the Examination (if required)	Jan 2015
	Receive Inspector's Report (and LPA factual	May 2015

	check)	
	Final Inspector's Report (received by LPA)	Jun 2015
Adoption	Formal Babergh District Council consideration of Inspector's Report and Decision to Adopt the Local Development Document	Jul 2015 ( <i>Jun-Aug 2015</i> )
	Post adoption procedures, rollout & publicity	Aug 2015

<b>Title</b>	<b>Site Specific Allocations</b>
<b>Subject</b>	Allocates sites for development including housing, employment and other land requirements. Allocations may need to be accompanied by policies setting out related matters such as access, design etc.including more detailed criteria for development of strategic development locations identified in the Core Strategy. Updates site allocations in the Babergh Local Plan 2006. Will be accompanied by a Proposals Map.
<b>Status</b>	Local Development Document
<b>Area</b>	District-wide
<b>Joint Document</b>	No
<b>Conformity With</b>	National Planning Policy – NPPF; Planning and Compulsory Purchase Act 2004 as amended.
<b>Who to Prepare</b>	Babergh District Council

### TIMETABLE

<b>Stage</b>	<b>Activity</b>	<b>Commencing (<i>italics show indicative variations in timetable</i>)</b>
Pre-Production	Evidence gathering/Call for Sites / Pre-production stakeholder and community engagement / HRA Screening and SEA Scoping (if required), commence initial consultation (6 weeks), commence document preparation	Mar 2013
Production	Consideration of comments and discussions with community and stakeholders	March 2014
	Preparation of Proposed Submission document	April 2014
	Formal Babergh District Council consideration of responses and Decision on public consultation on the Proposed Submission document	May 2014 ( <i>April-June 2014</i> )
	Preparation for public consultation on Proposed Submission document	May 2014
	Commence Proposed Submission public consultation (6 weeks)	June 2014
	Consideration of comments and discussions with community and stakeholders	Aug 2014
	Amendments to finalise Submission document	Aug 2014
	Formal Babergh District Council consideration of responses and Decision to agree Submission document	Dec 2014 ( <i>Nov 2014 - Jan 2015</i> )
Examination	Submission of document to the Secretary of State	Jan 2015 ( <i>Dec 2014 - Feb 2015</i> )
	Independent examination hearing	April 2015

	Consultation on Main Modifications arising from the Examination (if required)	May 2015
	Receive Inspector's Report (and LPA factual check)	Sep 2015
	Final Inspector's Report (received by LPA)	Oct 2015
Adoption	Formal Babergh District Council consideration of Inspector's Report and Decision to Adopt the Local Development Document	Nov 2015 ( <i>Oct -Dec 2015</i> )
	Post adoption procedures, rollout & publicity	Dec 2015

## 7. MONITORING AND REVIEW

- 7.1 Monitoring will be done annually via the analysis carried out for the annual monitoring report process. This will, where possible, commence prior to adoption of document. Annual Monitoring Report scheduled for production in December each year. Date for review of Development Management Policies will depend on results of monitoring showing effectiveness of policies and their implementation, and Site Specific Allocations on monitoring of progress in bringing forward allocated sites . Consideration will also be given to any substantial changes to national policy or local circumstances that may trigger a review.