

Subject: Local Development Scheme

Status: For Publication

Report to: Cabinet
Council

Date: 17th February 2010
25th February 2010

Report of: Director of Business

Portfolio

Holder: Regeneration

Key Decision: Yes

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To seek members approval of the content of the proposed revised Local Development Scheme (LDS).

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Replacing Area Action Plans (AAP's) for Rawtenstall and Bacup Town Centres with Supplementary Planning Documents (SPD's) should significantly reduce both the time and cost associated with plan production but the resultant documents will carry less weight at planning appeal.

- Delivery of the overall Local Development Scheme over the next three years will be challenging and require funding to be retained at least to its existing level.

4. BACKGROUND AND OPTIONS

Background

- 4.1 The Local Development Scheme (LDS) is part of the Local Development Framework (LDF) and sets out which Local Development Documents (LDD's) the authority proposes to produce. The timescale, purpose and relationship between documents must be clearly expressed.
- 4.2 Rossendale Borough Council updates the LDS on an annual basis and includes a rolling three year programme. This is submitted together with the Annual Monitoring Report (AMR) which sets out what progress has been made in delivering various documents.
- 4.3 The Core Strategy is the key element of the LDS and significant progress is being made on this. There are however also a number of other documents identified. Some of these have already been completed such as Open Space and Play Equipment Contributions Supplementary Planning Document (SPD) and the Re-use of Buildings in the Countryside SPD. Outstanding documents are currently:
- Site Allocations Development Plan Document (DPD)
 - Rawtenstall Town Centre Area Action Plan (AAP)
 - Bacup, Stacksteads and Britannia AAP
 - Development Management DPD
 - Proposals Map
 - Planning Obligations SPD
 - Design SPD

Developing the new Local Development Scheme

- 4.4 Latest Government advice is that Development Management DPD's should be avoided and relevant policies included in a range of other documents. It is therefore proposed that this document should be removed from the updated LDS.
- 4.5 The Proposals Map from the existing Local Plan will be updated once the Core Strategy is adopted with the Site Allocations DPD the next priority. Planning Obligations will be addressed when it clear what the government's position is on the proposed Community Infrastructure Levy.
- 4.6 The Core Strategy provides a context for additional Local Development Documents to be prepared. Among those identified are possible plans for Waterfoot and Haslingden Centres. A LDD on Renewable Energy, Energy Efficiency and Climate Change is also proposed which will incorporate the Design SPD.

- 4.7 Latest Government guidance is that SPD's do not have to be included in the Local Development Scheme. If this course of action is followed then an alternative mechanism needs to be considered.
- 4.8 The timescale in the existing LDS requires updating to ensure that it is accurate and takes into account available resources. The proposed timescale for the Core Strategy has already been reported to Cabinet and Full Council with adoption due in summer 2011. It is proposed that the new timetable for the Proposals Map and the Site Allocations DPD will accord with the attached table at the end of this Report. The Proposals Map will be updated following adoption of the relevant DPD. It is anticipated the Proposals Map will take up to nine months to prepare, i.e. April 2012 for the Core Strategy and January 2014 for the Site Allocations DPD. The content of the documents will be the same as that included in the current Local Development Scheme approved by Full Council in 2007.

Bacup and Rawtenstall

- 4.9 Members will recall in 2004/05 Arup were appointed to prepare an AAP for Rawtenstall which was taken through Issues and Options and Preferred Options consultation stages. This was strongly linked into work on the Core Strategy. At the same time Halsall Lloyd were appointed to prepare a similar document for Bacup, Britannia and Stacksteads. This only reached Issues and Options consultation stage.
- 4.10 Work on the documents ceased at the end of 2006 and has not been progressed since due to the focus on the Core Strategy taking account of government guidance. The Rawtenstall document whilst not adopted has provided a useful steer in assessing proposals. However, it acknowledged that many of the proposals have now been implemented or are close to being so. The Bacup, Stacksteads and Britannia document was more aspirational reflecting the HMR designation and identified proposals requiring more work to be undertaken to progress the document.
- 4.11 To progress both these plans as AAPs would require that they be updated to reflect more up to date evidence. A consultation process similar to that currently being undertaken on the Core Strategy would also need to be undertaken and each document would have to undergo public examination by the Planning Inspectorate. It would take at least eighteen months to adopt the documents from the date of commencement of work and costs would be considerable. The benefits of pursuing the AAP approach are that they would have considerable weight at public inquiry and that land can be allocated through them. An alternative route would be to complete the documents in a modified form as SPD's. This would enable the documents to be prepared more quickly and without the cost of a public inquiry. Consultation could be tailored to meet local needs. The disadvantages of this approach would be that the document would carry less weight at public inquiry and that land cannot be allocated.

- 4.12 The boundaries of the existing AAP will also require examination. The Rawtenstall AAP currently includes New Hall Hey which may no longer be necessary. In the east of the Valley, Bacup has such specific issues, e.g. vacant shops in the town centre and the condition of the built heritage that a concentrated focus on the town centre area would be of greater value.
- 4.13 The advice of Government Office for the North West has been sought on this matter. They advise that it is a decision for the Local Authority but that an SPD would be acceptable in principle. The existing work undertaken on the AAP's could be retained "on the shelf" as part of the evidence base and the previous comments made upon them fed into the SPD production. The Core Strategy provides a strategic policy framework, e.g. for the Valley Centre, and provide a "hook" from which SPD's could be developed. Being tied to these Core Strategy policies which will have been through extensive examination would give the SPD's significant weight. Site allocations could be dealt with in a complementary way through the Site Allocations DPD.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material additional financial implications arising from the report. Any financial implications arising will be met from existing budget resources.

6. MONITORING OFFICER

- 6.1 As contained within this report

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No Human Resource implications

8. CONCLUSION

- 8.1 The Local Development Scheme is updated annually. The existing Area Action Plan documents consultation documents are becoming progressively more out of date. A decision is required on whether to complete refresh these and take them through the necessary formal consultation/public inquiry processes or to pursue the simpler SPD route. Not to produce any document to supplement the Core Strategy would result in a policy vacuum for detailed scheme implementation for these areas.
- 8.2 SPD's now do not have to be included within the LDS. This provides greater flexibility. If the Council chooses not to include proposed SPD's within the LDS an alternative route would be to still report on them through the Annual Monitoring Report which is also a public document. Additional LDD's for town centres and Energy Efficiency, Renewable Energy and Climate Change are be timetabled towards the end of the three year period.

9. RECOMMENDATIONS

9.1 That members agree the following key changes to the existing Local Development Scheme which will be revised and submitted to Government Office North West in February 2010. The following main changes are proposed:

- The Area Action Plans for Rawtenstall Town Centre and Bacup, Stacksteads and Britannia can be more effectively delivered by using Supplementary Planning Documents while retaining the work already undertaken as part of the evidence base
- Not produce a Development Management DPD
- Amend the existing timescales
- Remove SPD's from the LDS
- Report SPD's in the AMR
- Produce SPD's for other town centres such as Haslingden and Waterfoot
- Production of an SPD on Energy Efficiency, Renewable Energy and Climate Change
- Update the Statement of Community Involvement

9.2 All future minor amendments to the Local Development Scheme to be delegated to the Planning Manager in consultation with the Portfolio Holder.

10. CONSULTATION CARRIED OUT

10.1 External consultation has been undertaken with Government Office for the North West. Informal internal discussions have been undertaken with the Section 151 Officer, the Head of Regeneration and the Portfolio Holder.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required ~~Yes~~ / No

Is a Community Impact Assessment attached ~~Yes~~ / No

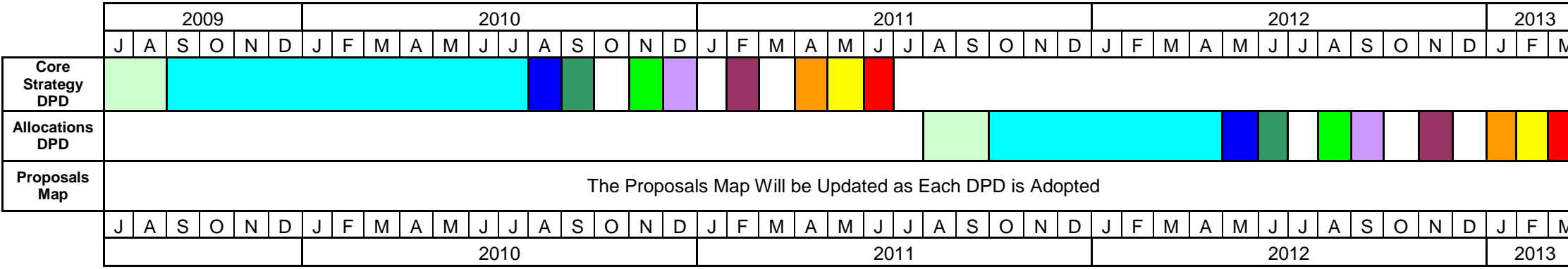
12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required ~~Yes~~ / No

Is a Biodiversity Impact Assessment attached ~~Yes~~ / No

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| Background Papers | |
|--------------------------------|---------------------|
| Document | Place of Inspection |
| Draft Local Development Scheme | One Stop Shop |



| DPD Preparation Stages | | |
|--|---|--------------------------------|
| Consulting statutory bodies on the scope of the Sustainability Appraisal (Regulation 25) | █ | Pre-hearing Meeting |
| Public Participation (Regulation 25) | █ | Hearing Session Opened |
| Pre-Submission Publication of the DPD (Regulation 27) | █ | Inspectors Report (Fact Sheet) |
| Representations & Conformity with RSS (Regulations 28 & 29) | █ | Inspectors Report (Final) |
| Submission of the DPD (Regulations 30) | █ | Adoption |