

London Borough of Bromley

Report No.
ELS 05033

PART 1 - PUBLIC
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Agenda
Item No.

XX

Title: **DRAFT LOCAL DEVELOPMENT SCHEME**

Decision Maker: **Development Control Committee** Decision Date: **01 Feb 2005**

Decision Type: Non-Urgent Non-Executive Non-Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

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Ward: All wards

1. SUMMARY

- 1.1 The Planning and Compulsory Purchase Act 2004 reforms the development plan system replacing the Unitary Development Plan with a Local Development Framework (LDF). The Act requires the submission of a Local Development Scheme (LDS) setting out the Council's programme for the preparation of the documents as part of the LDF to the Office of the Deputy Prime Minister by the end of March 2005. This report presents for consideration and approval a draft Local Development Scheme showing the various documents which it is proposed will comprise the LDF, and the timetable and procedures to be followed in producing them.

2. RECOMMENDATIONS

- 2.1 The Committee agrees in principle the draft Local Development Scheme for preparing the Council's LDF; and
- 2.2 Subject to any amendments arising from the Committee's consideration and formal comments from the Government Office, the report is referred to the Executive for consideration and ratification prior to formal submission to the Office of the Deputy Prime Minister.

3. COMMENTARY

- 3.1 The Planning and Compulsory Purchase Act, which commenced in September 2004, introduces major changes to the way the development plan system operates. These changes were outlined in my report to the Committee in August 2004. Essentially, the Act requires the eventual replacement of the Council's Unitary Development Plan (UDP) with a new LDF. The LDF will be a 'folder' containing a number of local development documents (LDDs).

Local Development Scheme

- 3.2 The preparation of a Local Development Scheme (LDS) setting out how the Council will develop its LDF over a 3-year period (and beyond) is a requirement of the Act. The draft LDS is attached as an Appendix.
- 3.3 The draft LDS describes the LDF process and identifies the key components, outlines the production methods, and sets out in a glossary the terminology and abbreviations used throughout. The draft also provides a schedule of the proposed Development Plan Documents and Supplementary Planning Documents (i.e. the LDDs) including a table and diagram showing each LDD to be produced. An overall programme is then presented in 'gant chart' form outlining the timetables and key milestones for the production of each LDD.
- 3.4 A profile of each LDD is given which briefly sets out the role, status, geographical coverage, timetable for production, broad indication of resource requirements, and the approach to involving stakeholders and the local community. Finally, a supporting statement identifies the management arrangements for LDF production, the evidence base required, a risk assessment and the monitoring and review arrangements.

Identified priorities

- 3.5 There are certain documents which must be produced as part of the LDF. These are the Statement of Community Involvement (SCI), a Core Strategy and a Proposals Map. There is also a requirement to review the LDS annually on the basis of an Annual Monitoring Report. There are then a number of documents (Area Action Plans and supplementary planning documents) that are optional, depending upon the level of change in an area or the level of detail considered necessary to control, guide or promote development.
- 3.6 As Part 1 of the UDP is considered to provide a sufficiently robust strategy for the Borough in the short-term, work on the new Core Strategy is not scheduled to commence until after completion of UDP adoption. Preparation of the Core Strategy will provide an opportunity to reassess the longer-term vision for the Borough following public consultation.
- 3.7 The Act makes provision for the policies in adopted UDPs, or those under revision, to be saved for up to three years from the date of adoption. This means that the Bromley revised UDP will be saved from its expected adoption in 2006. The UDP will remain the statutory plan against which planning applications will be assessed until 2009 or until it is incrementally replaced by LDDs. UDP policies that are 'fit for purpose' can be extended beyond this three-year period with Government approval.
- 3.8 The LDS therefore sets out the timetable for the adoption of the revised UDP starting from the receipt of the Inspector's report into objections heard at the Inquiry, which is expected within the next few weeks. A timetable for the preparation of the Statement of community Involvement is also included.

- 3.9 It is proposed that an Area Action Plan (AAP) is prepared for Bromley town centre. This will recognise the 'Metropolitan' designation of the centre in the Mayor's London Plan and support the policy emphasis being given by the Council for 'vibrant, thriving and safe town centres'. It is an area where more detailed local policy and site allocations are needed to guide changes that will continue to take place after the UDP policies cease to be saved.
- 3.10 A suite of development control policies will eventually replace the UDP policies. As a starting point, it is proposed that emphasis is given to a review of the housing and employment policies in the light of issues raised through the UDP Inquiry and to take account of pending revisions to the London Plan based on the results of a Housing Capacity Study currently underway across London. Like the UDP, all new DPDs must be in general conformity with the London Plan.
- 3.11 It is proposed that new Supplementary Planning Documents (SPD) are produced to provide guidance on Sec 106 obligations and Sustainable Construction. Other SPD will replace existing supplementary planning guidance on affordable housing, and the general and residential design principles with a generic document on residential development standards to provide guidance on the implementation of saved policies.

Timetable

- 3.12 The timetable for preparing the proposed documents, carrying out consultation and conducting the examination into objections where appropriate is set out in the chart in the draft LDS. Meeting the respective target dates for adoption is reliant not only on the Council maintaining the proposed timescales, but also on the Planning Inspectorate delivering its binding report on the objections to the documents within a reasonable timescale. For this reason the 'examination' and 'adoption' stages are shown in the draft LDS as being indicative only.
- 3.13 My report to the Committee in October 2004 on the findings of the Inspector's Interim Report on the housing and open space chapters of the Plan, indicated that the consequences of any modifications to the Plan proposed to address the housing shortfall identified by the Inspector may have implications for the time needed to adopt the revised UDP. Should objections received to the proposed modifications raise issues that were not covered at the Inquiry last year, a further Inquiry would be needed. This would inevitably delay adoption beyond July 2006 and trigger the need for a Strategic Environmental Assessment (SEA) of the Plan under EU legislation. In that event, and if challenged, the Council would need to demonstrate that, because of the timing of the draft version of the UDP in relation to the publication of SEA guidance, it was not feasible for the UDP to have undergone such an Appraisal. The alternative is to abandon the revised UDP and restart the replacement of the adopted (1994) UDP through the new LDF format. Every effort therefore will be made to avoid the need for a Modifications Inquiry.
- 3.14 Informally, the Government Office for London has expressed reservations about the potential for delay in the timetable for UDP adoption. GOL has been sent a copy of the draft LDS. Any formal comments received will be reported at the meeting.

4. POLICY IMPLICATIONS

- 4.1 The Local Development Framework is a key Council strategy that will guide the use and development of land in the Borough over the next 10-15 years. The LDF has potential implications for all portfolios and these will be highlighted as specific issues arise.

5. FINANCIAL IMPLICATIONS

- 5.1 At this stage it is difficult to gauge the full implications of moving to the new system. The need for greater community involvement and the examination of this and subsequent development plan documents at Inquiry together with the need to undertake an independent SEA of these documents is likely to lead to greater costs. The emphasis on evidence based policies, as the bulwark of the new system will require borough-wide information collection, in particular to support preparation of Core Strategy and Development Plan Documents that may be subject to Inquiry. Consultants have already been appointed to assist in undertaking a housing 'sequential test' and the Bromley town centre Area Action Plan, and others may be required to provide specialist advice or undertake surveys. This expenditure will be quantified in the coming months as scoping of the approved LDS is undertaken. £247,000 is allocated in the Planning Division budget for adoption and printing of the UDP. Initial contingency costs of £80,000 have been allocated for LDF preparation against the Planning Delivery Grant (2004/05). Additional costs in future years will also be allocated from existing budgets and subsequent PDG settlements.

6. PERSONNEL IMPLICATIONS

- 6.1 It is anticipated that existing staff in the Planning Division will undertake the bulk of the LDF preparation. However, the emphasis on timely project team working in LDF preparation will require contributions across the Council as appropriate. Planning staff resources will be monitored to ensure that numbers are sufficient to deliver the Council's LDF programme.

Non-Applicable Sections:	Legal Implications
Background Documents: (Access via Contact Officer)	The Planning & Compulsory Purchase Act 2004 Planning Policy Statement 12: Local Development Frameworks, 2004 (ODPM) Creating Local Development Frameworks. A companion guide to PPS12, 2004 (ODPM) Report to Development Control Cttee, 31 August 2004: Local development Frameworks – An overview Report to Development Control Cttee, 26 October 2004: UDP Inquiry: Inspector's Interim Report