

Report of the Director of City Strategy

City of York Council – Local Development Scheme

Summary

1. This report advises Members on the production of a revised Local Development Scheme (LDS) for the City as required under the Planning & Compulsory Purchase Act (2004). The report outlines the requirements under the new system, the key components of the proposed LDS and its financial implications. A draft of the LDS is available on-line. The Local Development Framework (LDF) Working Group meeting on the 1 February 2007 considered a report on the LDS and a specific report covering the timetable for York Northwest (the minutes of this meeting are attached as Annex A). Members are asked to approve this document for formal submission to the Government Office for Yorkshire and the Humber subject to the recommendations of the LDF Working Group.

Background

2. The Planning and Compulsory Purchase Act (2004) requires local authorities to produce and publish a project plan for the production of the Local Development Framework (LDF) known as the Local Development Scheme (LDS). It is important that the LDS is revised periodically to reflect changes to the LDF programme. This project plan must be approved by Government Office prior to publication. Progress against the key milestones in the LDS will be one factor considered in the future awarding of the Planning Delivery Grant.
3. Guidance indicates that the LDS should look forward at least three years, and it should cover all aspects appropriate to the progression of the LDF. This includes the establishment of the evidence base, information on which development plan documents will be taken forward, resource implications and reporting structures. It is also important that each LDS indicates in general terms what future work is proposed beyond that three-year period.
4. The LDS comes into effect four weeks after being submitted to Government Office unless Government Office intervenes during this period or requests more time. It is possible that Government Office may request changes to an authority's LDS to take account of issues such as the ability of the Planning Inspectorate to resource specific Public Inquiries.

Key Components of LDS

5. The proposed LDS, available online, covers six key areas each of which is detailed below:
 - i. Introduction – highlights the requirements of the new system and the authority’s current position;
 - ii. Programme & Contents – covers the process of adopting development planning documents under the new planning system and highlights those that the Council intends to prepare over the next three years;
 - iii. Annual Monitoring Report;
 - iv. Sustainability Appraisal & Strategic Environmental Assessment;
 - v. Existing Council Strategies; and
 - vi. Resources.

Options

6. Members have two options relating to the proposed LDS:

Option 1: To approve the LDS as drafted by Officers, subject to the recommendations of the LDF Working Group, for submission to Government Office for Yorkshire and the Humber.

Option 2: To seek amendments to the LDS through the recommendations of the Working Group or alternatively request that Officers prepare an alternative project plan.

Analysis

7. The proposed timetable included within the LDS (available online), has been influenced by the interrelationships between the proposed documents and the advice of Government Office, in relation to the amount of time likely to be required by the Planning Inspectorate, post submission. It also reflects the careful consideration of those factors that have influenced LDF preparation to date - these are highlighted in paragraphs 8 to 13 below.
8. The Council began substantive work on the LDF in April 2005 following Members approval of the Local Plan for Development Control purposes. Since then considerable progress has been made on the LDF. This includes: consultation on the ‘Core Strategy’; the progression of the ‘Statement of Community Involvement’ to its submission stage; commencement of work on the ‘Allocations’ and ‘Development Control’ Development Plan Documents (DPDs); and a substantial amount of work relating to the development of a robust and comprehensive evidence base.
9. The Council’s initial LDS was submitted to Government Office in March 2005 and at that time represented officers’ best view of the likely timetable for

taking forward the LDF. In common with most local authorities, some slippage in the timetable reflects the fact that when the LDS was originally prepared, the Planning System was relatively new and it was unclear how it would operate in practice. However other factors specific to York have influenced the programme's implementation.

10. Additional work commitments placed on the City Development Team over and above those envisaged when the original LDS was produced have had a negative effect on the progress of the LDF, although it is considered by Officers that this level and type of workload is unlikely to reoccur. The original LDS was produced on the basis that it would be possible to commit a majority of the Forward Planning Team's time to work on the LDF from January 2005 onwards. Additional work required on the Local Plan, which delayed its approval to April 2005, prevented this from occurring. It was not however possible to reflect this in the LDS itself given the lead in times that existed in meeting statutory deadlines. The input required from the City Development Team into the major public inquiries relating to: North of Monks Cross; Germany Beck & Metcalfe Lane; and Heslington East has had considerable resource implications.
11. In addition to a higher than anticipated workload during the initial twelve months of LDF production, the City Development, Forward Planning Team responsible for leading on the LDF process experienced staffing problems including a three month period when the team was at fifty percent capacity. This issue has now being rectified and additional resources have been identified to progress the core LDF programme and the proposed Area Action Plans.
12. National and regional issues have also have a considerable influence on the proposed programme. At the December LDF Working Group, Members considered a report which highlighted the experiences of Stafford Borough and Lichfield District Councils. In both cases, following over three years work, the Planning Inspectorate judged their Core Strategies to be 'unsound', effectively forcing them to begin the process again. Following the meeting, Ryedale District Council's Core Strategy, the first to progress in the Yorkshire & Humber Region, has also been judged 'unsound'. To minimise the risk of York's Core Strategy failing the test of 'soundness', extra time has been built into the programme at the initial 'Issues & Options' stage. This is particularly important from the point of view of creating a robust evidence base, a key reason for failure in the case of Stafford and Lichfield. The work currently under way to create this evidence base is reflected in Figure 2 of the LDS.
13. The report of the Planning Inspectorate into draft Regional Spatial Strategy (RSS) is due to be published in March. One of the tests of soundness applied to LDF documents by the Planning Inspectorate is whether they are in conformity with both Regional and National Guidance. Officers consider it beneficial therefore to await the outcome of the report before undertaking further consultation on the LDF Core Strategy.

Corporate Priorities

14. The revised LDS supports the following Corporate Strategy Priorities:

- increase the use of public and other environmentally friendly modes of transport;
- improve the actual and perceived condition and appearance of the City's streets, housing estates and publicly accessible spaces;
- increase people's skills and knowledge to improve future employment prospects;
- improve contribution that Science City York makes economic prosperity;
- improve the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest;
- improve the life chances of the most disadvantaged and disaffected children, young people and families within the City;
- improve the quality and availability of decent affordable homes in the City;
- improve our focus on the needs of customers and residents in designing and providing services;
- improve leadership at all levels to provide clear, consistent direction to the organisation; and
- decrease the tonnage of biodegradable waste and recyclable products going to landfill.

Implications

15. Implications are as listed below:

- **Financial:** The LDF Reserve in conjunction with the budget proposals considered by the Executive on 16 January to provide three additional temporary posts to support both the production of the core LDF and two Area Action Plans will be sufficient to cover the main costs of the initial phase of work. A report will be brought back to the LDF Working Group in the future providing further information on financial implications beyond the initial phase of work on the LDF. It should be noted the costs included in the LDS are for the period 2007-2010. LDF costs related to 2006-07 covered by the LDF reserve are not included. Failure to deliver the LDF in line with the timetable highlighted in the LDS following approval from Government Office will have implications for the level of Planning Delivery Grant awarded to the Local Authority.
- **Human Resources (HR):** There are no HR implications.
- **Equalities:** There are no Equalities implications.

- **Legal:** As work on the LDF progresses legal advice will be sought to ensure the document under production is both procedurally and technically sound.
- **Crime and Disorder:** There are no Crime and Disorder implications.
- **Information Technology (IT):** There are no IT implications.
- **Property:** There are no property implications.
- **Other:** There are no other known implications.

Risk Management

16. Potential risks to the delivery of the programme are highlighted in Table 1 of the LDS document itself along with potential mitigating actions.

Recommendations

17. That Members:

- (i) approve, subject to the recommendations of the LDF Working Group on 1 February 2007 (minutes attached as Annex A), the proposed Local Development Scheme for formal submission to Government Office for Yorkshire and the Humber;

Reason: To ensure that the Local Development Scheme for York is submitted to Government Office for Yorkshire and the Humber as required under the Planning and Compulsory Purchase Act.

- (ii) delegate to the Director of City Strategy in consultation with the Executive Member and Shadow Executive Member for City Strategy, the making of any other necessary changes arising from either the recommendation of the LDF Working Group or Executive, prior to submission to Government Office; and

Reason: To ensure that any recommendations of the LDF Working Group and the Executive are incorporated into the submission draft LDS.

- (iii) delegate to the Director of City Strategy in consultation with the Executive Member and Shadow Executive Member for City Strategy the making of any minor changes arising from comments made by Government Office or the Planning Inspectorate following formal submission.

Reason: To allow the authority to respond to any comments made by Government Office or the Planning Inspectorate that would lead to minor changes to the LDS.

Contact Details

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Report Approved

Date 05/02/2007

Specialist Implications Officer(s)

Financial
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Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annex A: Minutes of the LDF Working Group, 1 February 2007.