

EAST HERTS COUNCIL

LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL – 29  
MARCH 2012

REPORT BY EXECUTIVE MEMBER FOR PLANNING POLICY AND  
ECONOMIC DEVELOPMENT

LOCAL DEVELOPMENT SCHEME (LDS) VERSION 3 – MAY 2012

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- This report presents Version 3 of the Council's Local Development Scheme (LDS): the schedule and work programme that sets out when and how the Council will prepare its Development Plan Documents (DPD). Reflecting changes to the planning system, it also seeks agreement to amend the plan-making terminology.

<b><u>RECOMMENDATION FOR PANEL:</u> to commend to Council (via Executive) that:</b>	
<b>(A)</b>	<b>the Local Development Scheme (LDS) version 3 – May 2012, attached at Essential Reference Paper B, be agreed and take effect from 1<sup>st</sup> May 2012;</b>
<b>(B)</b>	<b>the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be given authority to make any consequential amendments to the Local Development Scheme (LDS) version 3 following final publication of the Town and Country Planning (Local Planning) (England) Regulations, as appropriate;</b>
<b>(C)</b>	<b>the Local Development Framework (LDF) and associated terminology be replaced with District Plan; and,</b>
<b>(D)</b>	<b>the Local Development Framework Executive Panel be renamed as the District Planning Executive Panel to reflect the change in terminology.</b>

## 1.0 Background

- 1.1 The Local Development Scheme (LDS) is a work programme that provides information about the Development Plan Documents (DPDs) that East Herts Council will produce. The LDS sets out the subject and geographical area that each DPD will cover and the timetable for their preparation and revision.
- 1.2 Because DPDs allocate and determine how land will be used, they are subject to independent examination to ensure they have been produced in accordance with the regulations and meet the tests of soundness. Section 19 (1) of the Planning and Compulsory Purchase Act 2004 states that local development documents, i.e. DPDs, must be prepared in accordance with the published LDS.
- 1.3 The Localism Act 2012 has introduced a number of changes to the planning system including, at the national level replacing Planning Policy Guidance Notes and Statements with a single and shortened National Planning Policy Framework (NPPF), and removing the regional tier of planning by abolishing regional spatial strategies such as the East of England Plan. In addition, a new tier of plan-making has been established at the parish level called neighbourhood planning.
- 1.4 Accompanying the Localism Act, a revised set of Town and Country Planning (Local Planning) (England) Regulations were published for consultation in July 2011. Part 3 sets out the changes relating to the preparation and revision of LDS.
- 1.5 Although currently still draft, final publication of the Regulations is expected in March/April 2012. It is not anticipated that there will be significant changes to Part 3, although to ensure that any consequential changes can be incorporated into the LDS, authorisation is sought for the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development to make any such amendments.

## 2.0 Report

- 2.1 The current LDS dates from 2006 and is out of date. It has been the intention to update this document for some time now. However owing to the uncertainties surrounding changes to the

planning system, it was considered prudent to wait until these changes had been made or were in train before revising the LDS.

- 2.2 In order to progress with the preparation of the replacement to the East Herts Local Plan Second Review 2007, it is crucial that the Council now reviews the LDS and publishes a more accurate timetable to reflect the current and anticipated work programme. Version 3 of the LDS is attached at **Essential Reference Paper B**.
- 2.3 Changes to Part 3 of the Draft Regulations 2011 include setting out a simplified definition of Development Plan Documents, *“without referring to complex ‘local development framework’ terminology such as ‘core strategy’ or ‘area action plan’, which made the process confusing for the public and business, and inflexible for councils”* (Local Planning Regulations Consultation, CLG, p12).
- 2.4 To reflect this move to simplification and consolidation of planning policy documents, it is proposed to rename the East Herts LDF as the East Herts District Plan. This has the additional benefit of re-emphasising the role and function of planning at the district-wide level and distinguishes it from the new tier of Neighbourhood Planning. Furthermore, the term District Plan differentiates it from the current Local Plan, which it will replace.
- 2.5 Paragraph 20 of the Draft NPPF (anticipated to be published in its final form in March/April 2012) requires that each *“local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances”*. Importantly, it makes the point that *“additional development plan documents should only be used where clearly justified”*.
- 2.6 It is therefore proposed to reduce the number of separate DPDs that East Herts Council will produce from five to two. Using the new terminology, the DPDs listed in the LDS Version 3 include:
  - District Plan: Part 1 - Strategy
  - District Plan: Part 2 - Allocations and Policies
- 2.7 Part 1 will include the development strategy, strategic policies, and broad locations for growth including any strategic allocations. Part 2 will include site-specific policies and allocations including generic development control/management policies.

- 2.8 A further welcome simplification proposed by the draft Regulations 2011 under Part 3, is to remove the current regulations and requirements “*giving councils the freedom to report the information that they think most relevant to local people, whilst maintaining the requirement to keep the public informed about the status of planning documents*” (Local Planning Regulations Consultation, CLG, p12). Thus, it is proposed to not include Supplementary Planning Documents (SPD) or the Statement of Community Involvement (SCI) in the LDS.
- 2.9 The LDS Version 3 sets out a very ambitious timetable for production of the LDF (District Plan). The priority for East Herts is to adopt its Core Strategy (District Plan: Part 1) in order to have an up-to-date strategy and core policies in place. This is to ensure that East Herts is not only in a position to robustly shape the future of the district to 2031 but also to provide the strategic planning context for Neighbourhood Planning. Section 5 of the LDS Version 3 sets out a risk assessment for preparing the District Plan.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

#### Background Papers

- Local Planning Regulations Consultation, Communities and Local Government, July 2011
- Draft National Planning Policy Framework, Communities and Local Government, July 2011

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## ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p><b>Promoting prosperity and well-being; providing access and opportunities</b>  <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p><b>Pride in East Herts</b>  <i>Improve standards of the built neighbourhood and environmental management in our towns and villages.</i></p> <p><b>Shaping now, shaping the future</b>  <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p><b>Leading the way, working together</b>  <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>N/a</p>
<p>Legal:</p>	<p>N/a</p>
<p>Financial:</p>	<p>The consolidation of the current proposed five separate DPDs into two, is estimated to save up to two years preparation time, and produce savings in the order of £250,000, in legal, procedural, planning inspector and examination fees.</p>
<p>Human Resource:</p>	<p>Existing Planning Policy staff resources</p>
<p>Risk Management:</p>	<p>In order to be found sound at examination, DPDs must be prepared in accordance with their published LDS. It is crucial that the LDS is up-to-date.</p>