

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL - 26 JULY 2012

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

LOCAL DEVELOPMENT SCHEME (LDS) VERSION 4 (AUGUST 2012)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents Version 4 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), namely the District Plan. It replaces the recently agreed LDS Version 3 - May 2012.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:**

(A)	the Local Development Scheme (LDS) Version 4 – August 2012, attached at Essential Reference Paper 'B', be supported to take effect from 8th August 2012;
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RECOMMENDATIONS FOR COUNCIL: That:

(A)	the Local Development Scheme (LDS) Version 4 – August 2012, attached at Essential Reference Paper 'B', be agreed to take effect from 8th August 2012.
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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, namely the District Plan. The LDS sets out the subject and geographical area that each DPD will cover and the timetable for their preparation and revision.

- 1.2 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 publishes an up-to-date timetable to reflect the current and anticipated work programme and preparation of its District Plan.
- 1.3 To this end the Council presented Version 3 of its LDS to Members at the Local Development Framework (LDF) Executive Panel on 29th March 2012, which was subsequently adopted at Full Council on 4th April. This document superseded Version 2 of the LDS as of 1st May 2012.

2.0 Report

- 2.1 Version 3 of the LDS set out a very challenging timetable for the preparation of the District Plan. Whilst the Council was confident that such a timetable was realistic, it was nonetheless dependent upon the following three key milestones being achieved:

- Decision by the Secretary of State in respect of the planning appeal into the relocation of two secondary schools on Green Belt land to the south of Bishop's Stortford
- Abolition of the East of England Regional Spatial Strategy (RSS)
- Satisfactory completion of Hertfordshire-wide technical work in respect of the Community Infrastructure Levy (CIL)

Bishop's Stortford Schools Appeal

- 2.2 In September 2010 East Herts Council received applications for outline planning permission for six associated developments related to the relocation of two existing secondary schools to a combined greenfield Green Belt site off Whittington Way to the south of Bishop's Stortford, and residential development for up to 690 dwellings on the school sites, including 165 dwellings on the 'Reserve Secondary School Site', Hadham Road, which was allocated for residential development under Policy BIS7 of the East Herts Local 2007.

- 2.3 East Herts Council refused these applications and the applicant subsequently exercised their right of appeal in March 2011. The appeal, which deals jointly with all six applications was then 'called-in' by the Secretary of State.

- 2.4 The Secretary of State's decision was originally expected by 24th April 2012. However, on 20th April 2012, the Council received written notification from the Department for Communities and Local Government (DCLG) that the Secretary of State was delaying making his decision until 26th July 2012, to allow the various parties to consider the implications of the publication of the National Planning Policy Framework (NPPF).
- 2.5 The decision into the relocation of the secondary schools has significant long-term implications for East Herts. Irrespective of the outcome of this appeal, there is a shortage of secondary school places in Bishop's Stortford and the east of the district. How that shortage is met is fundamental to the development strategy proposed in the District Plan to 2031. Work cannot progress on the District Plan until the outcome of the appeal is known.

Abolition of the East of England Plan

- 2.6 A key plank of the Government's Localism reforms to the planning system is the removal of the regional planning tier through the abolition of Regional Spatial Strategies e.g. the East of England Plan. The Government moved quickly to seek to revoke regional strategies in 2010. However, following successful legal challenges in the courts, it was judged that revocation of regional strategies could only be through Act of Parliament, and it was not until the Localism Act received Royal Assent in November 2011 that the mechanism was in place to effect their removal.
- 2.7 Notwithstanding this, to date, regional strategies remain extant for plan-making purposes. The latest indication from DCLG suggests that abolition of regional strategies will take place in 'summer 2012' following publication of Strategic Environmental Assessments (SEA) that consider the impact of their removal.
- 2.8 Should East Herts Council publish its draft District Plan whilst regional strategies remain extant, then the District Plan would need to be in general conformity with the policies in the East of England Plan, including the 'top-down' district housing requirement and the imposition of major development to the north of Harlow.

Community Infrastructure Levy

- 2.9 Community Infrastructure Levy (CIL) is a tariff based charge on certain types and sizes of development that enables a significant financial contribution to be sought to fund necessary infrastructure to support delivery of the District Plan.

- 2.10 To levy the charge, East Herts Council must have a robust evidence base in place to demonstrate that the CIL rate is reasonable and viable. To this end, East Herts Council has engaged in joint Hertfordshire-wide technical work to provide the necessary evidence. Whilst this work was due for completion in March 2012, completion is now expected in June.
- 2.11 However, because CIL forms an intrinsic part of the District Plan, it is crucial that it is finalised in good time to enable its findings to be taken into account as part of the preparation of the District plan.

Conclusion

- 2.12 Taking into account all of the above, the timetable in Version 3 of the LDS setting out when the District Plan will be prepared, including the dates of public consultation has been revised.
- 2.13 Public consultation on the draft District Plan: Part 1 - Strategy is now anticipated to take place from January 2013, following agreement at the District Planning Executive Panel on 28th November, Executive on 4th December and Full Council on 12th December 2012. Submission to the Secretary of State and Examination in Public are now expected to start in October 2013 with adoption of the final plan by East Herts Council expected by April 2014.
- 2.14 Work on the District Plan: Part 2 - Allocations and Policies is now anticipated to begin in September 2013.
- 2.15 Version 4 of the LDS is attached at **Essential Reference Paper 'B'** to this report and includes the revisions to Section 4 - Schedule. The risk assessment has also been reviewed to highlight potential implications of changes to the timetable in that the nature and scale of the response to the draft District Plan: Part1 - Strategy public consultation are currently unknown, and as such, this may have an impact on the overall project timetable.

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

Report to LDF Executive Panel - 29 March 2012 Agenda Item 5: Local Development Scheme (LDS) Version 3 - May 2012

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