

COUNCIL – 3 DECEMBER 2013

THE HINCKLEY AND BOSWORTH LOCAL PLAN – LOCAL DEVELOPMENT SCHEME 2013-2016

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to set out the requirements for and to seek approval of a revised Local Development Scheme (LDS).

2. RECOMMENDATION

- 2.1 That Council:

- Note the requirements for undertaking a review of the existing Local Development Scheme;
- Approve the revised Local Development Scheme and LDS programme for publication.

3. BACKGROUND TO THE REPORT

- 3.1 A Local Development Scheme (LDS) is essentially each Local Planning Authority's (LPA) project plan for the preparation of Local Development Documents (LDDs) in accordance with the requirements of the Planning and Compulsory Purchase Act 2004.
- 3.2 LDDs can be either Development Plan Documents (DPDs) or Supplementary Planning Documents (SPDs) The Core Strategy, Area Action Plans, and any document which includes a site allocations policy, are prescribed as DPDs
- 3.3 These documents make up the Local Development Framework which is, effectively, a folder of the LDDs which provide the framework for delivering spatial planning strategy in the Borough.
- 3.4 At present, the Local Plan for the Borough comprises the following local development documents (LDDs):
- i. the 'saved' policies of the Hinckley & Bosworth Local Plan (adopted 2001);
 - ii. the Core Strategy (adopted 2009);
 - iii. the Hinckley Town Centre Area Action Plan (adopted 2011);
 - iv. a number of supplementary planning documents, and
 - v. will include the emerging Site Allocations and Development Management policies DPD and the Earl Shilton and Barwell Area Action Plan (AAP).
- 3.5 The Planning and Compulsory Purchase Act (PCPA) 2004 requires the Council, as the Local Planning Authority (LPA), to prepare and maintain its LDS and to revise it at such time as it considers appropriate.

- 3.6 The Localism Act 2011 and the NPPF have introduced changes which need to be reflected in the Council's LDS.
- 3.7 The existing Local Development Scheme was published in June 2010 (approved at Council 29 June 2010) and a subsequent update to the LDS programme was published in July 2012 (approved at Executive 18 July 2012). The 2012 LDS programme sets out the key dates for the preparation and adoption of the remaining LDDs:

Table 1: Key dates for emerging LDDs (LDS 2012)

Local Development Document	Programmed date for Submission	Programmed date for Adoption
Site Allocations and Generic Development Control Policies DPD	January 2014	December 2014
Earl Shilton and Barwell Area Action Plan	September 2013	April 2014
Gypsy and Traveller Allocations DPD	June 2015	February 2016
Community Infrastructure Levy	March 2013	October 2013

4 REVIEWING THE LDS PROGRAMME

- 4.1 Against the existing key dates set out in Table 1, a summary of the progress for each of the documents is set out below.
- i. **The Site Allocations DPD** was due for publication consultation in August & September 2013 and Submission to the Secretary of State in January 2014. Further work to identify appropriate site allocations including Member working groups to consider alternatives, is being undertaken to inform the Publication draft of the Site Allocations DPD which need to be addressed prior to the plan being submitted to full Council for approval. As a result of considering further alternative site allocation options, it was not possible to meet this publication date. The NPPF states that each LPA should ensure that its Local Plan is based on adequate up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of its area.

The Localism Act 2011 makes it the duty of LPAs to cooperate with neighbouring authorities in the preparation of its Local Plan and provided for the abolition of Regional Strategies.

The NPPF states that LPAs should prepare a Strategic Housing Market Assessment to assess their full housing needs. The Borough Council in conjunction with the other Local Planning Authorities (LPAs) throughout Leicestershire is currently preparing a brief to procure a Strategic Housing Market Assessment (SHMA) to inform emerging and future local plans for each of the LPAs. The Leicester and Leicestershire SHMA was published in 2008 and is based on DCLG 2004 household projections, consistent with the then adopted Regional Plan. The projections to inform the new SHMA will take into account the most up to date information (including the 2011 Census, ONS population projections and DCLG household projections) to provide a

robust and long-term evidence to inform future housing provision in the Borough beyond the current Plan period of 2026.

- ii. **The Earl Shilton and Barwell AAP** was programmed for publication in June and July 2013. The AAP was published from 30 August – 14 October 2014. The delay of two months to the existing programme was the result of a conscious decision not to consult during the summer holidays and to allow for consideration at Planning Committee (25 June) and subsequent meeting of the Council (16 July) to seek approval to consult on the Publication draft and to submit the AAP to the Secretary of State.
- iii. Commencement of the preparation of the **Gypsy and Traveller DPD** is programmed to begin in October 2013. The Borough Council approved an update Gypsies and Travellers Accommodation Needs Assessment (GTAA) at Executive (11 September 2013). The results of the GTAA will be used to inform the Gypsy and Traveller DPD.
- iv. The authority has decided to postpone the preparation of a Community Infrastructure Levy (CIL) charging schedule until such a time as the Site Allocations DPD and the Earl Shilton and Barwell AAP are advanced to 'Submission' and to coincide with any subsequent preparation of a Local Plan.

5 REVISED LOCAL DEVELOPMENT SCHEME PROGRAMME

- 5.1 The Localism Act 2011 has amended some of the provisions of the PCPA 2004 and provides that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to cooperate, legal and procedural requirements and whether it is 'sound'.
- 5.2 LPAs are increasingly being challenged on the preparation of draft plans, and in some instances being found 'unsound' at Examination, on the basis that the evidence used to inform their objectively-assessed housing need is out-of-date. The NPPF has reaffirmed the need for local authorities to prepare a SHMA in order that plan-making and decision-taking is undertaken in the context of up-to-date and objectively-assessed housing need.
- 5.3 A revised LDS would therefore reduce the risk of legal challenge referred to above and would minimise the risk to soundness by setting out the Council's intention and programme for the early review and preparation of the Local Plan.
- 5.4 Setting out the scope and programme for future plan preparation for the Borough will have the merit of giving confidence to the inspector at Examination that the present strategy remains appropriate over the short term whilst the Council has set out its intention and programme for the review and preparation of the new Local Plan, informed by the emerging new evidence.
- 5.5 The risks associated with not bringing forward a revised Local Development Scheme and actions which can minimise these risks are set out further in Section 10.

- 5.6 The Policy Team are currently exploring the opportunities to prepare a joint Local Plan with one or more of the neighbouring authorities.
- 5.7 Appendix 1 sets out the draft Local Development Scheme, including the programme for the completion of the documents which will form the 'Local Plan 2006-2026' and for the initial preparation of an updated Local Plan. It is considered that a review of the Local Plan could be adopted by the end of 2017. The NPPF states that a Local Plan should be drawn up over an appropriate time scale, preferably over a 15-year period. This would be consistent with other periods of review to adapt to changing legislation such as the Hinckley and Bosworth Local Plan adopted in 2001 and the Core Strategy adopted in 2009.
- 5.8 The LDS Programme retains the inclusion of a separate Gypsy and Traveller DPD (G&TDPD). It is statutory requirement for Local Authorities to plan for the provision of pitches for gypsy and travellers and plot targets for travelling showpeople. It is considered more appropriate that a separate DPD is prepared to be informed by the recent GTAA rather than falling under the Local Plan review.
- 5.9 The recently-published 'Planning policy for traveller sites' sets out the Government's planning policy for travellers' sites and LPAs should set pitch targets for gypsies and travellers which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring LPAs using a robust evidence base. The NPPF states that "*Any additional development plan documents should only be used where clearly justified*". It is at present considered more appropriate to continue the preparation of the DPD forming part of the Borough's 'Local Plan 2006-2026'.
- 5.10 Whilst the Council has not entirely ruled out preparing a Community Infrastructure Levy Charging Schedule, a revised timetable for CIL has not been included within the LDS programme. However, this does not preclude a CIL charging schedule being prepared alongside a review of the Local Plan.

6. FINANCIAL IMPLICATIONS (KP)

- 6.1 The future costs (i.e. from 2014/2015) of both the existing Local Plan documents and revised Local Development Scheme have been understood and have been summarised below:

	2014/2015	2015/2016	2016/2017	2017/2018
	£'000	£'000	£'000	£'000
Site allocations	200	0	0	0
Earl Shilton and Barwell Area Action Plan	88	0	0	0
Gypsy and Traveller Allocations	37.5	17.5	75.5	0
Revised Local Development Scheme	50*	22.5	182.5	305.5
Total	375.5	40	258	305.5

*This amount reflects an additional £12,000 which will be funded from existing budgets

- 6.2 The Council has in place an earmarked reserve to fund the costs associated with the original Local Plan process. Taking into account current forecasts, the balance on this reserve as at 31st March 2014 is forecast to be £373,500. Based on the above costs this will be insufficient to fund the future costs associated with this project.
- 6.3 Both Executive and Scrutiny Commission have identified the Local Development Scheme reserve as a “priority” reserve for future investment. On this basis therefore, additional transfers of £152,000 from balances to the reserve are recommended to ensure that funding is available when required.
- 6.4 Pending approval of the above, the balance in the LDS reserve is forecast as follows:

	2014/2015	2015/2016	2016/2017	2017/2018
	£'000	£'000	£'000	£'000
Opening balance	373.5	150	262	156
Transfer to reserves	152	152	152	152
Spend - Existing LDS	-325.5	-17.5	-75.5	0
Spend - Revised LDS	-50	-22.5	-182.5	-305.5
Closing balance	150	262	156	2.5

- 6.5 The above proposals for expenditure and funding will be included and approved as part of the 14/15 revenue budget and the next iteration of the Council’s Medium Term Financial Strategy.

7. LEGAL IMPLICATIONS [MR]

- 7.1 Set out in the report.

8. CORPORATE PLAN IMPLICATIONS

- 8.1 The LDS sets out the programme for the preparation of the Borough Council’s Local Plan. The documents comprising the Local Plan will contain policies and objectives contributing to the following aims of the Corporate Plan, which will be specified through individual reporting on each document.

- Creating a vibrant place to work and live.
- Empowering communities.

9. CONSULTATION

- 9.1 The Local Plan would be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

10. RISK IMPLICATIONS

- 10.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 It is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

- 10.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The Site Allocations DPD and AAP are not considered legally compliant.	Ensure the publication and submission dates conform to the LDS.	Policy and Regeneration Manager
	Undertake legal compliance self-assessment prior to Submission.	Policy and Regeneration Manager
The DPD and AAP not meet the 'Tests of Soundness', primarily concerned with being 'Positively Prepare' in relation to emerging evidence bases. i.e. the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.	Undertake a Soundness self-assessment prior to Submission.	Policy and Regeneration Manager
	Incorporate a review of the Local Plan which will accommodate the emerging evidence base used to inform objectively assessed housing needs for the Borough.	Policy and Regeneration Manager
Assessed development needs contained in the Core Strategy being challenged through the development management process, including at appeal.	Ensure that a clear and transparent process for Local Plan review is agreed to enable the authority to continue to be in a position to demonstrate that it is positively seeking opportunities to meet the objectively assessed development needs of the Borough (in line with NPPF paragraph 14).	Policy and Regeneration Manager.

11. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

- 11.1 To set out a programme for the preparation of Local Plan for the Borough, identifying key stages for future consultation on the emerging and future planning framework.

12. **CORPORATE IMPLICATIONS**

- 12.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications – None arising from this report
- Environmental implications – None arising from this report
- ICT implications – None arising from this report
- Asset Management implications – None arising from this report
- Human Resources implications – None arising from this report

- Planning Implications – Contained within the body of the report.
 - Voluntary Sector – None arising from this report
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Background Papers

Appendix 1: Revised Local Development Scheme Programme

Appendix 2: Diagram illustrating documents which form the Local Plan

Draft Local Development Scheme 2013-2016

Contact Officer: Chris Colbourn Ext. 5749
Executive Member: Councillor Bray

Appendix 1: Diagram illustrating documents which form the Hinckley and Bosworth Local Plan

