

Meeting of the Cabinet – 12th February 2007

Report of the Director of the Urban Environment

Bringing the Local Development Scheme (LDS) into Effect

Purpose of Report

1. To seek a resolution to bring the Local Development Scheme into effect on 13th February 2007.

Background

2. The context for this is set by the new planning process of which many members will already be aware. The Planning and Compulsory Purchase Act 2004 came into force on 28th September 2004. The Act sets out the requirements of the new planning system advocating the production of a series of local development documents on a rolling basis which make up the Local Development Framework. The Local Development Framework will gradually replace the Adopted Unitary Development Plan (2005) as the statutory development plan for Dudley Borough.
3. Under the new Act, each Local Planning Authority is required to produce a public statement of its programme and timetable for the production of Local Development Documents over the succeeding 3-year period known as the Local Development Scheme (LDS).
4. The first LDS was approved by Cabinet at its meeting on 16th March 2005. Since then it has become necessary to change that timetable for positive reasons to reflect the need to work jointly with the other Black Country local authorities on the Black Country Core Strategy, a commitment to which was confirmed at Council on 16th October 2006.
5. At the Cabinet meeting on 15th March 2006, approval was given to submit a revised Local Development Scheme to Government Office for the West Midlands and delegate approval of subsequent minor amendments to the Cabinet Member for Economic Regeneration in consultation with the Director of the Urban Environment. Since that Cabinet meeting it became necessary to amend the LDS again to reflect changes to the Black Country Core Strategy timetable agreed with the other Black Country local authorities at the Joint Advisory Group on 20/11/2006 and roll forward the programme to 2010. The revised timetable was approved in December 2006 under those delegated powers for submission to the Government Office for the West Midlands.
6. Government Office has since responded and subsequent revisions have been made following their recommendations. Notice has been given to Dudley Council that the Secretary of State does not intend to request any further amendments

and as such the Local Development Scheme can now be subject to a resolution to bring it into effect.

7. The Dudley LDS continues to save the policies in the Adopted Unitary Development Plan (October 2005) until they are replaced by policies in the new Local Development Documents. The LDS also provides a brief description and timetable for all the Local Development Documents to be produced between 2007 and 2010 including Supplementary Planning Documents.
8. Under the new planning system, Local Planning Authorities are obliged to produce an Annual Monitoring Report which will detail the progress made in achieving the targets set out in the LDS for that year. This report ensures that the production of documents is reviewed regularly so that the LDS can be updated and amended accordingly if necessary following Cabinet approval and consultation with the Government Office for the West Midlands.
9. The LDS is also the document which the public can use to find out what the Local Planning Authority is proposing to do and when, and at what stage they can expect to be involved with the process.

Finance

10. The LDS itself sets out the resource requirements for each milestone in the preparation of the various documents which will make up the Local Development Framework. Initial preparation work and involvement in relation to the new planning requirements will be met from within existing budgets. The LDS will be updated and amended at certain times as necessary which will enable resources to be identified and evaluated regularly to ensure that the requirements of the new Act are met.

Law

11. The production of the Local Development Scheme is a requirement of the Planning and Compulsory Purchase Act 2004. Authorities are not required to submit the LDS to full Council for approval. The Local Authorities Regulations (Amendment No. 2) 2004 to the Local Government Act (2000) as amended allow the LDS to be submitted to the Cabinet or executive for approval.
12. Local Development Schemes will need to show how Public Service Agreement 6 (ODPM Spending Review 2004 Public Service Agreement 2005-08) will be met, which requires that the planning system delivers sustainable development outcomes at national, regional and local level, through efficient and high quality planning and development management processes including achievement of Best Value standards for planning by 2008. A key performance indicator is that authorities achieve the milestones set out in their Local Development Schemes.

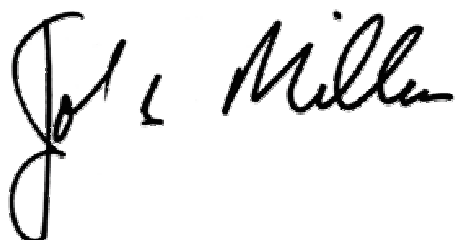
Equality Impact

13. The revisions to the national planning system under the Planning and Compulsory Purchase Act 2004 are intended to make the system more flexible and easier to use and understand. The revisions seek to include and involve all sections of the community including children and young people, and will facilitate the fair and equitable operation of the planning system at a regional and sub-regional level. In this respect, the LDS is fundamental as it provides a clear

statement to all regarding what Local Development Documents the Council will be producing and at what stages in the process people can get involved.

Recommendation

14. Cabinet members are asked to resolve to bring the Local Development Scheme into effect.



J. B. Millar
Director of the Urban Environment

Contact Officer: Nicki Thomas
Telephone: 01384 816967
Email: nicki.thomas@dudley.gov.uk

List of Background Papers

Dudley MBC Local Development Scheme – Available in Members Library

Planning and Compulsory Purchase Act 2004
<http://www.opsi.gov.uk/acts/acts2004/20040005.htm>

Planning Policy Statement 12: Local Development Frameworks (ODPM 2004)
<http://www.odpm.gov.uk/index.asp?id=1143847>