

Meeting of the Council – 23rd February, 2009

Report of the Cabinet

Local Development Scheme Revision

Purpose of Report

1. To seek approval to submit the revised Local Development Scheme which sets out the Council's spatial Planning Framework and timetable to Government Office for the West Midlands for incorporation into Dudley MBC's Local Development Framework.

Background

2. The context for this report is set by the legal planning process. The Planning and Compulsory Purchase Act 2004 came into force on 28th September 2004. The Act sets out the requirements of the 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, and saved, Unitary Development Plan (2005) as the local statutory development plan for Dudley Borough. The Regional Spatial Strategy provides the strategic context of the Council's development plan.
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 or LDS for short.
4. The first LDS was approved by this Cabinet at its meeting on 16th March 2005 where it was recognised that the LDS would need to be monitored and reviewed as necessary. This was amended by a revised LDS which was approved by Cabinet in March 2007 and subsequently amended in March 2008. Since the original LDS was produced it has been recognised that there has been a need to adjust the timetable in order to ensure that all the documents are robust and able to meet the new Government test of "soundness". Similarly there have been some Government Legislation changes at a National level requiring the Local Authority to undertake extra consultation when it produces its documents since the 2008 LDS was produced. There have also been regional issues resulting in delays to the production of the revised Regional Spatial Strategy which have required some slight amendments to the timetables in Local Authorities LDSs. It has therefore proved necessary to revise the LDS accordingly and to roll forward the programme to 2011. A copy of the LDS is placed in the Members' Room and on the Committee Management Information System (CMIS).

5. 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 2009 and 2011. The Core Strategy identified in the Dudley LDS is being produced in conjunction with the other three Black Country Boroughs.
6. Under the planning system, Local Planning Authorities are obliged to produce an Annual Monitoring Report, or AMR for short, 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. Members will recall receiving a report on the 2008 AMR at the December 2008 Cabinet.
7. The LDS is also the document which the public will be able to 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. It is publicly available and placed on the Council's website and is available at the Council's principal offices.
8. On consideration of the information in this report the Cabinet at its meeting held on 11th February, 2009 approved the LDS for the period from 2009-11 as the operational LDS scheme for the Borough for submission to the Government Office for the West Midlands, subject to ratification by the Council, and resolved to request that the Cabinet Member for Economic Regeneration, in consultation with the Director of the Urban Environment, be delegated the power to make minor changes to the LDS. The recommendations of the Cabinet are set out in paragraphs 13 and 14 below.

Finance

9. 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

10. The production of the Local Development Scheme is a requirement of the Planning and Compulsory Purchase Act 2004.
11. 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

- 12. 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

- 13. That the Local Development Scheme for the period 2009-2011 be approved as the operational Local Development Scheme for the Borough and submitted to the Government Office for the West Midlands in accordance with the Planning and Compulsory Purchase Act 2004.
- 14. That the Director of the Urban Environment, in consultation with the Cabinet Member for Economic Regeneration, be authorised to make future minor changes to the LDS for the production of documents specifically relating to the Joint Core Strategy and associated documents being produced by the Black Country Boroughs, but that all significant alterations be submitted to the Cabinet for consideration prior to forwarding to the Government Office.

David Caunt

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Leader of the Council

Appendix: Local Development Scheme Timetable

	2008												2009												2010												2011												2012											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Joint Core Strategy for the Black Country			👤																																																									
Stourbridge Area Action Plan																																																												
Brierley Hill Area Action Plan			👤																																																									
Development Strategy Development Plan Document																																																												
Halesowen Area Action Plan																																																												
Design in Brierley Hill Town Centre SPD																																																												
Planning Obligations SPD (refresh)									▶	👤	✦																																																	
Glass Quarter Supplementary Planning Document									▶																																																			

- ▶ Scoping/Evidence Gathering/Commencement
- 👤 Reg 26 Public Participation (under 2004 regulations)
- ✦ Regulation 25 Public Participation (under 2008 amended regulations)
- 📄 Publication (regulation 27 of 2008 amended regulations)
- 📑 Submission (regulation 30 of 2008 amended regulations)
- ✦ Adoption
- ⚙️ Pre-Examination Meeting
- 📁 Representations and Finalise
- 🌊 Inspectors Report anticipated
- 👤 Consultation period on SPD
- ➡️ Independent Examination