



Report of the Director of City Development

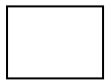
Development Plan Panel

Date: 9 March 2010

Subject: Revisions to the Local Development Scheme

Electoral Wards Affected:

All



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

1. The Local Development Scheme (LDS) is the Council's work programme for the Local Development Framework (LDF). The LDF is the portfolio of Local Development Documents that together with RSS constitutes the Development Plan for Leeds. It is a requirement of the Planning and Compulsory Purchase Act 2004 that the Council keeps the LDS up to date.
2. The current LDS was approved by Executive Board in July 2007 and needs updating. This arises in particular from the need to redirect resources to the delivery of the Core Strategy and its associated Infrastructure Delivery Plan, which are now seen as being of increased importance within the LDF system. In addition the downturn in the economy has had a significant impact on regeneration proposals in the areas of change for which Area Action Plans were being produced. As a consequence it is now suggested that a number of the AAPs should be formally withdrawn. Future planning in these areas is likely to be through more informal and flexible routes that are less resource hungry. It is nevertheless important that any guidance produced is given planning status if it is to be given weight as a material consideration in future planning decisions.
3. This report therefore recommends that the LDS be amended to show the withdrawal of the AAPs for the City Centre, Easel and West Leeds Gateway, the insertion of a Site Allocations DPD and the removal of a number of thematic DPDs not yet started.

1.0 PURPOSE OF THIS REPORT

1.1 To agree changes to the Council's Local Development Scheme (LDS)

2.0 BACKGROUND INFORMATION

2.1 The Planning and Compulsory Purchase Act 2004 introduced a new Development Plans system with the Local Development Framework (LDF) replacing the UDP. At the same time regional guidance was given greater status with the Regional Spatial Strategy also forming part of the Development Plan.

2.2 The new and "simpler" LDF system created an extensive new lexicon. Many of these new terms are regularly referred to by abbreviation. For convenience some of the key terms used throughout this report are explained below:

- Regional Spatial Strategy (RSS) - a plan setting out the broad strategy for the region, in our case Yorkshire and the Humber, and now part of the Development Plan;
- Local Development Framework (LDF) - a portfolio of Local Development Documents (LDD) that set out the spatial planning strategy for Leeds;
- Development Plan Documents (DPDs) - those documents that are subject to a formal inquiry and adoption process that make up the development plan for an area;
- Core Strategy (CS) - the key DPD which sets out the strategic policies and overall scale and direction of development;
- Other types of DPD are Area Action Plans (AAPs) which provide guidance focussed on a limited geographic area and thematic DPDs such as the Site Allocations DPD or our Natural Resources and Waste document (NRWDPD);
- Supplementary Planning Documents - these are not part of the development plan but are LDDs forming part of the LDF and provide more details on policies contained in a DPD;
- Local Development Scheme (LDS) - effectively the LDF work programme (see below 2.3);
- Annual Monitoring Report - an annual progress report on the LDF that has to be submitted to Government Office by the end of December; and
- Infrastructure Delivery Plan (IDP) - a document setting out the key infrastructure requirements on which plans depend and how and when this is to be provided. This is particularly important for the Core Strategy and will be considered by the Inspector at Public Inquiry.

2.3 Section 15(1) of the Act requires the Council to prepare and maintain a Local Development Scheme (LDS). Under Section 15(8) the Council must revise its LDS when appropriate. The revised scheme has to be submitted to the Secretary of State. The LDS is a programme plan setting out all the LDF documents that the Council intends to produce, their purpose and a timetable. The intent of the LDS is to provide residents and other stakeholders with clear understanding of the Council's LDF work programme. It is therefore important that it is kept up to date.

3.0 MAIN ISSUES

- 3.1 The current revision of the LDS was approved by Executive Board in July 2007. However, the Annual Monitoring Report (AMR) considered at Executive Board on 9 December 2009 signalled the need to formally review the LDS programme.
- 3.2 There are a number of reasons for this. In June 2008, a revised version of Planning Policy Stated 12 (PPS12: Local Spatial Planning) was published. This makes clear the priority attached to the Core Strategy (CS) amongst all the LDF documents. There is also emphasis on the need for the CS to be supported by an Infrastructure Delivery Plan. The primacy of the CS has been made clear in discussions with officers of GOYH and CLG and the timetable for completion of Core Strategies is embedded in the City Region Forerunner Agreement. Within this context and significantly reduced income it is considered necessary to give greater priority to CS work with the inevitable consequence that less resource is available for other DPD work.
- 3.3 In addition changed circumstances, particularly the impact of the recession have also played a part, especially on the programme of Area Action Plans (AAP). The current LDS shows four AAPs in production. These are EASEL, Aire Valley, West Leeds Gateway and the City Centre.
- 3.4 While the AAP programme was well intentioned and entirely appropriate within the context of government guidance progressing AAPs through the various LDF stages has proved challenging. The AAP programme was designed to support the Council's priority regeneration activity. However, as it clear the recession has had a significant impact on timescale and the ambitions of the private sector. Attempting to progress AAPs through the system to public examination when the evidence base, viability, public funding and development aspirations are so uncertain would be inappropriate. The outcome could well be an adopted plan that is best out of date and at worst too inflexible. Such plans might actually inhibit rather than support regeneration initiatives. In these circumstances the considerable time and cost associated with taking plans through the formal planning process is not warranted at this time.
- 3.5 However, a great deal of very valuable work has been done on all the AAPs, including substantial community engagement. It is important to build on this work and to be clear that changes to the AAP programme are not seen as signalling any weakening of the Council's commitment to the regeneration of these areas. It will be important that any alternative planning frameworks/guidance are approved as planning documents of the Council so that they can carry weight as a material planning consideration in future planning decisions.

4.0 IMPLICATIONS FOR COUNCIL POLICY & GOVERNANCE

- 4.1 None.

5.0 LEGAL & RESOURCE IMPLICATIONS

- 5.1 None.

6.0 CONCLUSIONS

- 6.1 Given the changes in circumstance and in order to direct resources to the Priority Development Plan Documents, which are likely to have the greatest impact, a number of changes are warranted to the work programme as follows:

City Centre AAP

- 6.2 Work on the City Centre AAP has effectively been on hold for some time. This is due in part to the direction of resources to the Core Strategy but also to the impact of the City Centre Conference and the changed priorities emerging from that initiative. Given these changes and the lapse of time work on the City Centre AAP would effectively mean starting from scratch. In the circumstances it is now considered appropriate to formally withdraw the AAP.

Easel AAP

- 6.3 Progress on the Easel initiative through the private sector partnership and the development of neighbourhood plans has been slowed by the recession. Attempting to progress the AAP in support of area-wide regeneration has been significantly frustrated as a result. It is suggested that the AAP should be formally withdrawn. Further consideration will be necessary on the most appropriate means of providing spatial planning guidance as regeneration activity is clarified. This may well be by means of informal planning frameworks for individual communities rather than the area as a whole.

West Leeds Gateway AAP

- 6.4 Work on West Leeds Gateways was at the most advanced stage of all the AAPs. The AAP has been prepared for publication: the stage at which a draft is published for formal representation prior to submission to the Secretary of State and public examination. In this case it is suggested that whilst the AAP is withdrawn, the Council publishes the draft plan for further public comment with a view to its eventual adoption as a supplementary planning document.

Aire Valley AAP

- 6.5 The Aire Valley is perhaps the area of Leeds that is earmarked for the greatest change in the next 10-15 years. In addition an extended Aire Valley has been accepted as one of the Leeds City Region Urban Eco-Settlement (UES) priorities recognised in the LCR Forerunner Agreement and as a priority for the HCA. It will be expected that these significant proposals and the eco-standards that are eventually defined will be properly tested through the planning system by public examination. For this reason it is proposed that the Aire Valley AAP be progressed.

Thematic DPDs

- 6.6 The LDS (2007) also included a commitment to the production of a series of thematic DPDs (in addition to the Natural Resources and Waste DPD (NRWDPD)) to be produced following the adoption of the Core Strategy and AAPs. In the light of the changed circumstances discussed above it is also proposed to remove the "retail", "greenspace" and "highways" DPDs from the programme. In their place it will be necessary to bring forward at an early date a "Site Allocations" DPD that will provide the detail to implement the Core Strategy approach. There may also be the opportunity within this document to address some of the issues that would have been covered in the thematic DPDs.

6.7 Subject to these proposed changes the Council's priorities for the LDF will be the Core Strategy, the Natural Resources and Waste DPD and the Aire Valley AAP. The Infrastructure Delivery Plan is a significant new task on which much remains to be done. It should also be recognised that the Core Strategy establishes the scale and broad distribution of development. It will need to be closely followed by a site allocations document to provide the detail. This work programme thus remains a very significant challenge, both technically and in resource terms.

7.0 RECOMMENDATIONS

7.1 Development Plan Panel is recommended to request Executive Board to:

- (i) Authorise the Director of City Development to make the appropriate revisions to the Council's Local Development Scheme to reflect the changes set out in section 4 of this report and to submit the revised LDS to the Secretary of State pursuant to section 15 of the Planning and Compulsory Purchase Act 2004. Further, should a direction be received from the Secretary of State under section 15(4), the Director of City Development be authorised to make any necessary changes to the revised LDS prior to it coming into effect in order to comply with the direction.
- (ii) Agree that the revised Local Development Scheme shall be brought into effect as from 1 May 2010 subject to one of the statutory requirements below having been met. Namely that either:
 - Before the end of a 4 week period starting on the day on which the Council submit the revision to the Secretary of State, the Council receive notice from the Secretary of State notice that he does not intend to give a direction under section 15(4); or
 - The 4 week period has ended and the Council have not received either a direction under section 15(4) from the Secretary of State or notice that he requires more time to consider the revision; or
 - The Council have received a direction under section 15(4) and have either complied with it (as varied by any further direction), or have received a direction revoking it; or
 - The Council have received notice from the Secretary of State that he requires more time to consider the revision and either subsequently receive notice from the Secretary of State that he does not intend to give a direction under section 15(4) or such a direction is received and the Council have complied with it (as varied by any further direction), or have received a direction revoking it.
- (iii) Authorise the formal withdrawal of the Easel, City Centre and West Leeds Gateway AAPs pursuant to section 22 of the Planning and Compulsory Purchase Act 2004.
- (iv) Agree that the Director of City Development undertake further public consultation on the West Leeds Gateway proposals with a view to their eventual approval as a Supplementary Planning Document.

Background documents

Local Development Scheme 2007