

Local Development Framework Steering Group

A meeting of Local Development Framework Steering Group was held on Tuesday, 25th January, 2011.

Present: Cllr Robert Cook (Chairman); Cllr John Fletcher, Cllr Colin Leckonby, Cllr Steve Nelson and Cllr Mick Womphrey.

Officers: J Hall, I Nicholls, R Wren, R Young (DNS); P K Bell (LD)

Also in attendance: None.

Apologies: Cllr Mrs Jennie Beaumont, Cllr Mick Stoker, Cllr Roy Rix.

LDF 31/10 **Declarations of Interest**

There were no interests declared.

LDF 32/10 **Draft minutes of the meeting held on 14th December 2010.**

The draft minutes of the meeting held on 14th December 2010 were agreed as a correct record.

LDF 33/10 **Revisions to Planning Policy Guidance Note 13 Transport**

Consideration was given to a report that informed Members that a revised version of Planning Policy Guidance 13: Transport was released on 3 January 2011 and outlined the impact of the changes.

PPG 13: Transport was amended on 3 January 2011. The major changes were within Section 3: Managing Travel Demand.

References to the negative impacts of car parking in new developments (including influence on the mode of transport used, inefficient use of land and the cost to business) had been removed, as had the statement that reducing the amount of car parking in new developments was essential to promoting sustainable travel.

The reference to a regional approach avoiding "wasteful competition" between different locations based around the supply and cost of parking had been also been deleted. Instead the PPG required planning policies on parking to co-ordinate with policies on the location of development, and the policies on parking controls and charging set out in the Local Transport Plan.

Despite the deletion of the requirement to reduce car parking, the guidance still stated that parking policies should:-

- Promote sustainable transport choices
- Not require developers to provide more spaces than they themselves wish to provide, other than in exceptional circumstances such as road safety concerns
- Encourage the use of shared parking
- To ensure that the town centre remains a favoured location for developers and not to create perverse incentives for development to locate away from town centres.

The section on Maximum Parking Standards had been retitled Parking Standards and whilst standards were still required, references to maximums had been removed and the sentence outlawing minimum standards had also been deleted. The maximum standards for non residential developments over certain thresholds set out in Annex D of the PPG still applied, and for developments below those thresholds, local authorities were encouraged to use their discretion to set appropriate parking levels which reflected local circumstances.

The section on Parking Controls and Standards had also been amended. References to using car parking charges to encourage the use of alternative modes of transport had been deleted, as had references to the regional context. The need for controls on parking to be backed up by adequate enforcement measures had been replaced by the requirement for parking controls to be proportionate.

In summary, the changes to PPS13 removed the presumption of a downward pressure on car parking in new developments in pursuit of more sustainable development. The revised PPG also prevented car parking charges being used to encourage the use of alternatives modes of transport and stated that enforcement action should be appropriate. However, local authorities still had a duty to promote sustainable transport choices, not require more car parking than developers themselves wish to provide (other than in exceptional circumstances), encourage the use of shared parking and ensure the town centre remains a preferred location for developers by avoiding creating perverse incentives for development to locate elsewhere. Local authorities were encouraged to use their discretion to set appropriate local parking standards which reflected local circumstances under thresholds set out in the PPG. Over those thresholds, maximum parking standards set out in the DPD applied. Rather than the regional approach taken previously, policies on town centre car parking should be linked to planning policies on land use and the provision and charging policies set out in the Local Transport Plan.

CONCLUDED that the report be noted.

**LDF
34/10**

The Localism Bill and implications for Spatial Planning

Consideration was given to a report on the Localism Bill and the implications for Spatial Planning. On the 13 December 2010, the Localism Bill was published. The Bill was intended to give greater powers to communities and included measures to reform local governance. The scope of the Bill extended across many areas and covered issues such as community empowerment, governance and housing. The Localism Bill also had particular relevance for Spatial Planning. The report set out the principle elements of the Localism Bill that related to Spatial Planning and outlined some potential implications of the Bill.

The report outlined the most relevant parts of the Localism Bill. However, in many cases it was not possible to fully understand how these measures would work in practice, and their full implications for Spatial Planning, as much of the procedural detail would be covered by secondary legislation.

In May 2010, the change of government brought both strategic and detailed changes to the planning system. The most fundamental of these was the

revocation of the North East of England Regional Spatial Strategy (RSS) in July 2010, meaning that it could no longer be used in determining planning applications. Between July 2008 and July 2010, the RSS provided the spatial strategy for the North East region and had informed both the LDF and the Local Transport Plan. It also set out how Stockton would contribute to the regeneration of the North East, establishing the number of new houses required and the amount of employment land to be developed, along with the broad locations where these should be sited.

Then, in November 2010, the judgement in a case brought by Cala Homes in the High Court, which considered that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety. The effect of this decision was to re-establish Regional Strategies as part of the Development Plan. However, the Localism Bill confirmed the Government's intention to abolish the Regional Spatial Strategy, and the targets within it, by enabling the repeal Part 5 of the Local Democracy, Economic Development and Construction Act 2009 and the revocation of existing Regional Strategies.

The Council was considering the impact the revocation of the RSS would have on the Borough's Development Plan and was scoping the need to revise the Core Strategy, as previously reported.

The Bill provided for greater opportunities for residents to shape the development of their neighbourhoods through Neighbourhood Development Plans (NDP), which would set out policies in relation to the development and use of land in a specified area. The Bill did not make it a statutory duty to prepare a Neighbourhood Plan, and many areas may not choose to do so, but there would be a right to.

NDPs would be prepared by designated bodies such as Town or Parish Councils or neighbourhood forums, who would be supported by the Local Authority. The resource implications of providing the required support, which included technical support and referendums, were not yet clear.

Neighbourhood forums were to be designated by the Local Authority in areas where there was no Parish Council and for a five year period. There was no mechanism to allow the activities of the forum to be scrutinised or to withdraw designation of a forum prior to the expiration of the five-year period.

Groups who applied to become a neighbourhood forum must include at least three residents as members, be open to all residents and have a written constitution. Similarly, neighbourhood areas were also to be designated by the Local Authority. Designated bodies, such as the Parish Council or neighbourhood forum, must apply to the Local Authority to have an area designated as a neighbourhood. The Local Authority would then consider whether a specified area was appropriate to be designated as a neighbourhood and there must be no overlap between areas.

NDPs would be required to be in conformity with the strategic content of the Local Plan/Local Development Framework, National policy and guidance, European Directives, National and International designations and the plans of adjoining neighbourhoods and they would be subject to a "light touch"

independent examination. As a result of the required conformity with the strategic content of the Local Plan/LDF, NDPs must accommodate housing targets and other strategic proposals. Neighbourhoods may choose to accommodate more than is required but would not be able to have, for example, less housing than was specified in the Local Plan/LDF.

NDPs were to be subject to an independent examination, which would be arranged by the Local Authority. Following a successful examination, plans would then be subject to a local referendum and more than 50 per cent of those voting must be in favour of the plan for it then to be adopted.

The Localism Bill introduced Neighbourhood Development Orders (NDO), which could be used to grant permission for specified development and could be made by any body that was entitled to initiate a Neighbourhood Plan. NDO's would allow different planning rules to apply or for development to be allowed without requiring normal planning consent, although some forms of development, such as waste development, would be exempt.

NDO's could allow development unconditionally or place limitations, such as timescales, on developments. They would also be subject to an independent examination and could only be made following a favourable referendum vote.

Community Right to Build Orders (CRBOs) would grant planning permission for a specific development on a specified site. They were a form of NDO that would be proposed by community organisations, rather than Parish Councils or Neighbourhood forums, and could be used to grant outline permission for housing development, for example.

The Localism Bill contained clauses relating to the Community Infrastructure Levy (CIL) and these related to the powers of the inspector and the transfer of CIL receipts. However, the main vehicle for CIL is the Community Infrastructure Levy Regulations 2010, which will be presented separately.

The Localism Bill imposed a duty upon Local Authorities, and certain other bodies, to cooperate in such activities as the preparation of Development Plan Documents and other local development documents and in activities that supported the planning of development, so far as it related to sustainable development and the use of land.

The duty included a requirement to "engage constructively, actively and on an ongoing basis". This engagement included giving substantive responses if consulted and to requests for information.

The Bill did not define a failure to co-operate and did not specify any sanctions for a failure. It was not clear how, or if, this would alter the current working of Spatial Planning which had a history of joint working and consultation.

Under the current system, when a Planning Inspector recommended changes to a Development Plan Document, those changes were binding. Under the Localism Bill, Planning Inspectors would assess whether documents were sound and suitable for adoption or not. Local Planning Authorities could request modifications to be recommended but these were no longer binding.

If a document was judged to be sound, Local Authorities may proceed to adoption with the document as drafted or with further modifications that did not "materially affect" the policies set out in the DPD. If asked to do so by the Local Authority, the examiner would recommend modifications. The authority may then adopt the document either as modified by the examiner or with additional modifications so long as they did not materially affect the policies. It was anticipated that this system could lead to future challenges to the adoption of DPDs, on the basis that alterations made by the Local Authority do materially affect the policies.

The Local Authority would be able to withdraw their plan at any point before adoption.

The Local Development Scheme (LDS) set out the programme and timetable for producing documents within the LDF. Currently, this must be submitted to the Secretary of State, who could require amendments. In the future, the Secretary of State would only be able to direct amendments to ensure effective coverage of the authority by DPDs. However, the LDS must be subject to a resolution by the Council to bring it into effect.

The LDS and up to date information showing the Authority's compliance with the timetable must be made available to the public.

Under the current system, the authority must prepare an Annual Monitoring Report (AMR) which had to be submitted to the Secretary of State. This system would be altered to provide for Authorities Monitoring Reports which could be produced on a more frequent than annual basis and which were no longer to be submitted to the Secretary of State but which must be made available to the public.

CONCLUDED that the report be noted.

**LDF
35/10**

The Community Infrastructure Levy (CIL).

Consideration was given to a report that outlined the new proposed changes to the Community Infrastructure Levy. Originally a new planning charge it came into force under the Labour Government on 6th April 2010 under the Community Infrastructure Levy Regulations 2010.

It allowed local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money could be used to fund a wide range of infrastructure that was needed as a result of development. This included transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. However, it required the setting of a Levy which reflected the costs of the infrastructure, was proportionate, was sound and robust, and had been subject to consultation and testing by a specially appointed planning Inspector.

Planning obligations (private agreements between the local planning authority and the developer) would still continue to play an important role in helping to make individual developments acceptable to local planning authorities and communities. For example, new affordable housing would continue to be delivered through planning obligations rather than the Levy. However, reforms

had been introduced to restrict the use of planning obligations. Some of these had already come into effect and others would take effect from April 2014 (or as soon as a charging authority starts to charge the Levy). Most importantly, after April 2014, planning obligations could no longer be used as the basis for a tariff to fund infrastructure. The Levy would be used as the mechanism for pooling contributions from a variety of new developments to fund infrastructure.

The report explained the procedure for setting the Community Infrastructure Levy charge, how the Community Infrastructure Levy would be applied and the relationship between the Community Infrastructure Levy and planning obligations.

It also explained the project plan; setting out the steps that would enable production of a Preliminary Draft Charging Schedule (the rates) and Evidence Base with an intention to consult in January 2012.

CONCLUDED that the report be noted.