

Report to the Cabinet

Report reference: C-005-2011/12

Date of meeting: 11 June 2012



**Epping Forest
District Council**

Portfolio: Planning

Subject: Local Development Scheme (LDS)- Local Plan

Responsible Officer: Kassandra Polyzoides (01992 564119)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That the Local Development Scheme be adopted and published on the Council's website.

Executive Summary:

This report seeks to adopt a revised local development scheme for publication on the Council website setting out the timetable for the production of the Epping Forest Local Plan with a proposed submission date of August 2013. The Localism Act 2011 amends the provisions set out in the Planning & Compulsory Purchase Act 2004 but maintains the requirement that a local authority must prepare and maintain a scheme to be known as their local development scheme and that should specify the local development documents which are to be development plan documents, the subject matter and geographical area for each development plan document, and the timetable for them. Essentially the local development scheme lists and programmes the documents that will be produced by a Local Authority. Although there is no longer a requirement for this to be submitted to the Secretary of State new provisions in the Act state that the local planning authority must make the Local Development Scheme available to the public. Specifically the up to date text of the scheme, a copy of any amendments made to the scheme and up to date information showing the state of the authority's compliance with the timetable set out in the scheme.

Reasons for Proposed Decision:

This is a statutory requirement of the Planning and Compulsory Purchase Act as amended by the Localism Act 2011.

Other Options for Action:

There is a requirement under the Localism Act 2011 to prepare and maintain a Local Development Scheme setting out the proposed development plan documents to be prepared by the authority with a timetable and for this to be made publicly available. A plan will not be legally compliant if it is not prepared in accordance with the local development scheme.

Report:

1. The proposed local development scheme is set out below; and the timetable and governance arrangements recommended for adoption and publication as part of the LDS, are

included in the appendix.

Local Development Scheme

2. The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare and maintain a local development scheme setting out the development plan documents it intends to prepare together with details and a timetable for their preparation. This document seeks to provide that information.

3. The Council's first local development scheme was published in March 2005, and was reviewed in October 2007. The earlier schemes proposed a number of development plan documents: a core strategy DPD, land allocations DPD and two action area plans. It is now proposed to produce a single document – the Epping Forest Local Plan. The scheme set out below supersedes the earlier local development scheme. There is no longer the requirement for the local development scheme to list any supplementary planning documents or the statement of community involvement.

The Present Policy Position

4. The current Local Plan was adopted in January 1998. Alterations to that Plan were adopted on 10 July 2006 and have superseded or changed some of the policies in the adopted 1998 Local Plan. The remaining policies in the Local Plan will be used in conjunction with the Local Plan Alterations as the local planning policies for this District until March 2013. The East of England Plan (2008) is currently part of the development plan for the area and has determined the quantity of development for the District. However the government has stated its intention to abolish this and other regional plans and it is expected that this will no longer be in place by the time work on the new Local Plan for Epping Forest District is advanced.

5. The Council now intends to prepare a single district-wide local plan. This new Local Plan for the area therefore will determine the amount and distribution of development and policies related to development but must be in general conformity with national policy.

6. The Government published the new National Planning Policy Framework in March 2012 which replaces a significant amount of detailed policy. Annex 1 of the National Planning Policy Framework provides transitional arrangements for the 12 month period from the publication date of the National Planning Policy Framework and means that the Council can continue to give weight to relevant policies in the adopted Local Plan according to the degree to which those policies are consistent with the National Planning Policy Framework.

7. Planning for minerals and waste will continue to be undertaken by Essex County Council, and it will produce its own Local Development Scheme for the future production and review of a Minerals Development Framework and a Waste Development Framework. Epping Forest District Council will continue to be a consultee during production of these.

8. This Council intends to prepare a district-wide local plan for submission to the Secretary of State by August 2013. This will provide a framework for the future development of the District and include strategic vision and policies for the period up to 2031, site allocations and development management policies. The projected timetable is set out in the table below.

9. There will be opportunities for community engagement in the content of the plan on a 'continuous' basis but for practical purposes a number of stages will be highlighted:

(a) Issues and Options Consultation – July to September 2012; and

(b) Draft Plan consultation – January/February 2013, with a submission of the Plan scheduled for August 2013.

10. Prior to the submission of the plan for examination by an independent inspector, all interested parties will be invited to make representations relating to the soundness of the plan.

11. The consultation documents will be accompanied by draft Proposals Maps, prepared to the appropriate level of detail for each stage, and which will be kept up to date as the plan is developed and amended. Sustainability Appraisals and Reports will be published simultaneously as part of these consultation exercises.

12. In preparing the new local plan, the Council will need to satisfy the ‘duty to co-operate’ requirements of the Localism Act 2011 which mean that in the proposed absence of the East of England Plan, councils need to co operate on relevant cross boundary planning matters. This applies particularly to Harlow District Council where provision may be made in this District for some of Harlow’s proposed expansion. Epping Forest District Council adjoins another nine local planning authorities – East Herts and Broxbourne in Hertfordshire; Uttlesford, Chelmsford and Brentwood in Essex; and the London Boroughs of Havering, Redbridge, Waltham Forest and Enfield. Preparation of the local plan will also involve co-operation with Hertfordshire and Essex County Councils, the Greater London Authority, Lee Valley Regional Park Authority, the City of London Corporation and all appropriate statutory undertakers and other Government agencies.

13. The Council intends to introduce a Community Infrastructure Levy in the District. This is a new mechanism that councils can use to collect contributions from developers toward the infrastructure needs of the District. The Council will be developing this concurrently with the local plan. Consultation will be undertaken on the proposed charging schedule in accordance with the appropriate regulations and subject to a separate examination.

14. The adopted Proposals Map will be revised as and when new local development documents, or their revisions, are themselves adopted.

15. This Local Development Scheme will come into effect on 11 June 2012. It will be reviewed on a regular basis. The reviews will be reported to Members and published on the Council’s website, to ensure:

(i) that progress with the preparation of the local plan is closely monitored and managed; and

(ii) the local community and other interested parties are kept fully informed.

Resource Implications:

From existing resources.

Legal and Governance Implications:

As set out in detail in this report.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011
Report to the Cabinet C/114/2004-5

Impact Assessments:

Risk Management

Councils are required to produce a Local Plan LDS and the Local Plan will not be considered legally compliant without one.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
None.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.