

Report of the Strategic Director (Place) to the meeting of Executive to be held on 10 July 2018

Subject: Local Development Scheme Update

Summary statement:

The Council is required to publish and keep up to date a Local Development Scheme (LDS) which sets out the content and timetable for the preparation of the Local Plan. The Current Local Development Scheme was approved in 2014. In light of recent changes to the planning system, changes in local circumstances, as well as progress to date on the Local Plan, the LDS has been reviewed and updated.

The revised LDS will provide an up to date position for the public and other interested parties. It is also a key background document which is considered when examining Local Plan Documents by an Inspector at Examination in Public.

The Executive is recommended to approve the Revised Local Development Scheme for the period 2018 to 2021.

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Portfolio:

Regeneration, Planning & Transport

Overview & Scrutiny Area:

Regeneration & Environment

1. SUMMARY

- 1.1 The Council is required to publish and keep up to date a Local Development Scheme (LDS) which sets out the content and timetable for the preparation of the Local Plan. The Current Local Development Scheme was approved in 2014. In light of recent changes to the planning system, changes in local circumstances, as well as progress to date on the Local Plan, the LDS has been reviewed and updated.
- 1.2 The revised LDS will provide an up to date position for the public and other interested parties. It is also a key background document which is considered when examining Local Plan Documents by an Inspector at Examination in Public.
- 1.3 The Executive is recommended to approve the Revised Local Development Scheme for the period 2018 to 2021.

2. BACKGROUND

- 2.1 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, provides the legal basis for the preparation of the Local Plan for the District. A key requirement of the 2004 Act is the need for clear and transparent programme management through the preparation of a Local Development Scheme (LDS).
- 2.2 The LDS has three main purposes:
 - To describe the Development Plan Documents (DPD) which the Council intends to include as part of its Local Plan (both existing and proposed);
 - To explain the relationships between the separate DPDs within the Local Plan; and
 - To set out the timetables for producing DPDs.
- 2.3 The LDS should be kept up to date and published on the Council's web site.
- 2.4 The first LDS for the District was adopted in September 2005 and was subsequently revised in 2007 and more recently in 2014. The current LDS was revised to take account of the changes introduced through the Localism Act 2011 including Neighbourhood Plans and changes to National Policy with the publication in March 2012 of National Planning Policy Framework (NPPF) and associated web based National Planning Practice Guidance (NPPG).
- 2.5 The current LDS was approved by the Council on 22 July 2014. This committed the Council to the production of 5 Development Plan Documents between 2014 and 2017. They were:
 - Core Strategy (DPD)
 - Allocations (DPD)
 - Bradford City Centre Area Action Plan (DPD)
 - Shipley and Canal Road Corridor Area Action Plan (DPD)

- Bradford Waste Management Plan (DPD)
 - Policies Map (DPD)
- 2.6 Since the current LDS was adopted significant progress has been made against the agreed program. While there was slippage in the LDS milestones, four of the five DPDs were adopted following examination in 2017.
- 2.7 The Core Strategy provides the spatial vision and objectives for the District to 2030 and includes strategic policies to inform future development proposals, Development Plan Documents and investment decisions including the scale and distribution of development. This was adopted by the Council in July 2017.
- 2.8 The other Development Plan Documents will provide a more detailed approach in support of the Core Strategy and its spatial vision, including detailed site allocations. The more detailed documents are critical to ensure that the District has a supply of land to meet its needs and also put in place a 5 year supply of deliverable housing sites in line with NPPF. The two Area Action Plans which support two key regeneration priorities were adopted on the 12th December 2017. The Waste Management DPD which sets out detailed policies for waste facilities as well as allocating sites, was adopted in 17th October 2017.
- 2.9 The Allocations DPD will allocate land to meet housing needs as well as jobs in line with the scale and distribution set out in the Core Strategy, outside the two AAP areas. It will also set out the detailed approach to green infrastructure, such a recreation open space and playing pitches, amongst other things. Work has commenced on this DPD with Issues and Options in 2016 and work more recently to update land information, following adoption of the Core Strategy.
- 2.10 The Current LDS also committed the Council to the preparation of 3 SPDs.
- Hot Food Takeaways
 - Housing Design Guide
 - Management & Mitigation of impacts of development on South Pennine Moors SPA/SAC
- 2.11 The Hot Food Takeaway SPD was adopted in November 2014. The two other SPDs have not been progressed but are still considered essential. Given the scale of housing development it is important that development is of an appropriate quality and reflects local design considerations and policies in the Core Strategy, as well as NPPF. The work will be supported by recent Planning Delivery Fund award from Government to progress this SPD in 2018. This will be complemented by a Street Design Guide which will be prepared concurrently.
- 2.12 The review of the LDS has considered a number of issues:
- Local Plan progress
 - Changes in local circumstances
 - Emerging changes to the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

2.13 A number of options were developed and considered taking into account:

- The need to progress the plan as a matter of urgency
- Procedural requirements, current and emerging
- The proposed changes to NPPF and NPPG
- Legal and soundness tests for examination
- Resources and funding requirements
- Local situation and ambitions to support sustainable development and growth both for housing and jobs supported by infrastructure
- Emerging new evidence locally and nationally

2.14 The Options explored were:

1. Continue Allocations on basis of adopted Core Strategy but with partial review to introduce new optional housing standards
2. Partial review of the Core Strategy to revisit housing scale and distribution concurrently with Allocations DPD
3. Partial review of the Core Strategy to revisit housing and employment scale and distribution concurrently with Allocations DPD

2.15 The officer review of the options concluded that Option 3 was most appropriate taking account of the matters listed under paragraph 2.13 above. The detailed headline considerations that have informed that conclusion are set out below.

2.16 Since the adoption of the Core Strategy the government has recently reviewed the NPPF (published 2012) and consulted on proposed changes in May 2018. The NPPF sets out key national policy for the preparation and content of local plans and decision making on planning applications. Changes have primarily been driven by the need to increase housing delivery. It will come into force on adoption with very limited transition arrangements. Proposed changes to the NPPG which provides more detailed practice guidance have also been published. This includes changes to the range of evidence which Local Planning Authorities must produce when preparing their Local Plans and the methodologies and approaches which must be followed in producing that evidence.

2.17 Because the revisions to the NPPF have made significant changes to both policies and practice guidance relating to key aspects of strategic policy (principally relating to housing and green belt) it raises significant questions relating to how best to ensure that a full Local Plan including district wide allocations is put in place as quickly as possible and suggests significant risks in pursuing an Allocations DPD based on the currently adopted Core Strategy. Given the priority which the Council has placed in producing a Local Plan in support of its growth and regeneration goals and given the changes within the NPPF which introduce greater scrutiny in the performance of Local Planning Authorities in getting plans in place, officers have examined the Government's proposed changes in detail and used this to inform the proposed revised LDS.

2.18 The revised NPPF is a comprehensive rewrite but with a focus on boosting housing delivery through changes to Local plan preparation and in monitoring housing delivery. The key changes of strategic significance are:

- A completely revised national standardised method for calculating housing needs (based on ONS household projections plus a factoring of affordability). The guidance allows for alternative approaches in exceptional circumstances and in particular allows for Local Planning Authorities to go with a higher housing requirement than that indicated by the standard formula where it is linked to growth ambitions including economy and jobs, and;
- a set of new prescribed considerations to demonstrate exceptional circumstances to change green belt in a local plan.

2.19 In addition to consulting on the proposed new method for assessing housing need, the Government have published data to show the results of applying the new basic standard formula put forward by the Government for each Local Authority. The indicative figure for Bradford using the formula, suggest the minimum number of dwellings needed per year is 1663 compared to annual target of 2476 in the adopted Core Strategy. However, at the same time as the issuing of a proposed new approach to assessing housing needs, the Government, via the Office of National Statistics (ONS), has continued to issue on a 2 yearly cycle its trend based projections of population and household change. New population projections which superecede those and are lower than those used by the Government above were issued in May. An initial assessment of the implications of the new standard methodology for calculating housing need combined with updated population projections suggests a possible significant reduction on the District's housing need compared to that in the adopted Core Strategy. The expectations of a potentially new lower level of need reflect both:

- New Government projections which indicate lower levels of natural population change than their equivalents issued at the time of the Core Strategy's preparation, and;
- Changes to the Government's housing need methodology which have removed the consideration of a whole host of market signals including allowing for past under delivery of homes.

2.20 Because the core of the new standardised approach to establishing minimum levels of housing need is based on trend based population and household projections (which in turn reflect market and economic conditions of recent years), it has the effect of reinforcing past patterns and does not take account of future ambitions, growth potential or local circumstances. Some respondents to the proposed standardised methodology have observed that its application would see significant reductions in the assumed need and thus and planned for levels of housing in most northern Councils precisely where growth and a reversal of past patterns of relative economic underperformance is required, while southern areas would see increases in their housing targets. Concerns about this and the overly simplistic approach to assessing housing need have thus been raised as a concern by the Council and

others including the Local Government Association and the West Yorkshire Combined Authority in responses to previous consultations. Notwithstanding these concerns it is important to stress that the Government has signalled support for those Councils who wish to consider planning for higher levels of growth than that indicated by the standard formula to account for local ambitions, where those growth ambitions can be supported by evidence and investment programmes and strategies. This is reflected in the wording of the NPPF and NPPG. Therefore in applying the new approach to assessing housing need there will be an important decision for Councils such as Bradford to make in whether to plan for higher than the minimum levels of housing growth in order to reflect their local economic ambitions, how and where to set their targets and how this relates to known and expected programmes for development, regeneration, growth and infrastructure.

- 2.21 The NPPF also reaffirms and clarifies the approach to exceptional circumstances in order to support a Green Belt change in the Local Plan with new prescribed considerations which need to be established to demonstrate the need for Green Belt change. The need for Green Belt change including the scale of any potential change was also a key element of the Secretary of States letter withdrawing the Holding Direction placed on the Core Strategy.
- 2.22 Locally other background evidence and strategies have been updated. In particular, Council have recently reviewed and approved a new Economic Strategy for the District.
- 2.23 In light of these recent changes it is proposed that the Council undertake a partial review of the Core Strategy which revisits the housing requirement and distribution and any consequential changes. This would ensure an up to date and robust approach taking account of national changes as well as changes to local circumstances. It would also re-examine the economic development ambitions and land supply. This will ensure that there continues to be full and appropriate alignment between the policies relating to housing and economic growth, change and regeneration in the District which are clearly interlinked. This would provide an up to date check to ensure the right number of dwellings in the right places are being planned for. The proposed approach would also ensure that the Council has appropriately considered the need for any Green Belt change in light of up to date evidence. It is important to stress that there are large sections of the Core Strategy which remain sound and where there are no reasons at present for review. The scope of the proposed partial review of the Core Strategy has been limited to those elements which are clear and essential priorities for review and whose review would ensure full alignment with national planning policy over the period of the LDS and beyond. The partial review would run concurrently with the next stages of the Allocations DPD and align with and be tested at examination together the partial Review.
- 2.24 The approach seeks to respond appropriately to the new national guidance and changes in evidence and local circumstances and manage risks which may arise if the Local Plan continues to work to the current approach in the Core Strategy. The approach would result in a short term delay to the Allocations but this will manage a risk in longer term. The Approach seeks to move forward the Allocations

concurrently with the partial review of the Core Strategy with both being submitted and examined together.

2.25 To progress with the Option 1 approach, in light of the above considerations, presents significant risks which could delay or impede the progress of the Allocations, as it could fail an assessment at any examination. In this respect to move forward without a partial review could have serious implications and could result in an even longer delay in getting the Allocations in place, than that suggested by short term delay of incorporating a partial review into the LDS program.

2.26 It is proposed that the DPDs listed below are to be produced:

- Core Strategy (DPD) partial update
- Allocations (DPD)
- Policies Map (DPD)

2.27 It is proposed that the SPDs listed below are to be produced:

- Housing Design Guide
- Street Design Guide
- Management & Mitigation of impacts of development on South Pennine Moors SPA/SAC

2.28 The revised LDS is contained in Appendix 1. The document is made up of several sections.

2.29 Section 1 provides background as to the development plan system and the role and purpose of the LDS.

2.30 Section 2 sets out details of the current saved Replacement Unitary Development Plan and its current status.

2.31 Section 3 sets out the progress to date on Development Plan Documents against the 2014 LDS. It also provides an update on the introduction of Community Infrastructure Levy (CIL) and also the preparation of a limited number of Supplementary Planning Documents, as well as an outline of the emerging Neighbourhood plans.

2.32 Section 4 sets out the details of the different documents to be prepared a part of the Local Plan. Table 1 set's out the details of each of the DPDs. It provides a brief description of the content of each document as well as key linkages, and the key milestones for document preparation from early public consultation through to adoption.

2.33 The main stages of DPD preparation are:

Stage 1 Initial Evidence gathering and scoping

Stage 2 Initial Consultation on issues and options and preferred options linked to further evidence gathering and analysis (Reg18)

Stage 3 Publication and Submission for examination (Reg 17, 19 and 22)

Stage 4 Examination (Reg 23-24)

Stage 5 Adoption (Reg 26)

- 2.34 These key stages are illustrated Table 3. The timetable has considered the relationship between the different documents as well as the resources to progress them concurrently. The milestones are the current anticipated dates but maybe subject to change due to a range of factors (see risk assessment). It shows that it will take at least 4 years to complete the Local Plan and ensure the District has an up to date development plan in line with NPPF. This anticipates a 2 year process through stages 1-3 and a further 2 years at examination (assuming modifications would be required).
- 2.35 Table 4 illustrates the key stages for producing Supplementary Planning Documents. These go through a shorter process of preparation which does not include independent examination.
- 2.36 Section 6 outlines the relationship with the Annual Monitoring Report which provides regular updates on progress against the LDS.
- 2.37 Section 7 provides an outline of the reason for the chosen set of documents and their timing and linkages to other Council strategies. It also sets out the key considerations for the delivery of the LDS work program including resourcing (staffing and financial), governance arrangements both officer and democratic. It also considers the key risks and how they could be managed, including a risk log which is contained in Table 5 of the LDS.

3. OTHER CONSIDERATIONS

- 3.1 The NPPF makes clear the need for Local Planning Authorities to ensure they have an up to date Local Plan. Recent changes to national legislation and emerging changes to NPPF reaffirm this and introduce new powers for the Secretary to State to intervene where sufficient progress is not being made. In light of the recently adopted Core Strategy and progress in the AAPs the District is considered to have made adequate progress not at this stage to warrant government intervention. However, the government will closely monitor Local Plan progress in particular the allocation of sites to meet the development needs of the District and ensure it has a 5 year supply of land and meets the new Housing Delivery Test (See below).
- 3.2 The NPPF presumption of in favour of sustainable development, as currently drafted, makes clear that decisions should be made against the local plan. For planning decision it states that this means:
- *approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are Out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

- 3.3 The RUDP was adopted in 2005 and the policies saved in 2008. The Plan period was only up to 2014 and had a significantly lower land supply in particular compared to the homes that are now required to be delivered. While many of the policies still comply with NPPF (see report and Assessment considered by the Regulatory and Appeals Committee of 5 June 2014) the housing land supply in particular is not up -to -date. The Core Strategy provides an up to date policy framework for plan making and determining planning applications but does not itself allocate sites. The two Adopted Area Action Plans do allocate land including sites to provide for 6,500 new dwellings. However the sites for the rest of the District are still to be determined through the Allocations DPD.
- 3.4 NPPF makes clear that the Local Planning Authority should identify and update annually a supply of specific deliverable sites, sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 20% (moved forward from later in the plan period) where there has been a record of persistent under delivery of homes, to ensure choice and competition in the market for land. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.5 The latest Strategic Housing Land Availability Assessment (SHLAA) update demonstrates that the Council does not currently have a five year supply in line with NPPF suggesting that supply amounts to about 2.3 years. Given the scale of the housing requirement the only way the District can ensure a 5 year supply is to allocated more land though the new Local Plan.
- 3.6 In addition the Government is to introduce a Housing Delivery Test which monitors delivery in terms of net completions against the Districts housing requirement (either adopted Local Plan or Standard methodology – whichever is the lowest) over a 3 year period.
- 3.7 Given the above, it is imperative that the Council continues to proceed to put in place an up to date Local Plan as soon as practicable. Until a new up to date plan is in place decision making particularly on housing developments will be determined with reference to the presumption in NPPF and away from local control.
- 3.8 It is also important to communities, business and investors that an up to date plan is put in place in order to ensure certainty and confidence. It also will assist in supporting the attraction of much needed investment into infrastructure projects based on clearly articulated plans for delivering growth and supporting business case for supporting investment.
- 3.9 The Local Development Scheme sets out the programme for ensuring the Council has an up to date development plan as soon as it is able given the detailed

procedural requirements and the emerging changes to NPPF.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The preparation of the Local Plan is undertaken by the Local Plan Group, which is funded from within the Department's resources, supported by a one off corporate growth payments to cover abnormal costs of consultation and engagement, technical studies and examination costs. Section 7.2.1 of the LDS set out consideration of the resources required to complete the Local Plan.
- 4.2 The Local Plan is supported by a financial plan which profiles the anticipated spend required to support the non-staffing elements of the Local Plan. The current estimated minimum financial requirement for completion of the Local Plan, as set out in the LDS, is £1.23M.
- 4.3 The indicative spend profile is as follows:

Local Plan costs projections					
DPD	2018/2019	2019/2020	2020/2021	2021/2022	Total
Core Strategy	155,000	5,000	11,000	23,000	194,000
Allocations	500,000	280,000	105,000	151,500	885,000
Total	655,000	285,000	116,000	174,500	1,230,500

- 4.4 The Local Plan has benefited by non-recurring corporate financial support. The Council Budget provided £600,000 in 2018/19 with a further £250,000 in committed in 2019/2020. 7.2.3 The last two years of the program will require additional funding to be determined as part of future Budget Processes.
- 4.5 The Council is investing a significant proportion of the anticipated income from recent Government approved increase in Planning Fees, to ensure the Local Plan Team has the level and range of staff resource required to deliver the program in the LDS.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 There are significant risks to the Council as a result of not having an up to date Local Plan. Effective local decision making and the ability of the Council to guide development in the absence of an up to date Local Plan will increasingly become compromised. It will rely on compliance with NPPF and the lack of a 5 year supply of housing land, as noted above in section 3, will increasingly place pressure on currently protected sites such as green space, which will become increasingly hard to defend. This will result in uncertainty for communities and also development interests. It may also have implications for potential increased costs from successful appeals. There are also significant risks of intervention by Government.

- 5.2 Table 6 of the LDS contains an assessment of the main risks to the preparation of the Local Plan and scale of risk and impact as well as mitigation. Key risks relate to local decision making, resourcing, Soundness of process of preparation and robustness of supporting evidence, national planning changes, and Duty to Cooperate compliance.

6. LEGAL APPRAISAL

The LDS is prepared under the relevant statute and associate Regulations. The LDS details how the legal obligations under the Planning and Compulsory Purchase Act 2004 and Regulations are being met.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The consultation on the Local Plan is undertaken in line with the Statement of Community Involvement (SCI), which sets out how the Council will seek to engage the community in the preparation of development plan documents. In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. In addition in line with the requirements of section 149 of the Equality Act 2010 the Local Plan documents preparation and content will be subject to an Equality Impact Assessment.

7.2 SUSTAINABILITY IMPLICATIONS

All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and proposals of the relevant plan.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The Local Plan is subject to sustainability appraisal throughout its development, which identifies the likely impacts of the plan and where appropriate any mitigation to manage any negative impacts.

The consultation and engagement plan will seek to use sustainable means and locations as far as practicable.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications

7.5 HUMAN RIGHTS ACT

The SCI sets out how all individuals can have their say on the development plan documents. Anyone who is aggrieved by a development plan document as submitted has a right to be heard at an independent examination.

7.6 TRADE UNION

There are no Trade Union implications

7.7 WARD IMPLICATIONS

The Local Plan relates to the whole District and affects all wards.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

No Implications

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The Local Plan process involves handing of personal data under relevant Planning Legislation in particular as part of consultation and engagement during preparation as well as examination of Local Plan. Personal data is held and used in only in connection with these statutory requirements.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 The Council has a duty under the Planning and Compulsory Purchase Act 2004 to prepare the Local Plan for the District and approve a Local Development Scheme to set out the 3 year program for its preparation and adoption. The Council can determine the nature, and make-up of the Local Plan it wants to put in place in order to meet its statutory duty, as well as the timetable for its preparation.

9.2 The process for the preparation of the Local Plan is prescribed by statute and regulation. In order to ensure a sound plan it is important that the Council ensures it follows the regulations, ensures effective and robust consultation, ensures it is founded upon up to date and robust evidence. All DPDs are submitted to the Secretary of State for independent examination to test whether they are sound with reference to the tests set out in legislation and regulations. Failure to ensure a robust approach could result in a DPD being found unsound by the Inspectorate. If

found unsound the Council would not be able to proceed to adopt it formally. This would normally result in delay to do further work as well as engagement to ensure the Local Plan is made sound and then resubmitted for examination.

9.3 Recent national planning reforms retain the need for local planning authorities to prepare a development plan for their district and in light of the National Planning Policy Framework and the provisions for neighbourhood planning, the government is seeking councils to progress as a matter of urgency.

9.4 The Executive have 3 options

Option 1

9.5 To approve the Local Development Scheme as proposed in Appendix 1 The document sets out a set of documents and program which will seek to put in place as soon as practical an up to date Local Plan given the statutory requirements and key stages, democratic processes, as well as resources.

Option 2

9.6 To not approve the Revised Local Development Scheme. This would mean that the Council would continue working to the current LDS approved in 2014 which is now significantly out of date. This would risk the ongoing progress to put in place an up to date development plan in line with NPPF as an approved and up to date LDS is a key consideration when examining Local Plan documents by an Inspector as part of the legal procedural tests. The lack of an up to date and robust LDS also can increase uncertainty and confidence in the District for both communities and investors. It is a requirement to review the LDS and publish on the Councils web site. The current LDS is already out of date in this respect.

Option 3

9.7 The third option is to approve the LDS as proposed but with further changes as proposed by members. The document in Appendix 1 has been produced to ensure a robust and up to date Local Plan. A change to the documents or the timetable may have implications for documents so far progressed if the range of documents is changed or additional documents added. It would also have implications for the overall timetable for delivery which would need careful consideration. The key milestones relate to required stages of work which must be met to ensure soundness at examination.

9.8 The Executive are recommended that the version in Appendix 1 is approved in line with Option 1. The other options would have significant implications for the timetable for putting in place an up to date Local Plan and also reputational risk with both investors and communities.

10. RECOMMENDATIONS

10.1 Recommended that the LDS contained in Appendix 1 be approved and published on the Councils web site.

11. APPENDICES

11.1 Local Development Scheme 2018 - 2020

12. BACKGROUND DOCUMENTS

NPPF (2012)

Revised NPPF (May 2018)

Revised NPPG (May 2018)