

Name of meeting: CABINET
Date: 28 January 2014

Title of report: Local Development Framework: next steps

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes, the outcome of the process potentially affects all wards
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman – 15.01.14
Is it signed off by the Director of Resources?	David Smith – 14.01.14
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 20.01.14
Cabinet member portfolio	Place (Investment and Housing)

Electoral [wards](#) affected: ALL

Ward councillors consulted: Councillors have not been consulted on this matter.

Public or private: PUBLIC

1. Purpose of report

- 1.1 To consider how the LDF should be progressed taking account of current circumstances and the need to achieve an operational plan.

2. Key points

- 2.1 On 23 October 2013 full council decided to withdraw the LDF core strategy and endorsed the preparation of a revised core strategy with a target date of January 2015 for this to be submitted for examination.
- 2.2 The 23 October report considered the option of preparing a local plan rather than resubmitting the core strategy. On balance it was considered that the advantage lay with resubmission. However, officers have reassessed the case for and against both options, also taking account of the implications of recent decisions of planning inspectors and the Secretary of State on planning appeals and on LDF proposals across the country.
- 2.3 The reassessment is based on the assumptions that a revised core strategy could be adopted, i.e. take effect, from early 2016 (based on submission in January 2015) and that the full LDF, i.e. including land allocations and policy detail, could be adopted in early 2018, while a local plan comprising strategic proposals and allocations could be adopted by early 2017. Therefore a complete plan would be achieved a year sooner if the local plan option is taken.
- 2.4 The key issue is whether the adoption of a core strategy in two years' time would bring greater benefits than the adoption of a complete local plan a year or so later. Relevant considerations are set out below.

- 2.5 Which option would enable earliest investment in strategic employment sites?

As noted in the report of 23 October, proposals for strategic employment sites can be included in the core strategy. However, this would mean defining site boundaries and providing detailed development guidelines. This could extend the time required for examination if as seems likely, there is a need to resolve site specific issues before the strategy can be found sound. (This work would fit better into the local plan process.) Nevertheless the core strategy option is likely to enable strategic employment investment to proceed more quickly than the local plan but measured in months rather than years.

- 2.6 Which option would enable earliest demonstration of a 5 year housing land supply?

Currently housing land supply stands at 2.45 years, following the methodology endorsed by planning inspectors in their consideration of land supply when determining planning appeals. There is no prospect that it will be possible to demonstrate a 5 year supply until new housing allocations have been identified in the adopted LDF. The core strategy will only set the requirement. Consequently the local plan option is preferred.

- 2.7 Which option would enable the earliest implementation of the community infrastructure levy (CIL)?

CIL can be introduced once the core strategy has been adopted. Under the local plan option the earliest introduction of CIL would be perhaps 12 months later than the prospective date for adoption of the core strategy.

- 2.8 Which option would minimise the risk of failure to satisfy the duty to co-operate?

The local plan process is likely to involve less risk because there can be dialogue with neighbouring councils about strategic proposals and their implications at site specific level, which should allay potential concerns arising from uncertainty about what core strategy proposals might actually mean at local level.

- 2.9 Which option would minimise the risk that the council's proposals would be found not to be sound by the examining inspector?

As with the duty to co-operate, the local plan process is likely to involve less risk because the local plan will demonstrate the consequences of strategic proposals at local level by site allocations and detailed policy. This should mean that the inspector can have confidence that the outcome of strategic proposals will be sound.

- 2.10 Which option would minimise the risk of legal challenge to the plan-making process?

The single stage local plan process can be considered less risky because it avoids potential challenges that the council had not properly or reasonably applied the core strategy, when determining proposals for site allocations or detailed policy. It also reduces the risk of challenge that all reasonable alternatives had not been considered, which has created problems for several councils' plans. However, these possible advantages for the local plan option are marginal at most.

- 2.11 Which option is the public likely to find easier to engage with?

Some of those who have commented on the draft core strategy have expressed a degree of frustration that it is not clear what the local impact of strategic proposals might be and therefore what concerns might be relevant. In this respect the local plan process has a clear advantage because it combines strategic and detailed proposals. As a single integrated process it should also be simpler to follow and participate in.

- 2.12 Which option would best facilitate the preparation of neighbourhood plans?

The core strategy sets the context for neighbourhood plans. The withdrawal of the core strategy inevitably creates an immediate problem for neighbourhood plan preparation; although no neighbourhood plans have yet been formally initiated in Kirklees. The preparation of a local plan will provide an emerging informal context for neighbourhood plans but will not define strategic parameters (as a core strategy will) against which a neighbourhood plan could

be examined. Once the local plan has been adopted neighbourhood plans will have scope only for limited influence on development because the local plan will have established which land is allocated for development. In contrast, early adoption of a core strategy would clearly be advantageous to neighbourhood plans with ambitions to determine which land is developed and which protected. However, communities might see less need for embarking on neighbourhood plans if they have opportunities to influence development decisions through participation in the local plan process.

2.13 Which option would require less need to revise and update evidence?

A key test of LDF proposals is that they are supported by good up to date evidence. The longer the plan preparation takes the more likely will be the need to revise and update evidence and incur the consequent costs. In this respect the local plan should require less updating of evidence than the longer, two stage core strategy process. However, it is important to bear in mind that national policy requires that there is regular monitoring of key factors such as housing land availability so the advantage that the local plan would have is likely to be relatively modest.

2.14 Which option is likely to cost less?

Overall, and taking into account the costs already incurred, there is likely to be a relatively modest cost advantage with the local plan option. This is because it involves a single process rather than two stages, so it can be anticipated that there will be fewer administrative and communication costs. As noted in 2.13 there could also be less need to incur expenditure on updating evidence.

2.15 On the basis of this assessment the local plan option can be expected to involve less risk of failure and to deliver a complete plan more quickly than the option of revising the core strategy. The potential penalties of the local plan option are that it is likely to be perhaps 12 months longer before applications can be submitted to initiate investment in strategic employment sites and CIL can come into effect. However, as there are significant risks associated with the core strategy it could be that its adoption would be delayed beyond early 2016 with the consequence that the speed advantage over the local plan for economic development and CIL introduction would become negligible.

3. Implications for the Council

- 3.1 The choice of option for progressing the LDF is a matter for cabinet decision. Whichever option is chosen the council is required to identify the documents it intends to prepare and set out a timetable for their preparation in the local development scheme (LDS).
- 3.2 The current LDS which was approved in June 2011 envisages the production of a core strategy followed by an allocations document (i.e. the core strategy option outlined above) together with an area action plan (AAP) for Huddersfield town centre.

- 3.3 In revising the LDS, and irrespective of which of the above options is taken, it will be necessary to decide whether to continue with the preparation of a Huddersfield town centre AAP.
- 3.4 The role and content of the AAP as set out in the current LDS is to “set out a framework for promoting and managing development within and around the edge of Huddersfield town centre so that it fulfils its role as a sub regional centre, providing shopping, leisure and employment opportunities for the residents of the town and the surrounding small towns and villages. The plan will set out an urban design strategy and identify development opportunities and transport and other infrastructure requirements”.
- 3.5 Since public consultation on issues and options for the town centre in late 2009 formal work on the AAP has been in abeyance pending the adoption of the core strategy. The AAP is currently programmed to be completed some 18 months earlier than the allocations document.
- 3.6 The intended content of the AAP can be incorporated into either the allocations document which will follow the adoption of the core strategy, or into the local plan. There would be cost advantages in either case as there would be no need to fund a separate AAP process. In terms of the assessment in section 2 above, incorporation of the AAP into the local plan would be more advantageous because the local plan is an integrated process, easy for the public to understand and can be expected to be completed somewhat sooner than the core strategy approach, potentially bringing earlier investment in the town centre.
- 3.7 Current budget provision for the LDF is based on preparing the documents specified in the LDS, i.e. a core strategy, allocations document and AAP. Progressing the LDF by means of a local plan alone, i.e. by one unified process, would minimise administrative and communication costs with a potential saving of up to £100k. However, this potential saving must be considered against the potential loss of CIL charges because the opportunity to introduce CIL would be delayed by perhaps 12 months.

4. Consultees and their opinions

There has been no consultation on this report.

5. Next steps

Depending on cabinet’s decision on this matter the LDS will be revised. The LDS will constitute the basis for future assessment of the council’s performance in plan-making.

6. Officer recommendations and reasons

- 1 That the LDF is taken forward in the form of a local plan.

Reason: on the basis of the assessment set out in paragraphs 2.5 – 2.14 above this will be a timelier means of completing the LDF process than continuing with the core strategy approach.

- 2 That the Huddersfield town centre AAP is deleted from the local development scheme and its intended content incorporated in the local plan.

Reason: the intended content can be incorporated within the local plan with a cost saving because there will be one unified process.

7. Cabinet portfolio holder recommendation

Councillor McBride endorses the officer recommendations.

8. Contact officer and relevant papers

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Local development scheme

<http://www.kirklees.gov.uk/business/regeneration/ldf/pdf/LDS.pdf>

9. Assistant director responsible

Paul Kemp, Assistant Director, Investment and Regeneration