

Gloucester City Council

Meetings:	Cabinet Council	Date:	10 December 2014 22 January 2015
Subject:	Local Development Framework Update		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
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Appendices:	1. Local Development Scheme 2. Statement of Community Involvement		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To update the range of documents the Council is obliged to keep and maintain consistent with its legal obligations as the local planning authority and to seek approval to use the Joint Core Strategy Submission Plan (the JCS) as a material consideration in future planning decisions.

2.0 Recommendations

- 2.1 Cabinet is asked to **RECOMMEND** that:

- (1) The Local Development Scheme (the LDS) at Appendix 1 be approved;
- (2) The revised Statement of Community Involvement (SCI) at Appendix 2 be approved for consultation purposes; and
- (3) The Joint Core Strategy (JCS) be endorsed for use as a material consideration in all future planning decisions.

- 2.2 Council is asked to **RESOLVE** that:

- (1) The LDS at Appendix 1 be approved;
- (2) A public consultation on the SCI be conducted and that authority be delegated to the Head of Planning, in consultation with Head of Legal and Policy Development, to make any minor changes to this statement arising from comments received during the consultation period;

- (3) The continued use of the Second Stage Deposit Draft Local Plan (2002) and other local planning policy, including the Joint Core Strategy Submission document (the JCS), as a material consideration in future planning decisions.

3.0 Background and Key Issues

- 3.1 The Planning and Compulsory Purchase Act 2004 (“the Act”) imposes a number of obligations on the Council in connection with its land use planning function. The legislation imposes various obligations on the Council to prepare a Local Development Framework (LDF). In summary, this framework comprises the suite of documents that the Council will rely on for decision making in land use planning matters.

Local Development Scheme

- 3.2 Within the LDF, the Council is obliged under section 15 of the Act to prepare and maintain a scheme of planning documents for their local area. This is known as the Local Development Scheme (LDS). The LDS specifies which local development documents the Council will be preparing over the following three year period. The last LDS was adopted in 2009 and it is now out of date. The updated LDS (shown at Appendix 1) provides a new timetable for the preparation of the JCS which the Council is preparing with Tewkesbury and Cheltenham Borough Councils as well as the emerging Gloucester City Plan. It has also been updated to take account of the work being carried out by the Hempsted Community Forum that may result in the preparation of a Neighbourhood Plan for Hempsted.

Statement of Community Involvement

- 3.3 The Council is also obliged to prepare a Statement of Community Involvement (the SCI) pursuant to Section 18 of the Act. The SCI must explain how the Council will engage with local residents, businesses and statutory bodies in relation to the preparation of new development plan documents and how the Council will consult those persons in connection with planning applications. The Council’s last SCI was adopted in 2005. It is now out-of-date in that the secondary legislation around the preparation of development plan documents has been replaced by the Town and Country Planning (Local Planning) (England) Regulations 2012. The existing SCI does not take account of the Council’s legal obligations under the Localism Act 2011 or other changes in development management practice.
- 3.4 The revised and updated SCI is provided at Appendix 2. The Council is legally obliged to consult on the revisions to this document and seek comment. It is proposed that the SCI will be subject to a six week public consultation running from January to February 2015. This report recommends that the Council delegates authority to the Head of Planning to make any minor changes to the document received as a result of the consultation programme. If major changes are required then the revised document will be referred back to Council for approval.

Progress of the Joint Core Strategy (JCS)

- 3.5 The JCS is a land use plan that sets out the overall development requirements for Gloucester, Tewkesbury and Cheltenham and provides eight strategic allocations for major housing and employment growth as well as a range of strategic

development policies that will be used to determine planning applications. It will, for example, set the three councils' approach towards the delivery of affordable housing. This plan was sent to the Planning Inspectorate for examination on 20 November 2014. It is currently anticipated that the Examination in Public (EiP) into this plan will take place during Spring 2015. The three councils are hopeful that this will be found sound towards the end of the Summer of 2015.

- 3.6 The JCS is the most advanced plan the Council has prepared since the 1983 Local Plan was adopted. It has also been prepared having regard to the latest Government guidance in the National Planning Policy Framework and the National Planning Practice Guidance. As such, some weight should be given to this plan although it will not have legal weight until it has been found sound by the Planning Inspectorate and adopted. The third recommendation in this report asks that the Council resolves to use the JCS as a material consideration in future planning applications. It should be noted that the JCS will replace Gloucester's 2006 Local Development Framework. The JCS is more up to date and is at a more advanced stage of plan production.
- 3.7 The Second Stage Deposit Draft Local Plan (2002) still contains a number of detailed development management policies covering matters such as parking standards and the detailed management of uses (for example, changes of uses within designated shopping centres). These policies will be superseded by the Gloucester City Plan when it is adopted. It is, however, appropriate in the interim to retain this draft Local Plan for the purposes of development management although it is accepted that these policies need to be interpreted in the context of the National Planning Policy Framework and other Government policies.

4.0 Alternative Options Considered

- 4.1 This report is concerned with updating some of the documents which the Council is legally obliged to prepare and maintain in connection with its role as a Local Planning Authority. There are no reasonable alternatives to adopting the LDS and SCI.
- 4.2 The consequence of not adopting a revised LDS or SCI or postponing their publication is that the Council could theoretically be exposed to legal challenge about not maintaining these documents. It is timely that the Council revise both documents as it moves to the next phase of the preparation of the City Plan.

5.0 Reasons for Recommendations

- 5.1 This report has been prepared because Council approval is required to update the LDS and SCI.

6.0 Future Work and Conclusions

- 6.1 There is no substantial work required as a result of this report. The Council will have to consult on the SCI and take account of any comments received before it adopts this document.

7.0 Financial Implications

- 7.1 The Council is obliged to advertise the SCI locally and to write to groups which have previously expressed an interest in planning matters. The costs of this advertisement and mail out will be borne within existing resources.

(Financial Services have been consulted in the preparation of this report)

8.0 Legal Implications

- 8.1 This report sets out clearly the Council's obligations in connection with its LDF and the consequences of not complying with them.

(Legal Services have been consulted in the preparation of this report)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk of being judicially reviewed in connection with the out-of-date LDS and SCI is minimal but it is expedient that these documents are updated before the Gloucester City Plan is progressed.

10.0 People Impact Assessment (PIA):

- 10.1 A PIA screening review was undertaken. It identified that the aim of the SCI is to clarify how the Council will consult the public and how local peoples' views will be taken into account in the plan making and planning application decision processes. The solutions identified are both cost effective and appropriate to the various communities in the city, having built on existing local practice.
- 10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 None.

Sustainability

- 11.2 None.

Staffing & Trade Union

- 11.3 None.

Background Documents:

None.