

# **Planning and Transportation**

## ***Luton Local Development Scheme***

April 2013

## Preface

This local development scheme (LDS) was first adopted by the Luton and South Beds Joint Sub Committee on 3<sup>rd</sup> February 2012. The LDS applies solely to Luton.

The joint planning committee for Luton and southern Central Bedfordshire wound up on 31<sup>st</sup> March 2012 and planning powers were repatriated to Luton. On 25<sup>th</sup> March 2013, the Executive Committee agreed to the need for a revised LDS to account for the need to finalise evidence collection and engage with neighbouring authorities to meet the duty to cooperate.

**Local Development Scheme: A New Local Plan for Luton**

1. The Localism Act was enacted on 15<sup>th</sup> November 2011 and new plan making regulations were published on 6<sup>th</sup> April 2012 to simplify plan-making processes. The requirement to produce a local development scheme (LDS), which sets-out the plan-making scope and timetable, is basically unaltered from previous legislation.
3. The LDS is the starting point for the community and other stakeholders to find out what development planning documents will be prepared by the Council for its area and the timescale for their preparation. The LDS also identifies resources and includes a risk assessment for plan-making activities. New regulations require an authority monitoring report (AMR) to monitor the progress of plan making against the timetable in this document. The local authority can determine how to publicise and represent progress, such as through on-line timetables.
4. This LDS is focused mainly on the timetable for the preparation of a Local Plan for Luton. Minerals and waste planning is subject to its own LDS. A combined minerals and waste core strategy covering Luton is being prepared, covering Luton and the rest of the authorities within Bedfordshire.
5. The preparation of a community infrastructure levy (CIL) is a development plan document (DPD) in its own right and requires a preparation process that includes formal examination. The resources, timetable and scoping for this DPD is incorporated into this LDS, with its own Gantt chart.

**Luton Local Plan 2011 - 2031**

6. A new local plan for Luton will cover the whole of the Council's administrative area. It will guide the spatial distribution of development including housing and employment, retail and leisure between 2011 and 2031. It will also set out provision for transport infrastructure, education and health alongside development management policies for environmental enhancement and protection.
7. The Executive Committee of 25<sup>th</sup> March 2013 approved a revised plan preparation timetable that is reflected by this LDS.
8. The broad timetable is as follows:-
  - Evidence gathering/refining – ongoing
  - Notification – completed June-August 2012
  - Pre-submission consultation – October 2013
  - Submission – February 2014
  - Examination – June 2014

- Inspector's report – September 2014
  - Adoption – December 2014
9. The evidence base will be underpinned by a series of evidence studies – both internal and commissioned. There will also be a need to coordinate and liaise with neighbouring authorities on planning issues with cross boundary implications. A working group has been set up to oversee the detailed work programme of the plan.
10. A Gantt chart setting out a 30-month timetable for the Local Plan is presented in figure 1.

### **Luton Community Infrastructure Levy (CIL)**

11. A successful local plan requires delivery of necessary infrastructure. This can only happen through up-to-date evidence on development economics and viability. This LDS sets out a program and timetable for adopting a CIL charging schedule based on such evidence.
12. Beyond April 2014, CIL becomes the main instrument for delivering infrastructure beyond site specific Section 106 contributions. CIL is a charge on development set by the local authority ('charging authority'), designed to help fund infrastructure such as roads, schools and other needs identified in development plans. It will be paid primarily by owners or developers of land that is to be developed.
13. CIL only funds gaps that remain once existing funding sources have been taken into account. CIL will make clear to developers their 'up-front' contributions. As the charging authority, Luton will set out the levy in a charging schedule.
14. CIL charges are to be set where an up-to-date development plan forms part of the appropriate available evidence. The preparation of the local plan will need to identify the overall scale of development anticipated for the plan period and any necessary supporting infrastructure. The infrastructure will be set out in a list supported by a delivery plan.
15. CIL commands its own treatment as a local development document to be set out in the LDS, with its own consultation stages and procedures including examination by an independent inspector. The CIL examination will not examine plan or infrastructure soundness but will examine:-
- a) compliance with legislation;
  - b) that the CIL rates have been informed by evidence on viability (e.g. costs of land and development compared to sales value and capacity of any residual profit to fund infrastructure);
  - c) that there is an appropriate balance between infrastructure costs, funding sources and the potential impact on the economic viability of development (i.e. that the proposed rate would not put at serious risk the overall development of the area)

15. Timing the CIL examination to follow shortly after the local plan examination presents the best option to focus on the three matters noted above. The local plan examination date in the LDS is scheduled for June 2014 with adoption in December 2014.
16. In order to meet this timetable the following stages would need to be scheduled:-
  - Evidence gathering/ refining – ongoing
  - Preliminary draft charging schedule consultation – October 2013
  - Draft charging schedule consultation – May 2014
  - Submission – August 2014
  - Examination – November 2014
  - Inspector's report – December 2014
  - Adoption – January 2015
17. Under the duty to cooperate (Localism Act 2011), the Council will need to consider the strategic issues that impact on neighbouring authorities and visa versa. This will cover housing, transport and flooding, for example. Figure 2 below sets out the proposed Gantt chart timetable for CIL preparation.

**Risks**

19. Budget provision has been made to progress the local plan and CIL in the 2013/14 financial year. Funds will need to be made available to complete the work in 2014/15.
21. CIL work is currently being led by temporary, agency staff, whose contracts may need extending through to the adoption of a charging schedule. Development of the local plan and CIL is supported by a new Strategic Planning function, following organisational change in 2012. Any further reductions of staff may result in the timings set out in this LDS not being met.
20. The duty to co-operate with neighbouring authorities is a key component of plan-making and CIL preparation. Any issues regarding co-operation are likely to have a significant impact on timings and need to be resolved prior to any examination of development plan documents.

**Figure 1 – LDS Gantt Chart: Local Plan 2011 - 2031**

Year	2012							2013										2014										2015						
Months	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
LBC Local Plan	R18																R19				S					E			IR			A		

## Development Plan Documents

Formal consultation/ notification  
Consideration of representations  
Evidence preparation  
Consultation on Pre-submission Local Plan  
Consideration of representations  
Submission  
Examination  
Inspectors report  
Adoption

**Local Plan  
2012 Regs\***

Reg 18
Reg 19
Reg 22
Reg 24
Reg 25
Reg 26

\* Regulatory stages from the Town and Country Planning (Local Planning) (England) Regulations 2012

**Figure 2 – LDS Gantt Chart: Community Infrastructure Levy**

Year	2012								2013												2014												2015				
Months	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O		N	D	J	F	M	A	M	J	J	A	S		O	N		D	J	F	M
LBC																	R15								Reg 16	Reg 17		S					E	IR	A		
CIL																																					

**CIL 2010  
Regs\***

Evidence preparation  
Preliminary draft charging schedule consultation  
Consideration of representations  
Pre-submission charging schedule consultation  
Consideration of representations  
Submission  
Examination  
Inspectors report  
Approval/ publication

Reg 15
Reg 16
Reg 19
Reg 21
Reg 23
Reg 25

\* Regulatory stages from the Community Infrastructure Levy Regulations 2010