

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS		
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1.	Meeting:	Cabinet
2.	Date:	8 September 2010
3.	Title:	Local Development Framework: Next Steps
4.	Programme Area:	Environment & Development Services

5. Summary

The public consultation on the Local Development Framework (LDF) Core Strategy over the summer of 2009 generated considerable public, press and member interest. The report gives feedback on the consultation response. The new coalition government has recently revoked the Regional Spatial Strategy (RSS) and the housing targets it contained. The government has also announced its plans to radically reform the planning system via the forthcoming Decentralisation and Localism Bill. The report considers the implications of this changed context for the preparation of Rotherham's LDF and outlines a draft consultation plan and timetable for future public engagement.

6. Recommendations

- 1. Cabinet endorses the draft LDF Consultation Plan attached at Appendix 1 of the report.**
- 2. Cabinet endorses the draft LDF timetable at Appendix 2.**
- 3. Cabinet approves the revised approach to standard letters and petitions received in response to future LDF consultation.**
- 4. Cabinet approves the adoption of an interim housing target for Rotherham of 750 net new dwellings per annum (based on the 2005 draft RSS figure, or "Option 1" figure, as allowed for by government guidance following revocation of regional strategies).**
- 5. Cabinet endorses further public consultation through the LDF process on a range of housing targets to determine a final housing target.**

7. Proposals and Details

Background

The Council is preparing a series of new planning documents to create a Local Development Framework (LDF) for Rotherham. This is a statutory requirement under the Planning and Compulsory Purchase Act 2004. The first document to be prepared is the Core Strategy. The Core Strategy and a supporting Site Allocations document will eventually make up Rotherham's statutory development plan - replacing the current Unitary Development Plan.

The Core Strategy will set out a spatial strategy identifying the towns and settlements where new housing and land to support new industry and business are required to meet the need for new homes and continue the process of regeneration. Provision will also be made for retail, leisure and supporting community facilities.

In essence, the Core Strategy will guide what development is needed, how much is required, where it should go, and when it should happen. The Core Strategy must be founded in reality and be deliverable; it will also therefore set out who will provide the necessary infrastructure to support this growth and development.

Changing context for the LDF

On 6 July 2010 the Secretary of State announced the revocation of regional strategies with immediate effect. This revoked the Regional Spatial Strategy for Yorkshire and Humber and the district housing targets it contained. The government has issued guidance for local planning authorities on immediate issues that may arise following revocation of RSS. On housing targets the guidance states that "*local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets.*" Effectively, the Council can now determine its own housing target via the LDF process.

The government has also stated the intention to radically reform the planning system. The detail of this aim will be set out in the Decentralisation and Localism Bill. From ministerial statements to date a picture is emerging of a much more "local" focus to government which could have significant implications for the LDF. We await publication of this bill, and any more detailed transitional guidance, to determine what changes need to be made to our approach to both preparing and consulting on the LDF. The bill is expected in November 2010.

Consultation Plan

The Core Strategy Revised Options consultation over summer 2009 generated significant public response. Over 6,000 representations were received, the majority being objections (almost 90%). The objections were almost exclusively to the potential urban extensions put forward as strategic locations for growth and the release of Green Belt land. Of these objections, the majority were against the potential urban extension at Bassingthorpe Farm (around 3,000 objections). This volume of response took considerable officer time to process, as did the detailed

assessment of each representation. As a consequence, we were only able to publish an Interim Feedback Report on the Core Strategy Revised Options consultation in January 2010. We published a Final Feedback Report setting out the Council's response to the points raised by objectors in June 2010.

All consultation on the LDF to date has met or exceeded the requirements of the Council's adopted Statement of Community Involvement (SCI). This document specifically relates to consultation on the LDF and planning applications, being distinct from the Council's corporate consultation guidelines.

Despite our best efforts to engage the community in the LDF process, some of the complaints we often receive are that people knew nothing about the consultation, did not feel there was enough time to comment and/or did not understand the consultation material. Several councillors have also commented that they were unaware in advance of the volume and strength of public feeling that the consultation was likely to generate. In response to these concerns we have reviewed our approach and have discussed with the Members LDF Steering Group how we can improve engagement in future consultation on the LDF (18 Sept 2009, minute no. 12 and 16 Oct 2009, minute no. 22). The key points that will receive more emphasis in our next planned consultation are:

- advance briefing for Ward Members, MPs and Parish Councillors
- improved liaison with the Area Assembly network
- closer working with Libraries and Parish Councils on consultations
- distribution of leaflets to every Rotherham household (subject to cost)
- early engagement with the local press
- more "capacity building" with local communities via Planning for Real activities
- more localised "road shows" for each community on potential development sites
- improved pre-publicity for consultations and local events
- less reliance on "traditional" unstructured public meetings

Officers will continue to refine this consultation plan in conjunction with the Members LDF Steering Group in the run up to the next planned consultation. We will ensure the detailed implementation of the plan meets the requirements of the SCI and any revised regulations governing LDF consultation.

The draft LDF Consultation Plan is attached at Appendix 1.

Should the content of the Decentralisation and Localism Bill significantly affect our approach then a revised consultation plan will be brought to Cabinet for approval.

Consultation timetable

An update to the Local Development Scheme (LDS) is in draft form subject to further clarity on planning reform from government. Pending agreement by Members the LDS will set out our future LDF programme. In summary, we aim to carry out a further stage of full public consultation in summer 2011. This will comprise a complete draft Core Strategy setting out our preferred spatial option and the policies to achieve this option.

We will also consult on "Issues & Options" for the Site Allocations document in parallel with the Core Strategy. The potential development sites in each settlement and alternatives for each community will be the focus of this consultation. Resource savings are anticipated by running these two consultations in tandem.

This consultation will allow all stakeholders and the public an additional opportunity to comment on our preferred spatial option to accommodate growth before the Core Strategy is submitted to Government.

The draft LDF timetable is attached at Appendix 2.

The content, format and timing of the next planned LDF consultation may change subject to the Decentralisation and Localism Bill.

Standard letters and petitions

Around 4,700 objections out of the total of over 6,000 representations on the Core Strategy Revised Options consultation were submitted as either standard letters or petitions. These were dealt with as individual representations entered into our consultation database. This process caused significant delay in publishing consultation feedback and has held up progress on the next version of the Core Strategy. A revised approach is suggested where representations submitted as a standard letter or petition would be treated as one representation with the number of signatories noted. This approach would still give due weight to any valid planning concerns raised but would make more efficient use of limited staff resource to process and analyse consultation comments.

Obviously, submission of a large number of standard letters or a lengthy petition can demonstrate strength of public feeling and we would take that into account in considering any points raised and our response.

This approach does not contravene the Council's recently adopted Scheme for Handling Petitions or revised Standing Orders relating to petitions.

Interim housing target

The government guidance for local planning authorities following revocation of RSS states that *"authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate."*

Because of the weak housing market, house builders are now generally looking at lower risk sites to develop. The absence of a housing target until the LDF Core Strategy is adopted could result in Rotherham being seen as a "high risk" area, due to the uncertainty that the lack of a housing target creates, causing house builders to focus their business elsewhere. This could negatively effect house building rates in Rotherham, even when the housing market does improve, resulting in lower delivery of market and affordable housing.

As discussed with the Members LDF Steering Group (16 July 2010, minute no. 15) it is proposed to set an interim housing target to provide some continuity for the house-building sector prior to setting a final housing target through the LDF process. Based on the target set in the draft Yorkshire and Humber RSS published in 2005 (our Option 1 target) this would amount to 750 net new dwellings per annum. This would equate to a five-year requirement of 3,750 new dwellings – which could be met by our current supply of sites with planning permission and remaining allocated UDP sites, subject to market conditions.

The previous target set in the 2008 RSS subsequently revoked by the new government was 1,160 new dwellings per annum, rising to 1,350 in later years to account for shortfalls in delivery. Growth Point status increased this to a potential target in the later years on the plan period of up to 1,750 new dwellings per annum.

It should be noted that the setting an interim target could conceivably result in the Council coming under pressure to grant speculative greenfield housing applications when the house-building sector picks up. Planning Policy Statement 3 “Housing” (PPS3, para. 71) states that if we cannot demonstrate a five-year supply of housing land we must “consider favourably” planning applications for housing. Without a target we could argue that there is no bench mark to demonstrate our five year supply against. However, with the interim target, as with the previous RSS target, we will need to be able to demonstrate a five year supply of deliverable sites, in order to resist pressure to release unallocated sites.

Setting an interim target demonstrates a pro-active response by the Council to the revocation of the RSS. The draft RSS figure (Option 1 figure) of 750 net new dwellings per year was agreed by the Council at the start of the RSS process as being a realistic target that could be delivered by Rotherham’s housing market. On balance, the continuity provided by setting a realistic interim target is felt to outweigh the potential risk of not being able to demonstrate a five-year supply of housing land.

Final housing target

An appropriate level of housing provision is required to:

- provide housing to meet household growth and demographic change
- meet the Council’s aspirations for the Borough’s employment levels
- address the long term rise in house prices compared to earnings
- meet the need for affordable housing, both Borough-wide and for local communities
- provide a better mix of housing types and tenures
- reduce the Council’s housing waiting list
- reduce overcrowding and housing stress
- provide certainty for house builders to ensure consistent release of land and new-build housing

There is no detailed guidance yet on how local authorities should set their own housing target but it would be prudent to base any local target on a robust methodology and the best available evidence. Planning Policy Statement 3 “Housing” (PPS3, para. 33) provides some broad guidance relating to what matters should be

taken into account when determining the level of housing required. Officers will work up options for further consultation based on robust evidence of housing need, affordability levels, housing land availability, past completions, the need to support economic growth, sustainable patterns of development and any requirements for new infrastructure.

The new government has made other recent changes to the planning system by reclassifying private residential gardens as greenfield land and removing the national indicative minimum density of 30 dwellings per hectare. Both changes could have knock on implications for the amount of land required for our future housing target.

It is clear that the RSS target is unlikely to be achievable (and may not be desirable) and could be discounted in setting a local target, given that this level of housing completion has never previously been achieved. Other evidence and methodologies suggest a target in the range of around 700 to 1,100 per annum to the end of the plan period. From recent ministerial statements it is likely that the current requirement to demonstrate a five-year supply of deliverable housing sites will be retained and this could form a basis for setting a local housing target.

The next planned LDF consultation will set out in more detail potential alternative targets, seeking the views of stakeholders and the public. The strategy put forward will seek to minimise the release of Green Belt as much as possible and phase such release towards the end of the plan period after all other suitable brownfield land has been used. The most sustainable sites will be preferred, using higher densities in accessible locations such as town centres, public transport routes and settlements served by rail stations. The eventual housing target chosen would be included in the Core Strategy submitted to government and tested by an independent inspector at public examination.

Members should note that even a reduced housing target is still likely to require some urban extensions and Green Belt release.

Appendix 3 illustrates a range of potential housing targets while Appendix 4 shows the land implications of these targets.

8. Finance

There are no direct financial implications from this report although the consultation planned for summer 2011 may increase pressure on the Forward Planning budget. Carrying out more in-depth local consultation to meet increased public expectation of community involvement – stemming from the government's "localism" agenda – could also have significant budget implications.

The housing minister has recently announced plans to reward councils that grant permission for new housing in the shape of a "new homes bonus". The incentive scheme would match council tax revenues on every new home built for six years in grant payments to local authorities, with up to 125% for affordable homes. How this grant would be calculated, and the implications for the Council, are not known at this time (details are expected after the October spending review). However, the scheme could potentially result in significant grant money for the Council which could mitigate the loss of Housing and Planning Delivery Grant previously cut by government. The

mechanism for how any grant money received would be channelled to particular communities as compensation for receiving growth is also unclear.

The number of new dwellings delivered under NI 154 forms part of the Council's current Local Area Agreement (LAA). The future of LAA grant is uncertain pending the government spending review in October.

The Council received "Growth Point" funding from the previous government based housing delivery above our RSS housing target. As RSS has now been revoked it is unclear what the future is for this grant money.

Of further concern is the tension between ensuring a sufficiently robust evidence base to achieve a "sound" Core Strategy versus increasing budget constraint. A benchmarking exercise undertaken by Doncaster MBC and reported to South Yorkshire Heads of Planning Service 14 Aug 2009 found that:

"Use of consultants is necessary to meet government requirements on evidence base for LDFs. Due to the specialist nature of, for example, strategic flood risk assessments, retail capacity studies and viability assessments consultants are required to complement in-house working. Budgets vary depending on size and nature of the local planning authority but as a very rough 'rule of thumb' £200k-£275k p.a. is not unusual as a budget. In addition during an examination in public (EiP) year additional costs for example inspector's fees, programme officer fees and hearing venues need to be allowed for as costs can typically be £100k to £150k per DPD EiP, in addition to normal officer costs."

Appendix 5 outlines ongoing evidence base work for the Core Strategy.

9. Risks and Uncertainties

Mail shots and other pre-launch publicity can be costly but failure to invest in consultation could result in negative publicity and fail to meet expectations arising from the "localism" agenda. With the withdrawal of Rotherham News, the Council will have to find other paid methods of reaching a similar proportion of the Borough's residents. Failure to engage the public at the draft stage of the Core Strategy also risks delay later in the process when objections must be made on set "tests of soundness" with which the layperson will be unfamiliar. Processing a large volume of non-planning objections at this late stage could significantly delay the submission and public examination process.

Mindful of the current financial situation, we are working with the other South Yorkshire authorities to share planning expertise in an attempt to reduce budget pressure and meet skills gaps. Although the main work streams to support the LDF are carried out in-house, certain topics require specialist skills that the Council has to procure.

The main risk from increasing budget pressure is that we are unable to procure the required evidence base studies to support the Core Strategy at submission stage. If this were to be the case we could risk the worst case scenario of our Core Strategy

being found “unsound” by the inspector following public examination and have to start the process again – incurring significant cost, delay and negative publicity.

10. Policy and Performance Agenda Implications

The implementation of the Core Strategy will make a positive contribution to all of Rotherham’s Regeneration priorities. When adopted the Core Strategy and accompanying documents will further the objectives of the Corporate Plan and provide the spatial dimension to the Sustainable Community Strategy.

Providing sufficient good quality homes supports the priority of “Rotherham Safe” and will contribute towards providing homes for local people, including a proportion of affordable homes. It also contributes to the cross-cutting theme of Sustainable Development with well designed, decent affordable housing.

Achieving sustainable development is a key theme of the Core Strategy and is reflected in its policy themes. Sustainability Appraisal has been carried out at each stage of the development of the Core Strategy.

11. Background Papers and Consultation

LDF Statement of Community Involvement (June 2006)

LDF Local Development Scheme (Mar 2007)

LDF Core Strategy Preferred Options (Jan 2007)

LDF Core Strategy Revised Options (May 2009)

LDF Core Strategy Revised Options – Interim Feedback Report (Dec 2009)

LDF Core Strategy Revised Options – Final Feedback Report (June 2010)

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Appendix 1: Draft LDF Consultation Plan

Consultation aim	
To seek the views of stakeholders and the general public on options for the future growth and development of Rotherham, both in terms of a broad strategy for distributing growth across the Borough and in assessing alternative potential development sites in and around the Borough's communities.	
Consultation delivery partners	
Internal	External
<ul style="list-style-type: none"> • Area Assembly • Worker Representative Group • Youth Cabinet • Older People's Forum • Disabled Peoples Groups 	<ul style="list-style-type: none"> • Rotherham Partnership • Parish Councils • Local Biodiversity Partnership • REMA • Rotherfed • GROW • Women's Strategy Group • Yorkshire Planning Aid • Chamber of Commerce
Indicative consultation timetable	
<p>12 weeks before start: Engagement with consultation delivery partners</p>	<p>Meetings and briefings with key consultation delivery partners to explain the purpose of the proposed consultation, agree the timetable and seek buy-in to deliver the consultation.</p> <p>Monthly updates to Members LDF Steering Group.</p>
<p>6 weeks before start: Briefings</p>	<p>Approval of consultation documents by Members LDF Steering Group and Cabinet.</p> <p>Advance briefing of Members, MPs and Parish Councils. Assistance sought from interested Members and Parish Councils to cascade information to local communities.</p> <p>Briefing of senior library staff.</p> <p>Prepare consultation material: leaflets; response forms; exhibition material; maps & aerial photographs; power point presentations; posters advertising events.</p>
<p>2 weeks before start: Pre-launch publicity</p>	<p>Posters put up in local venues.</p> <p>Email to consultees: circa 450 contactable via email.</p> <p>Letter sent to all consultees on database: circa 5,500 (subject to cost)</p>

	<p>Leaflet circulated to all Borough households (subject to cost)</p> <p>Documents printed and ready for publication.</p> <p>Submit RMBC consultation protocol Form 1.</p>
<p>Consultation period starts: Minimum 6 weeks to comply with regulations</p> <p>Maximum 12 weeks</p>	<p>Website live – consultation material and event schedule.</p> <p>Radio interviews.</p> <p>Press release. Interviews provided on request.</p> <p>Adverts in local papers.</p> <p>Consultation packs placed in libraries and CSCs.</p> <p>Reference documents sent to statutory consultees.</p>
<p>During consultation period: Workshops and events</p>	<p>Stakeholder events – invites via letter / email.</p> <p>Bespoke 'drop-in' sessions / localised road shows with exhibition (minimum 7 - one for each Area Assembly) held throughout the Borough.</p> <p>Flyers / letter / email inviting communities to drop-in and/or bespoke events circulated via local Parish Councils, Community Groups and Area Assembly networks.</p> <p>Posters placed in local venues prior to events in the locality.</p> <p>Facilitated workshops with 'communities of interest', Area Assembly representatives, Parish Councils, Ward Members and local group representatives.</p> <p>Bespoke drop-in sessions/ localised road shows using Planning for Real techniques with groups of communities (locations to be decided) to discuss the selection of sites within the communities.</p>
<p>All timings post consultation close are subject to the level and complexity of the consultation response.</p>	
<p>Consultation closes: Feedback reporting to Members</p>	<p>Interim findings presented to Members LDF Steering Group. Reflection and review of effectiveness of the consultation activities undertaken during and following the programme of consultation.</p> <p>Press release and feedback to key consultation</p>

	delivery partners.
3 months after consultation closes: Internal and external feedback	Submit RMBC consultation protocol Form 2 . Approval of feedback report by Members LDF Steering Group . Final Feedback Report published. Exact timing dependent on level of consultation response.

Appendix 2: Local Development Framework timetable – draft Aug 2010

	2010												2011												2012												2013											
	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	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Core Strategy DPD																																																
Site Allocations DPD & Proposals Map																																																
Joint Barnsley, Doncaster & Rotherham Waste Core Strategy DPD																																																

P Preparation starts by consulting statutory bodies on the scope of Sustainability Appraisal (PPS12 milestone)

C Consultation on options/continuous engagement

PSV Publication of proposed submission version (PPS12 milestone)

S Submission to Secretary of State, examination period starts (PPS12 milestone)

M Pre-examination meeting

E Examination hearings

R Inspector's report

A Adoption (PPS12 milestone)

Production & Consultation

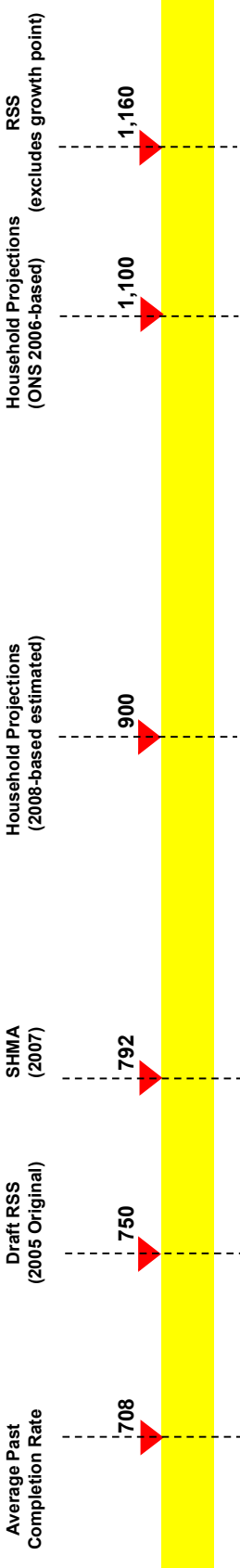
Publication

Examination

Adoption

Appendix 3: Potential housing targets

RANGE OF POSSIBLE HOUSEHOLD PROVISION (new dwellings per year): 2010-2027



LOWER TARGET

Negative Impacts:

- Economic growth likely to be more constrained
- Lack of affordable housing provision
- Poor housing offer / choice
- potential loss of higher skilled workers living in the borough
- Potential decline of some settlements / loss of services
- Inability to create sustainable communities

Positive Impacts:

- Greenfield development more limited
- Limited necessity for green belt release
- Lower impact on the environment / resources
- Less congestion (although in-commuting may rise)

HIGHER TARGET

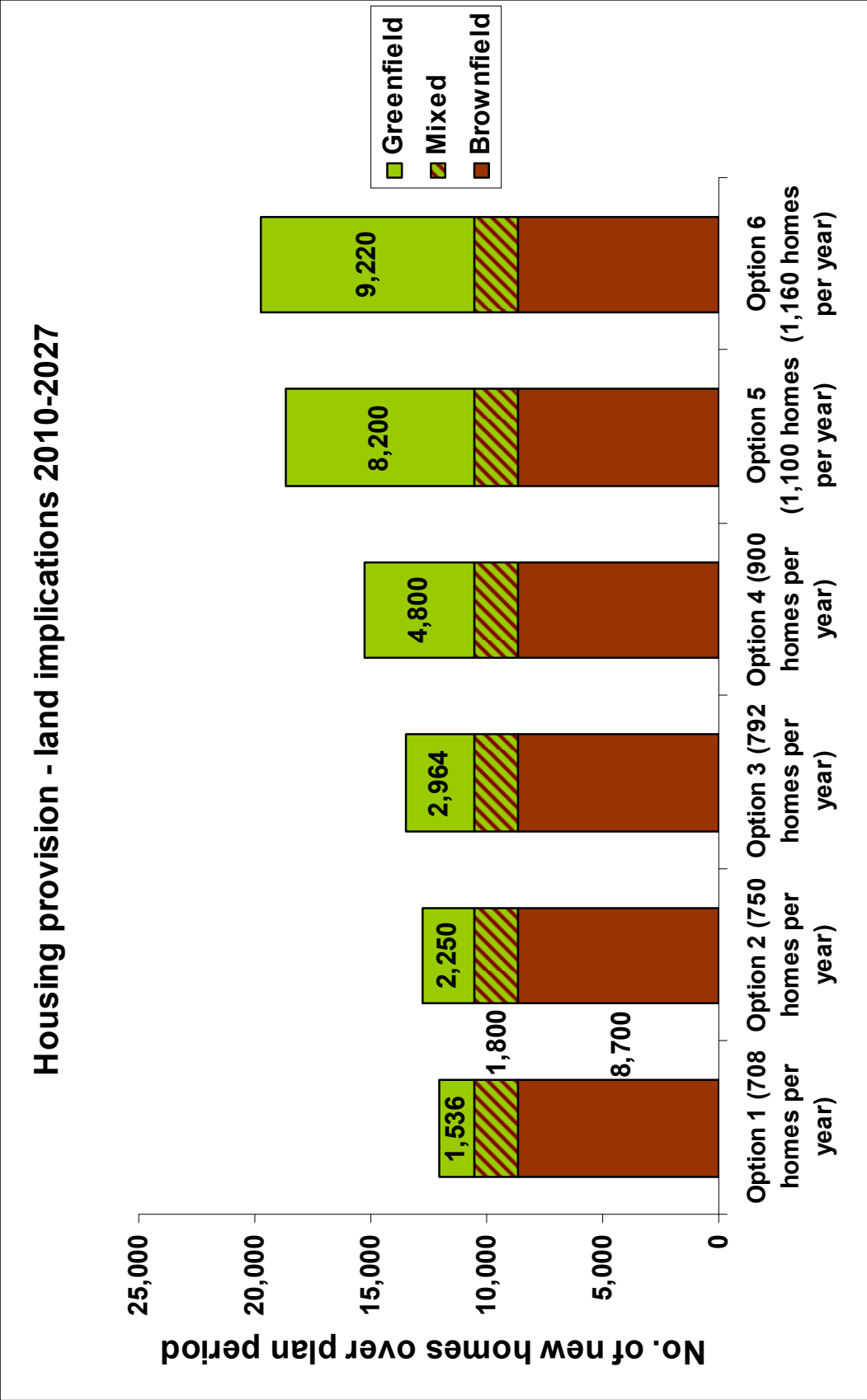
Negative Impacts:

- Increase in development of greenfield sites
- Necessity for release of more greenbelt
- Greater impact on the environment / biodiversity
- Potential increase in congestion and commuting

Positive Impacts:

- Economic growth less constrained
- potentially more local job creation / higher employment
- Increase in affordable housing
- More choice in the local housing market
- Greater potential to create sustainable communities
- some settlements more self-sustained / services safeguarded

Appendix 4: Housing provision land implications



Appendix 5: Evidence base required to underpin the Core Strategy

To help support and refine our preferred spatial option for the Core Strategy we are currently progressing several important work streams as outlined below. The Core Strategy is also subject to ongoing **Sustainability Appraisal** as required by the regulations.

Affordable Housing Viability Assessment: to update the previous assessment to determine whether the proportion of affordable housing sought on qualifying sites is feasible in current market conditions.

Employment Land Review (ELR): to review and assess our current employment land allocations against our local employment aspirations. Some land may be surplus to requirements and could potentially be re-allocated as housing land, subject to suitability.

Environmental evidence base: to ensure that biodiversity, geology and archaeology issues are adequately assessed. The completeness of this evidence is uncertain due to resource constraints for the Council's biological records function.

Green Belt Review: to ensure the methodology we have followed to identify the most suitable locations for release of Green Belt land is robust and transparent.

Habitats Regulations Assessment: to ensure that no national or internationally significant habitat sites are adversely affected by the LDF strategy and sites.

Infrastructure Delivery Plan (IDP): to provide evidence of what physical, social and green infrastructure is needed to implement the Core Strategy. This should cover infrastructure needs and costs, phasing, funding, and responsibility for provision. An approved IDP will be required, alongside an adopted Core Strategy, before any local introduction of the Community Infrastructure Levy.

Landscape Assessment: to determine the character of the landscape at the strategic locations identified for potential urban extensions to assess their capacity to absorb growth.

Renewable Energy Study: to determine appropriate sites, targets and policies for the LDF to combat climate change in the absence of any regional targets post RSS revocation.

Retail and Leisure Study: to update the Council's previous retail study to determine the need and capacity of retail development in the Borough and to inform a settlement hierarchy of towns to guide types and levels of retail development to appropriate locations.

Strategic Flood Risk Assessment Level 2 (SFRA2): to ensure that our preferred spatial option for the Core Strategy does not rely on sites at severe risk of flooding or sites at lower risk that cannot be developed even with mitigating measures of design and layout.

Strategic Housing Land Availability Assessment (SHLAA): a detailed and thorough technical study in conjunction with private sector house builders to identify housing sites that are suitable, available and achievable. The results of the SHLAA will help to reality check the potential housing sites identified in the LDF Site Allocations database.

Strategic Housing Market Assessment (SHMA): to update the previous assessment to determine the level of affordable housing provision we should aim to achieve and the mix of housing types and tenures required.