



BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

WEDNESDAY, 15TH SEPTEMBER 2004 AT 6.00PM

COMMITTEE ROOM, THE COUNCIL HOUSE, BROMSGROVE

AGENDA

Council Agendas and Minutes are available on our web site at
www.bromsgrove.gov.uk/meetings

MEMBERS: Councillors D. C. Norton (Executive Leader), Mrs. M. M. T. Taylor (Deputy Executive Leader), B. L. Fuller C.B.E., Q.F.S.M., Mrs. J. M. L. A. Griffiths, R. Hollingworth and P. J. Whittaker.

1. To receive apologies for absence
2. Declarations of Interest
3. Public Questions
4. Issues arising from Overview and Scrutiny Committees
5. Local Government Efficiency - Shared Services (attached)
6. Freedom of Information (attached)
7. Cinema Licence Fees (attached)
8. Independent Remuneration Panel (attached)
9. Planning Services Business Plan 2004/2006 (attached)
10. Results of Consultation on Bromsgrove Town Centre Retail Study (attached)
11. Local Development Framework (attached)
12. Local Development Scheme (attached)
13. Housing Land Availability – April 2004 (attached)
14. Clean Neighbourhoods Consultation Document (attached)

15. To consider any other business, details of which have been notified to the Head of Administrative Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting
16. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the Meeting during the consideration of items of business containing "Exempt Information":-

"RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public be excluded from the Meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in Part I of Schedule 12A to the Act, the relevant paragraph of that part being as set out below:-

<u>Item No.</u>	<u>Paragraph(s)</u>
17	1
18	3
19	12

17. Restructure of the Audit, Best Value and Performance Section (attached – not available to the Public)
18. Right to Buy Matter (attached – not available to the Public)
19. Food Safety Act 1990 and the Food Safety (General Food Hygiene) Regulations 1995 (attached – not available to the Public)

S. NIXON
Chief Executive

The Council House,
Burcot Lane,
BROMSGROVE
Worcs.
B60 1AA

6th September 2004

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15TH SEPTEMBER 2004

Report of the Chief Executive and the Corporate Director (Resources)
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LOCAL GOVERNMENT EFFICIENCY – SHARED SERVICES

1. SUMMARY

- 1.1 The purpose of the report is to inform Members of an initiative to explore the feasibility of developing the concept of shared “back office” services with other local authorities in Worcestershire and to seek support to progress this work in order to produce an informed report in the autumn 2004.

2. RECOMMENDATION

- 2.1 It is recommended that :
- 2.1.1 the report be noted;
 - 2.1.2 members comment on the possible areas for shared “back office” service consideration; and
 - 2.1.3 the principle to work with other officers across the Districts and the County to produce a further more detailed report in the autumn is endorsed.

3. BACKGROUND

- 3.1 Members will be aware of the recent Gershon Review into the potential for public sector efficiencies over the next few years and the likelihood that local authorities will be expected to deliver savings alongside other Government departmental savings.
- 3.2 The report attached as Appendix A was submitted to Worcestershire County Council’s Executive Cabinet, highlighting the potential through partnership with other District Councils, to secure savings by:
- a) appropriate joint procurement, and / or
 - b) sharing some “back office” services
- thereby reducing the duplication of separate systems and processes.
- 3.3 Appendix 1 of the County’s report lists some initial ideas as potential shared services, which were further refined as set out in Appendix 2.
- 3.4 At a recent Worcestershire Chief Executive’s meeting, officers agreed to take the County’s report on Shared Services to their respective Executive Cabinets for information and comment and to determine any areas of sensitivity.

It was stressed that opportunities to reduce unnecessary duplication of “back office” systems or procurement would be helpful in a quest to achieve savings whilst aiming to improve front line services.

- 3.5 It was recognised that some services would be easier to progress than others, e.g. procurement, payroll, some elements of I.T., revenues and benefits. These could be followed by other areas worthy of consideration e.g. licensing, out of hours services and possibly some elements of joint training.
- 3.6 In order to assist the feasibility work, it was suggested further research should be undertaken to learn from the experience gained by other local authorities e.g. (Surrey, Kent, Norfolk, Suffolk and Welland).
- 3.7 The Chief Executives were also informed that the ODPM was interested in developing and promoting good practice in this work, particularly as emerging good governance models.
- 3.8 Members are asked to endorse the principle of shared services and to comment on the possible areas.

4. FINANCIAL IMPLICATIONS

- 4.1 This work will seek to help the Council achieve the required efficiency savings that are part of the Gershon review. Any other financial implications will need to be considered as part of any proposals that come forward.

5. LEGAL IMPLICATIONS

- 5.1 None at this stage.

6. OTHER SUB HEADINGS

- 6.1 None.

Personnel Implications
Governance/Performance Management Considerations
Community Safety Considerations
Risk Management Considerations
Policy Considerations
Environmental Considerations
Equalities Implications

BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Sue Nixon and Kevin Dicks
E Mail: s.nixon@bromsgrove.gov.uk and k.dicks@bromsgrove.gov.uk
Tel: (01527) 881400 and (01527) 881487

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15TH SEPTEMBER 2004

FREEDOM OF INFORMATION

Responsible Portfolio Holder	Councillor D. C. Norton
Responsible Head of Service	A. R. Burton, Head of Legal Services

1. SUMMARY

This report relates to the Freedom of Information Act 2000 and is to advise Members of the forthcoming Full Implementation Date of 1st January 2005, and of action the Council is taking to address this. The overall objective of the FOI Act is to encourage the Council, in common with all public authorities, to be proactively more open and transparent. This requires the Council to put into place practices and procedures for dealing with information.

2. RECOMMENDATION

1. That the Corporate Director (Resources) be designated Lead Officer with overall corporate responsibility for FOI.
2. That the post of Asset and Standards Management Assistant be re-designated Information Management Officer and allocated day-to-day responsibility for FOI.
3. That arrangements be made for Members to receive training on the subject of FOI.

3. Background

3.1 The Freedom of Information Act 2000 was introduced to promote greater openness and accountability across the public sector. The Act comes into force in stages, with full implementation by 1st January 2005. Individuals will then have a general right of access to all types of "recorded information" held by public authorities (both electronically and manually), including information recorded before the Act was passed. This will have an impact upon the way authorities manage information and records.

3.2 Anyone will be able to make a request for information, although the request must be in writing, which can be in electronic form. In general, public authorities will have to respond to requests within 20 working days. It is important to understand that the person making the request does not need to refer to the FOI to establish his right – any request for information should be treated as being within the scope of the FOI because it *is* within the scope. From this can be seen the scale of the subject.

- 3.3 Individuals are given two basic rights: firstly to be told if the information exists, and secondly to receive the information (and where possible, in the manner requested, i.e., as a copy or summary, or the applicant may ask to inspect a record).

Exemptions

- 3.4 The Act does not confer an absolute right to all information since there are 23 exemptions of which the following apply to Local Government.

Absolute Exemptions:

- Information accessible to the applicant by other means
- Court records
- Personal information about the person making the request
- Information which was provided in confidence and the disclosure of which would constitute a breach of confidence
- Information which may not be disclosed under any statute or rule of law

Qualified Exemptions: (subject to the public interest test)

- Information intended for future publication
- Information held for the purposes of criminal proceedings
- Information the disclosure of which would prejudice law enforcement
- Prejudice to the effective conduct of public affairs
- Health and safety
- Environmental Information
- Personal information concerning a third party
- Legally privileged information
- Trade secrets and information which may prejudice the commercial interest of any person.

- 3.5 When considering whether particular information may be covered by an exemption, the Authority should apply what is known as “The Public Interest Test”. This involves a consideration of whether in the particular case the interests of the public are better served by disclosing the information, or by withholding it. The onus should, however, be in favour of disclosure.

- 3.6 Requests by individuals for personal information relating to themselves are outside the scope of FOI and will be handled in accordance with existing procedures for subject access requests under the Data Protection Act (DPA). Similarly, requests covered by the Environmental Information Regulations will also follow a separate route.

- 3.7 It should be noted that FOI provides a right to “information”, and not a right to a copy of a document. This means that where a lengthy document contains some information which is properly exempt, the Authority cannot refuse to disclose the document as a whole because the person still has a right to the non-exempt information contained in that document. In practice therefore this may involve blanking out the exempt parts of the document when photocopying the document prior to supplying it in response to the request.

- 3.8 Some exemptions are also time limited. For example, contracts may be exempt during the tendering process but might become disclosable at a later date.

- 3.9 The Department of Constitutional Affairs and the Office of the Information Commissioners have made it clear that Authorities will be expected to operate under a presumption in favour of openness and transparency, and exemptions should be applied only in exceptional cases where there is a watertight case for non-disclosure.

Fees

- 3.10 An authority will be able to charge a fee for dealing with requests for information, set in accordance with regulations made under the FOI Act, although at the time writing this report the regulations are still in draft form. It is likely that the maximum fee should not be more than ten per cent of the "prescribed costs" (i.e., costs reasonably incurred in locating and retrieving the information), plus "disbursements" (i.e., the actual direct costs of communicating the information to the applicant, such as copying and postage charges). The cost of deciding whether to disclose the information, including any consultations with third parties or legal advisers, is not taken into account. A maximum limit of around £600 is likely to be set, above which the Authority does not have to comply.

4. Action to be Taken

It is unrealistic to expect Authorities to be fully compliant with all aspects by January 2005. Minimum compliance should be achieved by the beginning of next year with other tasks scheduled for longer term. The following are suggested areas which might be addressed, in order of priority:

4.1 Culture change -

The implications of FOI and its requirements should be accepted at all corporate levels along with the cultural change to embed recognition of a "right to know" on the part of the individual rather than a "right to confidentiality" on the part of the organisation. A programme of training for staff will be necessary and Members' views are invited as to whether it is thought an appropriate area for Member training.

4.2 Organisational -

In accordance with the requirements of the Code of Practice, a member of staff of appropriate seniority should be designated as having lead responsibility, who will be accountable for compliance and give appropriate support, but will not be involved with the day to day tasks. It is recommended that this be the Corporate Director (Resources).

In order to provide a clear focal point for FOI issues, responsibility for day to day operational tasks should be assigned. There is a close inter-relationship between FOI and Data Protection, and it is therefore recommended that the Asset and Standards Management Officer (currently responsible for DPA) should take on the responsibility for day to day FOI issues and the post formally be re-designated Information Management Officer. (As an aside to this, the officer is currently charged with responsibility for the Council's Asset Management Plan: it is felt that this role may more appropriately lie

elsewhere and this subject will be revisited in a future report.) This and the above recommendation will demonstrate the Council's commitment to the proper handling of Information.

The Code of Practice recommends that responsibility is assigned for records management and that post should be either the same person who has DPA/FOI responsibility or someone with an organisational connection with it. The future of records management within the authority will be influenced by the implementation of Freedom of Information and in particular the results of the information inventory (see para 4.7 below).

4.3 Handling Requests for information -

The Information Commissioner considers that all authorities should have in place procedures for dealing with requests. In most cases, requests for routine information will be complied with as normal. The difficulty comes when there is specific mention of either the FOI Act or the DPA; or reference to personal or politically sensitive information, or requests of a complex nature. It is suggested that such cases could be handled by a central point managing the request through to completion, co-ordinating the compilation of information required from several departments where necessary, ensuring compliance with legislative timescales and the recording of the request, which is recommended in case of later disputes. Logic would suggest that this also be the Information Management Officer.

4.4 Application of Exemptions -

Procedures should be in place to allow consideration of whether the information should be disclosed or withheld in accordance with an exemption. If the exemption is qualified, it will be necessary to consider the public interest test. Removal of exempt information would then be necessary. It is suggested that a core panel assess such matters, consisting of the Corporate Director (Resources), the Head of Legal Services, Information Management Officer and whichever Director/s or Head of Service/s is/are most closely allied to the subject-matter. Designated officers need to be aware of the ripples which could result from disclosure of sensitive information, which will also be of concern to Members.

4.5 Advice to third parties -

An important part of the information held by local authorities will have been received from third parties, or could affect them if released. Examples include information submitted in relation to contracts or development proposals, and information held for licensing and regulatory purposes. These third parties (especially small companies) may be unaware of the implications for them. Good practice recommends contacting these third parties in advance and advising them of the most relevant aspects of the Act. The Council's Procedure Rules relating to tenders should also be amended to include a commercial confidentiality clause.

4.6 Training -

All staff who will handle requests from the public will need an awareness of the FOI Act. This should enable them to recognise a request for non-standard, complex or sensitive information and what to do with the request. It

is recommended that training be arranged, and that information sheets be made available to staff summarising relevant points.

4.7 Information Inventory and Records Management -

FOI and the ensuing processes are part of a wider issue namely the whole subject of how information and knowledge is managed within the Council, i.e., Records Management. It will be necessary for the Council to consider this in greater detail in order that requests for information may be handled efficiently. It is important to know what information is held, where it is and how it is held. The Code of Practice published by the DCA recommends that an information inventory be carried out to establish this. This can be undertaken either as a high level overview or as a detailed inventory. It is suggested that there are wider corporate benefits to be gained from a detailed inventory and that since some information has already been gathered together as part of the Council's Publication Scheme, it would be logical to build on this.

4.8 Retention schedules -

The Code of Practice also states that it is particularly important that the disposal of records be undertaken in accordance with clearly established policies formally adopted by the Authority. As part of the information inventory, and with reference to other guidance issued from Government bodies, departments will need to identify the criteria within their service which control how long information is retained. This will then be developed into a full retention schedule for the Authority, a process to be undertaken by the Information Management Officer in close liaison with Directors and Heads of Service.

5. **Financial Implications**

At this stage, preparatory work will be undertaken with current resources although it may be necessary to review this at a future date, for example in the light of experience after January 2005.

6. **Legal Implications**

The above proposals are in compliance with the Freedom of Information Act 2000, Data Protection Act 1998 and Codes of Practice issued by the ex Lord Chancellor's Department (now Department of Constitutional Affairs)

7. **Personnel Implications**

Re-designation of existing post to Information Management Officer.

8. **Governance/Performance Management Considerations**

None

9. **Community Safety Considerations**

None

10. Risk Management Considerations

Failure to deal with requests in compliance with the FOI Act could lead the Council to sanction by the Information Commissioner including Enforcement Action by the Commissioner, failure to comply with which may lead to the Council being in Contempt of Court.

11. Policy Considerations

The subject of Records Management will require the Council to consider a corporate approach to the question of how long information documents and/or records are maintained.

12. Environmental Considerations

None:

13. Equalities Considerations

None:

Background Papers

None: "Code of Practice on FOI" and "Model Action Plan" both issued by the Department of Constitutional Affairs; Local Government Association Practical Guide to FOI.

Contact officer

Name: A. R. Burton, Head of Legal Services
E Mail: a.r.burton@bromsgrove.gov.uk
Tel: (01527) 881426

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15TH SEPTEMBER 2004

CINEMA LICENCE FEES

Responsible Head of Service	Head of Administrative Services

1. SUMMARY

- 1.1 To consider the scale of licence fees for the granting, renewal and transfer of a Cinema Licence.

2. RECOMMENDATION

- 2.1 That the Members may wish to recommend setting the following scale of fees in relation to the granting, renewal or transfer of a Cinema Licence, with immediate effect:
- a) in the case of a grant or renewal for one year, £600;
 - b) in the case of a grant or renewal for any less period, £200 for each month for which the licence is granted or renewed, but does not exceed £600 in a 12month period;
 - c) in the case of a transfer, £120.

3. BACKGROUND

- 3.1 The Council has received a request for a Cinema Licence in respect of the Arts Centre. At present, the Council has not previously set its scale of fees for this type of licence, as the Council does not normally receive a request for such a Licence.
- 3.2 The fees currently charged by neighbouring Councils are set out below:

	Grant	Renewal	Transfer
Wychavon	£600	£600	£120
Wyre Forest	£310	£214	£120
Stratford	£600	£600	£120
Redditch	£600	£600	£120
Birmingham	£333	£333	£68
Solihull	£600	£600	£120

- 3.3 It would appear from the above-mentioned table, that most other Councils in the area, charge the maximum levels of fees in accordance with the Cinemas Act 1985. Consequently, it would not be unreasonable to charge the same levels.
- 3.4 Members may wish to note that, with effect from November 2005, all future applications for a Cinema Licence will be dealt with in accordance with the Licensing Act 2003, and the fees will be set nationally.

4. Financial Implications

- 4.1 In view that this is the first request for a Cinema Licence, and probably the only one the Council will receive under the current licensing regime, the financial impact will be minimal and there will be no impact on existing resources.

5. Legal Implications

- 5.1 The scale of fees may be fixed at the discretion of the Licensing Authority, however they must not exceed the fees as set out by the Cinemas Act 1985, namely,
- a) in the case of a grant or renewal for one year, £600;
 - b) in the case of a grant or renewal for any less period, £200 for each month for which the licence is granted or renewed, but does not exceed £600 in a 12month period;
 - c) in the case of a transfer, £120.

Background Papers

None

Contact officer

Name: Sharon Smith, Principal Licensing Officer
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15TH SEPTEMBER 2004

INDEPENDENT REMUNERATION PANEL

Responsible Portfolio Holder	Councillor D. C. Norton
Responsible Head of Service	Head of Administrative Services

1. SUMMARY

1.1 To consider the future membership of the Independent Remuneration Panel.

2. RECOMMENDATION

- 2.1 (a) that the current members of the Independent Remuneration Panel be re-appointed to serve on the Panel until 30th September 2006;
- (b) that should any member(s) of the Panel be unable or unwilling to serve on it until that date, replacements be appointed following a further public advertisement or nomination by the Chamber of Commerce as appropriate

3. BACKGROUND

- 3.1 In November 2001 the Council appointed an Independent Remuneration Panel to make recommendations to the Council on Members' Allowances. The Panel has subsequently reviewed the scheme of Members' Allowances on an annual basis. In addition, arising from new consolidated Regulations in 2003, the Panel also has a function to consider and make recommendations to Parish Councils on allowances for Parish Councillors.
- 3.2 The Panel consists of five members, four of whom volunteered their services following public advertisement and who were appointed following interview by the Cabinet. The fifth member was nominated by the local Chamber of Commerce.
- 3.3 When the Panel was originally appointed, the Council did not specify a term of office. Subsequently, in July 2002, the Cabinet agreed to invite the members of the Panel to continue to serve on it up to February 2004. All the Panel Members agreed to continue. Members will be aware that the Panel was required to meet beyond this date due to the Council's decision to refer back the Panel's recommendations for 2004/05 for further consideration.
- 3.4 The Members' Allowances Regulations do not specify any requirements with regard to the period of office of Panel Members. However, government guidance refers to the importance of some continuity of membership as a Panel is likely to become more effective as its knowledge and understanding of Members' Allowances is increased. The guidance therefore suggests that authorities may wish to consider appointing Panel Members for a term of office of several years, such as 3-5 years.

- 3.5 When the Cabinet previously extended the term of office of the Panel Members, it agreed that the Panel should be re-appointed in 2004 but that in doing so the Council would not exclude any Members of the Panel who wished to continue to serve, from applying for re-appointment. Panel Members have informally indicated that they wish to continue serving on the Panel.
- 3.6 It is therefore suggested that the current Panel Members be re-appointed for a further two years up to 30th September 2006 which means their total term of office will have amounted to just under 5 years.

4. Financial Implications

- 4.1 Panel Members are paid an annual allowance of £250 and are entitled to claim travel expenses. Budgetary provision exists to meet this cost.

5. Legal Implications

- 5.1 The Council has a legal requirement to appoint an Independent Remuneration Panel as set out in The Local Authorities (Members' Allowances) (England) Regulations 2003.

6. Other Sub Headings

- 6.1 None

Personnel Implications
Governance/Performance Management Considerations
Community Safety Considerations
Risk Management Considerations
Policy Considerations
Environmental Considerations
Equalities Implications

Background Papers

None

Contact officer

Name Karen Firth
 E Mail: k.firth@bromsgrove.gov.uk
 Tel: (01527) 881625

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15th September 2004

PLANNING SERVICES BUSINESS PLAN 2004 – 2006

Responsible Portfolio Holder	Councillor Mrs M Taylor
Responsible Head of Service	Malcolm Griffiths, Director of Planning Services

1. SUMMARY

- 1.1 The enclosed Business Plan for Planning Services primarily covers a 2 year period 2004/5, 2005/6, but also refers in general terms to future years.

It has been prepared to the standard Corporate format.

The plan directly relates to Corporate and Community Plan aims and targets established within the Performance Plan and the Planning Services Best Value Review.

Following a detailed review of 2003/4 performance, new targets are set for 2004/5 and 2005/6 for each of the 6 Divisions comprising Planning Services which are:

- Local Plans
- Development Control
- Building Control
- Economic Development
- Strategic Housing
- Administration

2. RECOMMENDATION

- 2.1 To approve the Business Plan

3. FINANCIAL IMPLICATIONS

- 3.1 It is recognised that approving this Business Plan does not commit the Council to any additional expenditure. Whilst references are made to capital schemes in Para

31.8 (The Strand Environmental Improvements and Conservation Grants), these will be subject to the formal capital bidding process later in the year.

4. LEGAL IMPLICATIONS

4.1 None.

5. BACKGROUND PAPERS

5.1 None.

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15th SEPTEMBER 2004

RESULTS OF CONSULTATION ON BROMSGROVE TOWN CENTRE RETAIL STUDY

Responsible Portfolio Holder	Councillor Mrs Taylor
Responsible Head of Service	Director of Planning, Malcolm Griffiths

1. SUMMARY

- 1.1 The purpose of the report is to outline the results of consultation on the Bromsgrove Town Centre Retail Study and seek approval for the next stage.
- 1.2 There is general support that the three sites identified are the most important areas to improve.
- 1.3 The bus station area is regarded as the area that needs tackling first, followed by the High Street and then the Market site.

2. RECOMMENDATION

- 2.1 That Members agree that

- 1. The three sites identified are the most important areas to improve;*
- 2. That Members agree that the Council proceed with Option 2, in terms of the next steps.*

3. BACKGROUND

- 3.1 A formal period of consultation on the Bromsgrove Town Centre Study took place from 26th April – 25th June 2004. The primary purpose of consulting people was to establish whether the three areas identified (The High Street, Market Hall and Bus Station) in the Bromsgrove Town Centre Study were the most important areas to improve; which area needed to be tackled first and to prioritise the potential improvements, as well as providing an opportunity for people to comment on the study.
- 3.2 A further purpose of the consultation was to ask people to suggest shops and services that didn't currently exist in Bromsgrove town, which they wanted to see.
- 3.3 Officers have undertaken further consultation in the form of a stakeholders' workshop to obtain more detailed views on specific aspects of the town centre study.

Favourite Shops/Facilities

Food Retailers

- 3.4 Marks & Spencer Simply Food store topped the list, followed by Waitrose. A wet fish shop was also mentioned. *While food retailers are currently well represented in Bromsgrove, the consultants highlighted a need for additional food retailers. While Waitrose stores vary in size from just 7,000 square feet to approximately 56,000 sq. ft. Marks & Spencer Simply Food stores are generally smaller. For example, the store at Shirley is around 5,500 sq ft.*

Restaurants/Cafes/Fast Food

- 3.5 Many people were keen to see restaurants, cafés and fast food outlets with fast food outlets such as Burger King/KFC being favoured by younger people. Coffee bars/shops (e.g. Costa Coffee) also featured strongly. *There is a significant under provision of restaurants and cafes in Bromsgrove so*

attracting such uses would add to the vitality of the town centre and extend the hours of activity beyond the core retailing hours.

Variety, Department & Catalogue

3.6 Marks & Spencers was the most cited store mentioned.

Clothing

3.7 Many womens clothing shops (e.g. Country Casuals) were suggested as were mens and boys wear (e.g. Top Shop/Top Man). A quality footwear outlet (e.g. Clarks) was felt to be an area missing. *All of these areas are currently underrepresented in Bromsgrove.*

DIY, Hardware and Household Goods

3.8 Outlets such as Lakeland and The Pier were put forward. *This particular category is dominated by the Focus DIY outlet, but in terms of retail outlets is underrepresented.*

Electrical, Home Entertainment, 'Phones & Video

3.9 HMV (home entertainment) was the most frequently mentioned outlet. *In terms of representation in Bromsgrove, this category is fairly well represented (partly because of the number of mobile phone shops), although Bromsgrove does not have the larger operators who would help to improve the attractiveness of the town as a retailing location.*

Sports, Toys, Cycles & Hobbies

3.10 JJB sports was mentioned.

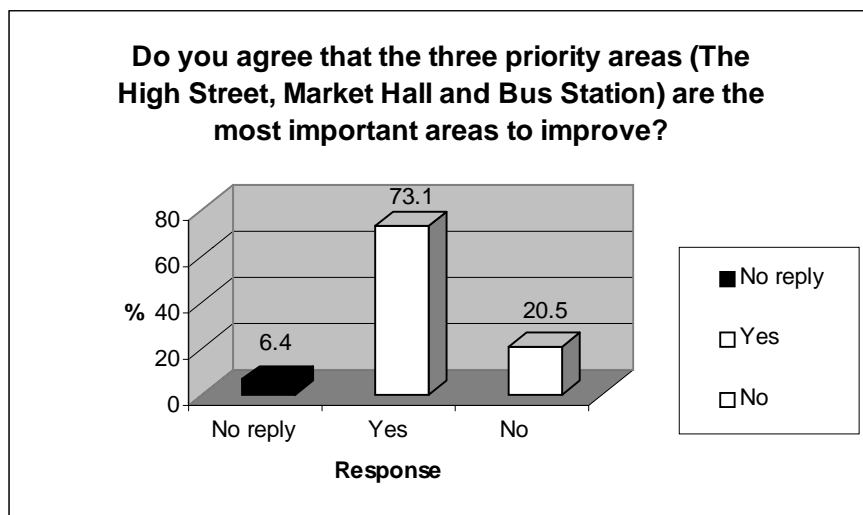
Summary of Favourite Shops

3.11 The list is interesting in that the majority of the broad categories mentioned are currently underrepresented in Bromsgrove town. By seeking to encourage a better retail/servicing mix, this would help to improve the vitality and viability of the town.

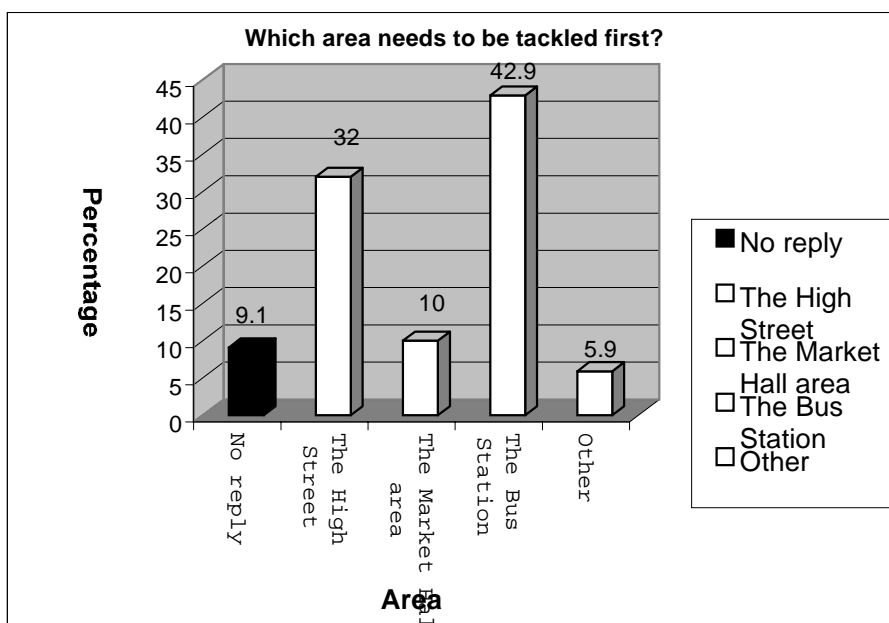
Results of Questionnaires

3.12 All of the 200+ questionnaires received have been analysed, the results which are summarised as follows.

3.13 The Study identified three priority areas (The High Street, Market Site and Bus Station), the improvement of which are seen as the key to improving the attractiveness of the centre as a retailing destination. The vast majority (73.1%) of people agreed that these three areas were the most important areas to improve. sites were the priority areas.



3.14 Other areas regarded as the most important to improve included Windsor Street (5 responses); The Strand (4 responses); Worcester Road (3 responses).

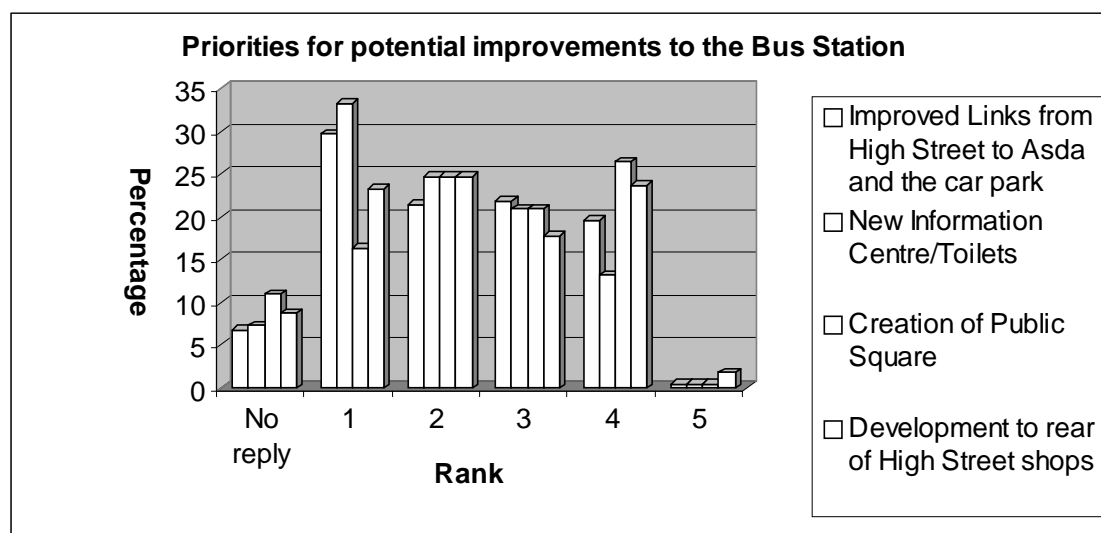


3.15 Just under 43% of respondents believed the bus station should be tackled first, although 32% of respondents believed the High Street should be tackled first. Only 10% of respondents believed that the Market Hall should be tackled first. According to respondents, other areas to be tackled first included Birmingham Road, The Strand, Spadesbourne Brook.

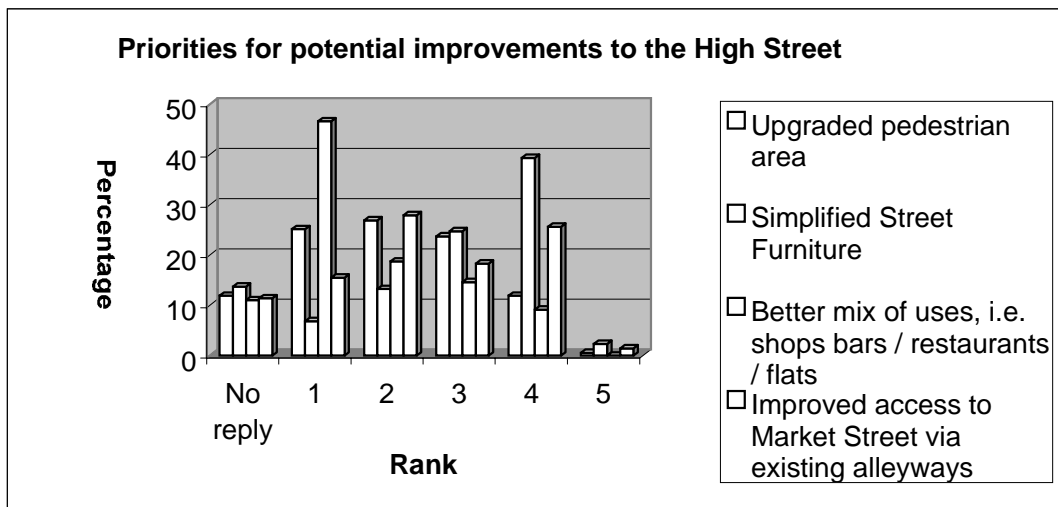
3.16 The bus station site is regarded as one of the key gateway points into the town. This site is also the most problematic of the three sites, in terms of the existing and potential conflict between vehicle/pedestrian movements, as well as the question of land ownership.

3.17 Q4 asked people to prioritise the potential improvements to the three key areas.

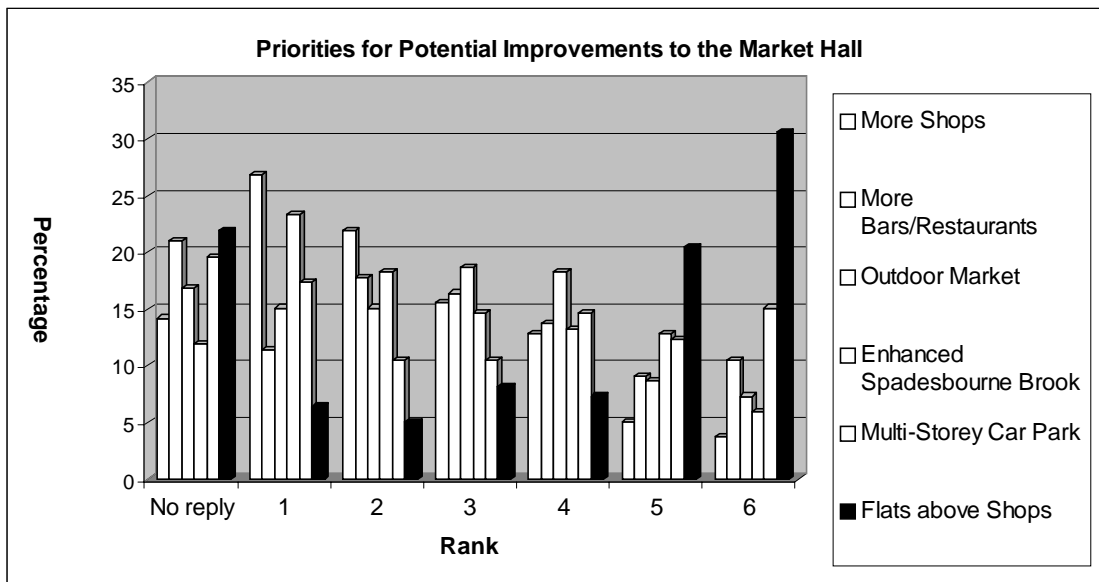
3.18 With regards to the bus station, people regarded the new information centre/toilets as the priority, followed by improved links from the High Street to Asda and the car park. The creation of a public square was regarded as the last priority.



3.19 With regards to the High Street, a better mix of uses was clearly the main priority followed by an upgraded pedestrian area. Simplified street furniture was regarded as the last priority.



3.20 For the Market Hall, more shops was regarded as a priority followed by an enhanced Spadesbourne Brook. Flats above shops was regarded as the last priority.



General Comments

3.21 Q5 of the questionnaire was an open question, where people were invited to make any additional comments about the Study or any aspect of town centre improvement. The following comments are a précis of responses, contained in the Appendix, that were received.

Townscape

The main issue was the need to improve the general appearance of the town in a sensitive manner.

Streetscape

There was general support for improved paving, street furniture and a more linear form of development.

Environment and Safety

Making the Spadesbourne Brook a feature was highlighted. An increase in landscaping/planting was generally popular. There was concern about crime, and a general perception that more bars/pubs would increase anti-social behaviour, particularly in the evenings. Cleanliness, e.g. litter, was cited as an issue.

Facilities/activities

A commonly raised comment was the need to improve the mix and quality of shops. More places to eat were supported, as were more leisure facilities, i.e. a cinema was frequently mentioned. The need to retain the market hall and the market was an issue that people felt strongly about.

Traffic and Movement

Accessibility to and through the town centre needed to be tackled. The need to improve bus/taxi/disabled parking/cycling facilities was highlighted. The proposed multi-storey car park on the market site was generally not favoured. Improvements to the bus station were welcomed.

Legibility/signage

Improved signage, i.e. removable shop boards in a central location would aid potential shoppers. Revised planning guidance on shopfronts/adverts was suggested to ensure more conformity.

External Stakeholders Comments

The Bromsgrove Society

- Feel a Marks and Spencer Food Store would fit in, in Bromsgrove High Street;
- M & S' latest store is in Huntingdon, which is of a similar size to Bromsgrove and the site area is of the same size;
- The proposed Bromsgrove location would be near a taxi rank, bus stop, comparative stores and goods deliveries would have separate access from parking;
- Plans provided by The Bromsgrove Society show how an M & S could be fitted into the High Street.

The Ramblers' Association

- Facilities for walking in Bromsgrove Town centre have greatly improved in the last 20 years;
- Further improvements could include a pedestrian crossing linking to Mill Lane or a central reservation;
- Study does not address pedestrian and cycle access to the town centre;
- According to the principle of sustainable development, the land backing on to the bus station should be used for different purposes, the Market Hall should not be rebuilt and the rebuilding of Iceland would be questionable;
- If extra car parking is necessary, the swimming pool car park may be suited for redevelopment;
- Public money would be better spent on the maintenance and repair of existing amenities rather than on impressive new schemes.

Taxi Ranks Task Group

- Bromsgrove Access Group oppose removal of disabled persons' parking at Bromsgrove Bus Station;
- Concern about safety issues for pedestrians, drivers and passengers of taxi/bus;
- Consider provision of more disabled parking spaces for the shopmobility scheme to enable tail-lift vehicles to have enough room to load and unload safely;
- Seems to be no taxi rank location in the Town Centre Plan and representatives should be consulted;
- Concern about relocating disabled parking spaces from Bus Station to Church Street;
- Need for appropriate signage regarding the taxi ranks to stop illegal parking;
- Worcester road traffic flow and the moving of parking spaces was discussed, businesses on the road were against a change;
- Possibility of second taxi rank outside Motorworld and opening up of Station Street;

Herefordshire and Worcestershire Earth Heritage Trust

- Programme is an ideal opportunity to educate the public about geology;
- Could use rock as street furniture;
- Could flag up Bromsgrove's stone heritage and its contribution to the built environment with interpretation panels

Environment Agency

- The main issues of concern to the Agency are: -
 - i) The need to reduce the risk of pollution from both existing sources and from potential new sources, to protect the water environment both on the surface and underground;
 - ii) The Spadesbourne Brook and the need to reduce flood risk and enhance the water environment;
 - iii) Development of foul and surface water drainage systems, incorporating appropriate sustainable drainage systems;

- iv) The opportunity to increase biodiversity.

Bus Operators

- Officers have contacted bus operators to seek their views on the indicative plans produced for the bus station site, i.e. whether the bus station has sufficient capacity for existing/proposed operations. Only one verbal response was received suggesting that the bus station be relocated.

Other Issues

- 3.22 A petition to save the market hall has been received. A leaflet has been produced which states 'Urgent! Save our Market Hall from Development'. The Council have received 4008 leaflets, which people have signed and addressed.
- 3.23 It should be noted that the indicative proposals provided by the consultants do show the retention of the market within the confines of the existing market site with potential for further stalls on the square. Any prospective developer may wish to consider a number of lock up units for market traders.
- 3.24 With regard to the bus station site, the Council are already committed to improving the crossing from Asda to the bus station in an attempt to improve pedestrian flows as well as reducing any pedestrian/vehicle conflict. These plans are not believed to be prejudicial to any future improvement of the bus station site.

Next Steps

- 3.25 Consultation has revealed that there is general support that the three sites identified are the most important areas to improve.
- 3.26 The bus station area is regarded as the area that needs tackling first.
- 3.27 It will be useful to consider the three sites in a public/private sector context: -

High Street - Public sector

- Improvements to the High Street are likely to be primarily funded by the County Council, supported by Bromsgrove District Council. Private sector involvement is likely to be limited.
- 3.28 Initial discussions have been held with the County Council concerning the linkages between the Town Centre Study and the second Local Transport Plan, which will cover the period 2006-2011. The Town Centre Study, covering the three sites, will form a key starting point for consultation on the Bromsgrove Area Transport Strategy to be included within LTP2.

Market & Bus Station Sites - Private sector

- Improvements to the market site and bus station area are likely to be private sector led in partnership with Bromsgrove District Council.
- 3.29 The following options are put forward for consideration: -

Option 1

- The Council commission consultants to draw up a development brief for the sites, to take account of the results of the consultation process.

Option 1	
Advantages	Disadvantages
Consultants have specialist knowledge	Cost of commissioning consultants
BDC may have greater influence over final outcome if Development Brief is successful	Consultant's brief may not reflect the type of development that is viable on-site
	Consultant unlikely to be commissioned by the developer of the site
	Consultants may not have local knowledge

Option 2

- The Council could produce a list of development principles, i.e. key constraints/potential on the site, which would then be passed onto developers

Option 2	
Advantages	Disadvantages
Cost saving as no need to commission further consultancy work for detailed development brief	BDC less able to influence final outcome
Developers have specialist knowledge	
Developers able to produce viable development proposals	

Officers will be able to use local knowledge to guide developers, regardless of which option is taken. In light of the above analysis, Option 2 is the preferred way forward.

4. Financial Implications

Option 1 - Major cost of appointing consultants.

Option 2 - Will need expert advice relating to types of partnership agreements, but can be contained within existing budgets.

5. Legal Implications

None

Background Papers

Questionnaires

Contact officer

Name John Spurling
E Mail: j.spurling@bromsgrove.gov.uk
Tel: (01527) 881328

Appendix A: Summarised Consultation Responses

General Comments

- People appreciated the opportunity to comment, although some people were concerned that the survey was limited to Bromsgrove;
- Mixed views on study ranging from Bromsgrove OK to doing something more imaginative;
- Need to continue to attract people live here, as well as attracting new people;
- Concern about potential cost to taxpayer;
- Traders' opinions important – many complaints regarding 'loss of trade' when initial pedestrianisation carried out in 1980s;
- Emphasis should be on pedestrians – keep cars out and move bus station further away;
- Town centre study would not have a major impact in terms of increasing market share for the town.
- Deep discounter would not provide a qualitative improvement for the town centre
- Study's approach to maintain or modestly increase town's current market share would simply maintain the status quo.
- CBRE Study indicates that the car dealerships/football club should be seriously considered for the siting of a foodstore.
- Football club/car dealerships site is within the defined Town Centre Zone and directly adjacent to the defined Secondary Shopping Zone. Car dealerships site is edge of centre. Understand that a foodstore development would draw the town centre core retail area away from the High Street but this can be mitigated by design and is one factor to be balanced against other benefits and advantages for Bromsgrove town centre and Bromsgrove residents.
- Potential on the football club/car dealerships site to consider a foodstore closer to the High Street which would be visible from the High Street. Scheme could also address pedestrian linkages.

Facilities/Activities

- Multiplex cinema popular idea – would be used by all ages, and could bring youngsters off streets in the evening when people believe that anti-social behaviour is at peak;
- Leisure facilities are an up and coming trend, yet the Dolphin Centre was regarded as out-of-date and dirty. A bigger and better swimming pool was favoured;
- Other facilities suggested included a bowling alley; ice rink (a 'fun' form of exercise); amusements; Kids' casino (where use sweets instead of money); supervised clubs, e.g. nightclub or bar for youths; cheaper equivalent of David Lloyd; more out of school activity centres;
- Differentiate Bromsgrove as a shopping destination rather than trying to compete head on with Kingfisher Shopping Centre, Merry Hill, Touchwood, etc;
- Generally support for improvement in the quality and variety of shops (e.g. no more charity, card, telephone shops/banks and building societies) to attract people;
- Mixed views on type of shops want to attract, e.g. multiples/independents;
- Retain/encourage shops as a priority over restaurants/bars, which don't attract people;
- Showcase the work of local small businesses, through large display at bus station/tourist info;
- General support for restaurants/cafes (although some people thought enough eating places). Concern that restaurants/bars would lead to anti-social activities, particularly at night;
- Mixed views on 'fast food' establishments with some people concerned that these encourage obesity;
- Too many food shops;
- Concern that people head for Asda but generally don't purchase goods in the town itself;
- No need for new offices, as already being built elsewhere (e.g. Buntsford Gate);

- Request for new clean public toilets, regularly maintained and monitored by CCTV
- Concern expressed about the limited activities currently available for children/youth, e.g. Ryland Centre, Dolphin Centre, and the extent to which the Study will address this;
- More high schools needed, in light of number of houses being built/lack of school place;
- Improved/refurbished library, i.e. paint/new furniture low cost compared with money needed to demolish Market Hall;
- Suggestion to bring back drill hill into public ownership and put to some good social improvement;
- Instead of spending money on new furniture, reduce rents to encourage new shops;
- Improve parks, i.e. Regular checks; more equipment; café/tuck shop with seating outside in Saunders Park, providing meeting point for youths; allowing parents to relax while keeping an eye on children;
- Attract flag ship company, e.g. M & S/BHS and others should follow;
- Close museum and move to Avoncroft.

Traffic and Movement

- Overall accessibility to the town centre was regarded as critical to attracting more people to use Bromsgrove. Traffic movements through, in and around town were highlighted as a problem, e.g. Stourbridge Road/Birmingham Road junction highlighted;
- Study does not address pedestrian and cycling access to the town centre from the near suburbs.
- Mixed views on whether there was a need for more car parking spaces;
- Reduced car parking rates/30 minute payment on all car parks/more short stay free car parking upto 30 minutes generally favoured and regarded as important to keep attract shoppers;
- Concern that on the Town Centre Plan, there didn't appear to be a taxi rank location present;
- New bus stops;
- Attracting more shoppers will make traffic congestion worse;
- Make 3 key sites one large pedestrian area with cars kept to outer roads;
- If wish to attract people at night, need to review car parking charges;
- Maintain roads, i.e. fill in pot holes;
- Bigger train/tram system;
- Town Centre will attract more traffic yet this was one argument against new cinema;
- Swimming pool car park could be redeveloped for a multi-storey car park, as well as providing a new improved library on the site;

Townscape

- General appearance of Bromsgrove needs improving, e.g. Windsor Street, Market Street, area by Iceland, Birmingham Road, The Strand;
- Maintain traditional 'country' market town image –e.g. don't need high buildings but need space;
- Conserve wherever possible, build new areas in sympathy with existing styles;
- Redirect Spadesbourne Brook down centre of High Street, with suitable soft/hard landscaping/street furniture and a water focal point near Housman statue. Provide street lights to illuminate feature and provide café/bistro along waterfront, to encourage tourism. Would stop criticism of brook and turn it into centre attraction.
- Consider recreation ground by Asda for a few attractive low-level shops and pleasant landscaping.

Environment and Safety

- Improvement of brook to become a feature (although some concern about whether enough water in brook) and extend brook by St. John's School;
- Improve policing in Bromsgrove;
- Concern that bars/pubs would encourage/increase anti-social behaviour and crime, particularly amongst young people. Also some concern that this would not encourage healthy living/eating;
- If night-life is extended, then increased security measures would be needed, e.g. on Worcester Rd;
- Consider road safety in Worcester Rd, particularly if road would be used more due to proposed development,
- Cleanliness highlighted as an issue, litter/chewing gum in High Street; flyposting; pigeon problems – need to enforce litter charges/have litter patrol;
- Keep existing trees/green spaces and plant more trees/plants.

High Street

Facilities/Activities

- Concerns over the existing mix and uses of shops were highlighted, e.g. too many phone shops, building societies and card shops;
- Support for more quality shops, cafés (continental style), restaurants, coffee bars, which would help to introduce evening life to the centre although some people pointed out that vacant shops in the High Street not taken up;
- Encourage full use of all properties, repairing and reinstating historic buildings;
- Need enhancements to back of all properties along High Street on Market Street side;
- High quality 'metro' shop on the High Street rather than on Market Site, e.g. M & S Food store;
- Indoor shopping needed;
- Mixed views on residential development – promote apartments within town although others believed no need for housing but rather need for services, particularly new schools, doctors, etc.
- A crèche for young children was suggested, to enable adults to go shopping easier;
- Demolish/change Smash & Grab;
- Post office needs improvement due to closure of sub post offices in the area;

Streetscape

- Existing street furniture felt to be cluttered;
- Support linear form without clutter;
- Want central square by Chapel Street/High Street;
- General approval for level quality paving (not chewing gum friendly) with different paving to distinguish features, e.g. Housman's Square;
- Preferred approach to lighting was to have fixtures on existing buildings rather than lighting columns;
- Quality, non skateboard friendly seating favoured for people to socialise;
- More litter/dog bins needed;
- Retain existing trees and provide small trees;
- General support for traditional street furniture based on local detail, rather than contemporary street furniture;
- Concern with street traders and goods cluttering street.
- Keep High Street pedestrianised;
- Create 'relaxed European' style town centre with later opening hours;

- Need for colour in High Street;
- Upkeep and small improvements such as flowers, attention to verges, etc. trees/shrubs regarded as being important;
- Night club next to Argos out of character;
- More public benches for people to socialise;
- Opportunity to educate the public about geology and building stones. Use of rock as street furniture, e.g. granite or limestone seats with a simple explanation of the formation of the rock is an idea that has been used elsewhere with great effect. Wonderful heritage that Bromsgrove stone has made to the built environment could be flagged up with discreet interpretation boards;
- Develop post office site – keep frontage only;
- Small improvements may not be worth the expense;

Traffic and Movement

- Need to consider centre wide transportation needs, especially car parking, integrated public transport and links to railway station;
- Traffic flows need examining;
- Improve Strand crossing;
- The level of pedestrianisation of the High Street should be considered – e.g. possibility of reintroducing vehicular (servicing) traffic in High Street, although others believed deliveries should be from the back of units with no deliveries to High Street shops during shopping hours;
- Cycling to be encouraged, but perhaps only after a certain time, e.g. 6:00pm.
- Problem with pedestrian access to library and dolphin centre;
- Need larger area for proper taxi ranks by but station and outside The Golden Cross;
- Disabled parking for access to all areas – needs monitoring;
- Multi storey car park on the existing Market Street car park but sited opposite Iceland could give level access at floor 2 via Iceland to the High Street (via a bridge);
- Lower High Street could be reduced to a narrow carriageway with parking bays, along with the small section of New Road and Windsor Street, if all of these become one-way traffic from the library to the Market place;

Environment and Safety

- Re-opening alleyways received mixed response, with concerns about safety raised;
- CCTV presence favoured;
- Crime/noise and drunken people put people off visiting High Street at night;
- Link to Bus Station and Market Hall site should be carefully considered;
- Town Centre manager needed.

Legibility/Signage

- Encourage better (more conformed) shop fronts/fascias/advertisements through SPG;
- Mixed views on advertising boards although permanent shop boards with names (removable) of all shops suggested at key gateway points;

Market Site

Facilities/Activities

- Generally people wished to retain the Market Hall and also the market, although the market did not necessarily need to remain in the Market Hall. Market Hall is a modern, underused building but could be remodelled, extended, have part of market outside and some inside or use one floor of multi-storey;
- Rebuilding of Market Hall would be beyond any possible definition of sustainable development;

- Blockbuster building needs to be developed as a focal point – possibly use for Market;
- Possibly have Metro supermarket as large supermarket on this site not favoured;
- Cafes/bistros supported, to attract younger people. Cafes/bistros could be provided on top floor of multi-storey car park, as well as in locations shown on leaflet;
- A small play area for children should be provided.
- Mixed views on residential aspect;
- Design of buildings important, i.e. glazed roof covering outdoor market;
- Information kiosks needed, especially on this site
- Improve link with St Johns Church as well as retaining views of this building;
- Worcester Road should be incorporated into the Market Site, although development of the Market Site has the potential to enhance Worcester Road further.
- Majority of people wanted to keep recently built Market Hall, although it could be enhanced/better managed with more variety, i.e. longer opening hours. Cost/benefit of proposal should be considered;
- Indoor market distinguishes Bromsgrove from other locations, particularly produce auctions that could/should be advertised as a tourist attraction. Loss of Market Hall will lead to loss of visitors;
- Market stallholders sell goods no longer obtainable elsewhere in the town and existing traders need the Market Hall to store goods and to sell their goods from. There are already opportunities for outdoor trading on Saturdays. Outdoor market would be a retrograde step;
- Concerned that market traders not consulted;
- Concerned about how the potentially ugly/oppressive supermarket/multi-storey would make area more enclosed;
- Suggestion for smaller construction in the centre of car park, with a few specialist shops, e.g. M & S Simply foods, and a landscaped surround and a mini-park area.
- Consider existing (new) residents who have in the last 12 months invested in buying town centre properties. No view on other 3 sides of apartment so proposed development would devastate views, e.g. of St Johns Church and devalue property.
- When will the shops in the Bromsgrove Village area (Worcester Road) be developed.
- Market site will not attract a major 'anchor' retailer, primarily because of the site's location and size and site constraints.
- Existing Asda store likely to make a 'Metro-style' convenience store on the Market site unviable.
- Major high street 'anchor' non-food retailer unlikely to be attracted to the Market site, because of its location, limited size of site and limited amount of parking.
- Market site far more suitable for a mixed-use scheme involving offices, residential and small-scale niche retail uses;
- Use Market Hall as a music venue.

Traffic and Movement

- General concern about multi storey on Market Site due to difficulty of access, gateway location, proximity to St Johns Church and Spadesbourne Brook. Regarded as poor use of site. Already have underused Asda multi storey car park. Concern that multi storeys increase car crime and are eyesores – not the first thing visitors want to see. Multi storey could cause chaos if not properly approached. Consider underground parking, resiting multi storey, or having multi storey elsewhere, e.g. Station Street, Windsor Street, Dolphin Centre. Multi storey should be kept as low as possible (not 3 stories) and be in keeping. Quality design a 'must' as well as needing two entrances/exits;
- Park and ride would avoid expense of multi-storey and help to resolve congestion problems;
- Improve facilities for cyclists, i.e. providing cycle stands around edge of area whilst seeking to avoid potential pedestrian/cyclist conflict;
- Need bus stop/taxi ranks on Market Site;

- Traffic survey needed to determine traffic flows;
- Market street traffic lights cause problems;
- Pedestrianise Worcester Road/Market Street or perhaps only allow buses on Market Street;
- Market Hall isolated by the road network and difficult pedestrian access from other areas of the town and parking areas - access between Worcester Road/Market site should be made more user friendly;

Environment

- Wide support for improving Spadesbourne Brook, possibly with wildlife waterside habitat, although would require a weir downstream to ensure sufficient water in brook;
- Spadesbourne could be improved for the loss of a few car parking places, by reserving a small margin on its west side as far as Hanover Street
- Concern expressed about future management/maintenance of brook;
- Green space/trees/landscaping needed.

Bus Station

Facilities/Activities

- Area regarded as the centre of Bromsgrove town Centre;
- General support for retention of bus station in this location, although Asda car park was suggested as alternative location;
- General support for concept of development to rear of properties on High Street although some people didn't agree with design, and pedestrian/vehicle conflicts need tackling;
- Suggestion to have an M & S Simply Foods in this location, linking through to High Street;
- Support for improvements to crossings although again need to carefully manage pedestrian/vehicle conflict;
- Need to tackle run down bus station first – provide safe, warm, covered, enlarged bus station;
- New toilet block/TIC (not a joint 'one stop shop') generally supported, although may need resiting and knock on impact on museum needs considering;
- Mixed views on public square due to conflict between people/vehicles and because already have a 'square' by Housman Statue;
- Iceland and adjoining shops should be redeveloped first (before remainder of site) as a mixed use scheme with public open space linking High Street to Asda;
- Debateable whether rebuilding of Iceland constitutes sustainable development – only justified by aesthetic considerations;

Traffic and Movement

- Delivery/servicing concerns for the new units and those properties backing onto the new units – need to carefully time deliveries;
- Consider possibility of relocating taxi ranks and disabled parking within confines of existing site, so nearer shops;
- Suggestion of rerouting traffic via Churchfields down Church Street with Market Street being pedestrianised or buses only, thereby allowing town square and larger bus station;
- Possibility of buses exiting site to the south of existing exit to avoid conflict with pedestrians around public square;
- Create turnaround space for buses at rear of High Street shops.
- Asda/bus station link needs improving, i.e. improved crossing/footbridge;
- Bus station needs radical improvement with traffic rerouted away from bus station;
- Consider temporary site for bus station for 2 year period/move bus station to Recreation Rd;
- Does bus station need upgrading as bus services are continually being cut;

- Unfavourable impression of town if arrive by bus at the bus station
- Concern about relocating disabled parking spaces from Bromsgrove Bus Station to Church Street, as many disabled people use the current spaces, although it was pointed out that badly positioned;
- Resolve traffic flow by bus station before building additional shops – covering the brook may provide more space;

Environment

- Sympathetic landscaping, including trees needed;
- Provide benches;

Legibility/Signage

- Provide shop board by proposed public square;
- Real-time info. (i.e. bus times) in bus station area.

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15th September 2004

LOCAL DEVELOPMENT FRAMEWORK

Responsible Portfolio Holder	Councillor Mrs M Taylor
Responsible Head of Service	Malcolm Griffiths, Director of Planning Services

1. SUMMARY

- 1.1 The Government will enable legislation introducing the new planning policy system under the Planning and Compensation Act 2004 in September 2004. This will replace the current system of local and structure plans and require this authority to commence work towards a Local Development Framework (LDF).
- 1.2 The new system will necessitate the introduction of a regular process of plan creation and review. In order to ensure adequate and timely internal consultation takes place with Members it is proposed that a LDF working group be established.
- 1.3 The Bromsgrove District Local Plan has finally completed all stages of the legislative process. The Plan was adopted as a statutory document on 13th January 2004 but a legal challenge made in the final period of consultation lead to a High Court action. The outcome of this challenge and its implications are now known. These are set out in more detail below.

2. RECOMMENDATION

- a) That the establishment of a Local Development Framework Working Group be agreed..
- b) That Members note the contents of this report

3. LOCAL DEVELOPMENT FRAMEWORKS

- 3.1 The Government intends to introduce a new planning policy system in September requiring all local planning authorities in England to begin work towards the production of Local Development Frameworks (LDF) for their areas. The new system of plans is meant to result in speedier plan work and to provide for more flexibility allowing policy makers the opportunity to adapt policy more readily in response to changing circumstances.
- 3.2 The new system will give authorities more scope in deciding how they provide planning policy for their areas. It will not be necessary, for instance, to produce a district-wide plan. Instead, the government is expecting authorities to concentrate on key issues and provide statutory plan coverage accordingly. The introduction of the new system means that a Local Development Framework for Bromsgrove

will necessitate revisions to essential parts of the existing Local Plan by March 2007.

- 3.3 Under the new arrangements a regular cycle of plan-making and review work is expected. Over time it is likely that a number of plans covering different geographical areas and topics will be produced until these ultimately lead to district-wide coverage.
- 3.4 The new system has a variety of different plan components which can be used to deliver different aspects of planning policy. One type of key document will be the Local Development Document (LDD). This will be used to provide planning policy on a particular theme, for instance, a LDD covering local policies of a strategic nature. Thus a set of core policies would be a single LDD. Another LDD might cover housing or employment issues or separate documents could be produced for each. For a specific geographical area it will be possible to provide an Action Area Plan. Supplementary Planning Guidance publications will in future become Supplementary Planning Documents (SPD).
- 3.5 A range of documents can therefore form a local authority's LDF. The decision on which documents are to be pursued will be set out in a Local Development Scheme (LDS). This provides details about each type of plan, its purpose, its timescale and key information regarding its production.
- 3.6 A major aspect of the new system is the extensive programme of consultation that government expects local planning authorities to undertake. Indeed the LDF process requires that councils publish how they intend to consult and to issue a 'Statement of Community Involvement' (SCI) detailing their proposals. Like the Plan itself the SCI process will be subject to challenge through a public inquiry.

4. LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP

- 4.1 The Local Development Framework necessitates that rapid progress is made in order to ensure new planning policy documents are in place by March 2007. It is likely that future Planning Delivery Grant (PDG) will be dependent upon the Council achieving its specified targets. As part of this process officers will need to have a regular dialogue with members on both strategic and local policy issues.
- 4.2 The Working Group should be representative both of the Council and in geographic coverage. It should be able to meet as frequently as necessary to ensure timely progress through the plan-making process. The arrangements should also be sufficiently flexible to allow for informal discussion sessions and, when necessary, more formal endorsement of proposals prior to undertaking further stages of the policy process.
- 4.2 It is suggested that a 'working party' of members be appointed as a committee of the Executive Cabinet but with an expanded membership to provide a reasonable measure of geographic coverage of the district.
- 4.3 Arrangements should allow for either the nominated chairman or vice-chairman of the working party to call for meetings as appropriate. Similarly, either the Director of Planning Services or Head of Local Plans would be able to arrange for a meeting subject to the agreement of the Chairman/Vice-Chairman. Normal public reporting procedures would operate i.e. 5 days notice.

- 4.4 The objective of the Working Group would be to ensure that adequate consideration is given to relevant matters of planning policy and that officers have the opportunity to raise issues on which they would like member comment. Generally, it is intended that these meetings would allow for a frank and full discussion of thoughts and ideas.
- 4.5 The Working Group should have sufficient powers to ratify decisions permitting progress at key stages of plan development. Scrutiny Committees would retain the right to require reports on any aspect of LDF preparation and minutes of meetings would be forwarded to Cabinet for information
- 4.6 While it is seen as important to limit overall numbers on the Working Group to facilitate discussion, it is essential to secure as broad a geographical coverage of the District as possible. This could be achieved in different ways but overall a target membership of about 14 councillors is suggested.
- 4.7 The key arrangements would be:
- Creation of Working Group for plan policy work as a committee of the Executive Cabinet;
 - Working Group to have delegated powers to advance LDF process without reference to other Council groups;
 - Normal public notification/access to papers to apply;
 - Provision for minutes to be forwarded to Cabinet;
 - Scrutiny Committees to retain role of scrutinising process/decisions;
 - Suggested membership of 14. To maintain proportional representation the Group should comprise Conservative (8), Labour (2), Independent (2), WRRRA (1) and Bromsgrove Independent (1).
- 4.8 Members are therefore requested to endorse these arrangements in accordance with the recommendation under section 2a.

5. THE BROMSGROVE DISTRICT LOCAL PLAN

- 5.1 The Bromsgrove District Local Plan (BDLP) was adopted on 13th January 2004 and provides a statutory plan policy base against which land use decisions are made in the District. It also establishes detailed Green Belt boundaries for the very first time.
- 5.2 This Plan has had a lengthy gestation period although it has been effective for some time and supported on appeal by planning inspectors. One of the principal reasons leading to delay has been the controversy arising from decisions over the Green Belt. A major issue has been the need, required through government guidance, to provide adequate reserves of possible development land for future needs. This led to many representations to the Plan from both the public and the development industry.
- 5.3 The Plan has gone through two lengthy public inquiries where the overall policy base has survived with remarkably little change by inspectors. Almost all effort in the last 7 years has been directed towards resolving Green Belt issues.

- 5.4 The conclusion of the Plan process means that the Council now has land reserves in key areas of the District. These can be used as needs dictate to satisfy future land requirements which come through the national and regional planning system. The role of this authority will be to determine, through its future planning documents (LDF), how these reserves are best used.
- 5.5 The very final stages of the Local Plan process did, however, result in a legal challenge. This was against the decision of the Council to reject the Modification Inspector's recommendation to identify an Area of Development Restraint (ADR) on land at Kendal End Road, Barnt Green. The case was heard in the High Court on 14th June 2004. The judge found that the Council's reasons for rejecting the Inspector's conclusions on this particular site were inadequate. As a consequence he found in favour of the claimant.
- 5.6 Counsel representing the District Council has provided advice on how this judgement should be interpreted. Although the Court's ruling quashes the Council's decision to retain this land as Green Belt, the order is site-specific. This means that the land is in effect without designation. It is not Green Belt but neither can it be an ADR (as recommended by the Inspector) because the Courts had no power to substitute the decision of any other person on this land. Consequently any planning application proposing the use of this land would have to be treated on its merits and include reference to the history of the site.
- 5.7 The remainder of the BDLP is not affected in any way. The Council therefore has an adopted Local Plan covering every part of the District, with the exception of the land at Kendal End Road, Barnt Green to which a specific reference will be added to the Plan and Proposals Map to explain the unique circumstances of this site.

6. CONCLUSIONS

- 6.1 The new planning system presents new challenges in the delivery of planning policy. Although there may well be advantages in terms of flexibility and freedom to determine what plans should be produced at the local level, this flexibility makes it more difficult for the public to understand.
- 6.2 The Council needs to commence plan-making under the new arrangements in order to meet government targets to have an adopted LDF in place by March 2007. As part of the process towards achieving this it is being recommended that new arrangements be set up to permit a flexible means of developing policy with members and moving the Plan forward through its formative stages.
- 6.3 The adoption of the Bromsgrove District Local Plan earlier this year provides the basis for reviewing policy work. Importantly, the effort expended in setting both Green Belt boundaries and ADR locations means that the LDF process should not be handicapped in the same way.
- 6.4 **It is believed that progress in delivering LDFs to government timetables will heavily influence future success in gaining Planning Delivery Grant (PDG) which has been extended for a further 3 years.**

7. FINANCIAL IMPLICATIONS

- 7.1 There are likely to be additional costs to be borne by the Council in the implementation of this legislation. The need for expert support in the areas of environment assessment and community involvement can be funded through identified Planning Delivery Grant monies. In addition, an investigation of a common approach to this work with other Worcestershire Districts will be undertaken to see if alternative means exist to source and fund the necessary expertise.
- 7.2 The most significant cost will be funding the plan inquiry process. The likely cost of this is difficult to estimate as it depends on the number of objections received, inquiry format and corresponding costs for legal representation, programme officer time and inspector costs. Based on previous inquiries funding of £200,000 will be sought for the financial year 2006/07.

8. LEGAL IMPLICATIONS

There are likely to be legal implications arising from the implementation of this legislation although these cannot be determined at this stage.

BACKGROUND PAPERS

None

Contact officer

Name P Crysell
E Mail: pcrysell@bromsgrove.gov.uk
Tel: (01527) 881318

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15th SEPTEMBER 2004

LOCAL DEVELOPMENT SCHEME

Responsible Portfolio Holder	Councillor Mrs M Taylor
Responsible Head of Service	Malcolm Griffiths, Director of Planning Services

1. SUMMARY

- 1.1 The Government will enable legislation introducing the new planning policy system under the Planning and Compensation Act 2004 in September 2004. This will replace the current system of local and structure plans and require this authority to commence work towards a Local Development Framework (LDF). A report on the implications of the new system is also before you at this meeting.
- 1.2 The first stage of this work is the preparation and submission to Government Office of a Local Development Scheme. This scheme will set out a three year work programme for the production of Local Development Framework documents. The preparation of a Local Development Framework is a moving cycle of document production so not all possible LDF documents will or can be produced by 2007. However before 2007 the Council must have in place at the very least a Core Strategy and Proposals Map.
- 1.3 It is believed that progress in delivering the programme contained in the LDS, including the LDS submission, will heavily influence future success in gaining Planning Delivery Grant (PDG) which has been extended for a further 3 years.

2. RECOMMENDATION

- a) That Members agree the contents of the attached Local Development Scheme.
- b) That Members agree to the Scheme being submitted to Government Office for approval.
- c) That Members agree the proposed consultation exercise.

3. THE LOCAL DEVELOPMENT SCHEME

- 3.1 The main purpose of this LDS is to inform the public of the documents that will make up the new local development framework and the timescales they can expect these documents to be prepared to.
- 3.2 This Local Development Scheme is the first step in the production of a Local Development Framework for taking Bromsgrove forward. Many documents will be produced over the following years that will replace the recently adopted Local Plan.
- 3.3 The Local Development Scheme attached to this report sets out the documents that Bromsgrove District Council will prepare together with a timetable for their preparation and review. The timetable and work programme set out in this LDS is a challenging

one, that will necessitate complete commitment to it and appropriate resources throughout, not just from the District Council, but all the other organisations and bodies involved in it.

4. CONSULTATION

- 4.1 The Council is not required by the regulations to have a formal consultation period on the contents of the Scheme. The regulations merely require that the Scheme is submitted to the Government Office for approval. However the circulation of the Scheme to interested bodies, including all Parish Councils, and publication of it on the Council's website is recommended. The Scheme will also be sent to the Planning Inspectorate for comments on the Council's proposed timetable for independent examination and adoption of each document. It may be necessary to amend the timetable in light of comments received from the Inspectorate. A further report will be taken to Members once the views of the Government Office, Planning Inspectorate and consultees are known.

5. CONCLUSIONS

- 5.1 That Members endorse the attached Local Development Scheme as the Council's three year programme of plan production to July 2007.

6. FINANCIAL IMPLICATIONS

- 6.1 There are likely to be additional costs to be borne by the Council in the implementation of the Local Development Scheme. The need for expert support in the areas of environmental assessment and community involvement can be funded through identified Planning Delivery Grant monies.
- 6.2 The most significant cost will be funding the inquiry process. The likely cost of this is difficult to estimate as it depends on the number of objections received, inquiry format and corresponding costs for legal representation, programme officer time and inspector costs. Based on previous inquiries funding of £200,000 will be sought for the financial year 2006/07.

7. LEGAL IMPLICATIONS

None

BACKGROUND PAPERS

None

Contact officer

Name P Crysell
E Mail: pcrysell@bromsgrove.gov.uk
Tel: (01527) 881318

Bromsgrove District Council

Local Development Framework

Local Development Scheme

September 2004



bromsgrove council
www.bromsgrove.gov.uk

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Foreword

The Government's Planning and Compulsory Purchase Act will result in major changes to the way the planning policy system operates. It will see the replacement of the old system of *Structure Plans*, *Local Plans* and *Supplementary Planning Guidance* with a new system of *Local Development Documents*.

Through the new system, we hope to fully engage with our community, to enable greater participation and involvement in shaping the future of Bromsgrove District. As part of this process, this Local Development Scheme (LDS) has been produced, which represents a public statement of the local planning authority's programme for the next three years.

This *Local Development Scheme* explains:

- The new documents the Council intends to produce
- The subject matter and geographical area for each of the documents
- The timetable for the preparation and the revisions of each document.

If you would like to make any comments about this document please feel free to do so. We would welcome your input and views. Please forward any comments to *Planning Policy* at the address on the back cover of this document.

Cllr Margaret Taylor
Portfolio Holder for Planning

1. Introduction

The new Planning and Compulsory Purchase Act, which came into force in Summer 2004, requires Bromsgrove District Council to prepare a Local Development Framework. This will comprise a 'portfolio' of documents called Local Development Documents (LDDs). Some of these will be Development Plan Documents (DPDs) and subject to independent examination. Others will be classed as Supplementary Planning Documents (SPDs). These will have not full development plan status but will still be subject to full public consultation. Together these documents combined with the Statement of Community Involvement (SCI) and Annual Monitoring Report (AMR) will form the Bromsgrove LDF. The Bromsgrove LDF will be presented in a 'loose-leaf' folder format that can be easily updated.

The LDF will take on board the land use responsibilities of the Worcestershire County Structure Plan and Bromsgrove District Local Plan both of which will be superseded. The LDF in conjunction with the Regional Spatial Strategy will promote and guide the authority's vision and strategy for the district.

The Bromsgrove LDF will:

- *Ensure effective community participation in developing policies;*
- *Set out a clear strategic vision for their area;*
- *Have succinct text and policies;*
- *Cut out unnecessary or repetitive policies; and*
- *Provide greater local focus in policies.*

The first stage of Bromsgrove's Local Development Framework is this Local Development Scheme (LDS). This document identifies and sets out a three year timetable for production of the first Local Development Documents by April 2007.

Various new acronyms and terminology have arisen due to this new system. Appendix 3 contains a Jargon Guide to help readers through this document and understand the key components of the new process.

2. Purpose of Scheme

The main purpose of this LDS is to inform the public of the documents that will make up the new local development framework and the timescales they can expect these documents to be prepared to.

The programme set out in this LDS is a challenging one, that will necessitate complete commitment to it and appropriate resources throughout, not just from the District Council, but all the other organisations and bodies involved in it.

The Bromsgrove Local Development Scheme has 5 key purposes, which are to:

- i. Provide a brief description of local development documents to be prepared, their content and geographic area to which they will relate.
- ii. Establish which local development documents will be development plan documents.
- iii. In the transitional period, state which policies and proposals of the existing local plan will be replaced by policies in the new local development documents, which will be saved and those to be deleted.
- iv. Provide an explanation of the relationship between local development documents, especially the core strategy and other local development documents.
- v. Set out the planned timetable for preparing each local development document including the key milestones to be achieved.

3. Structure of Local Development Framework

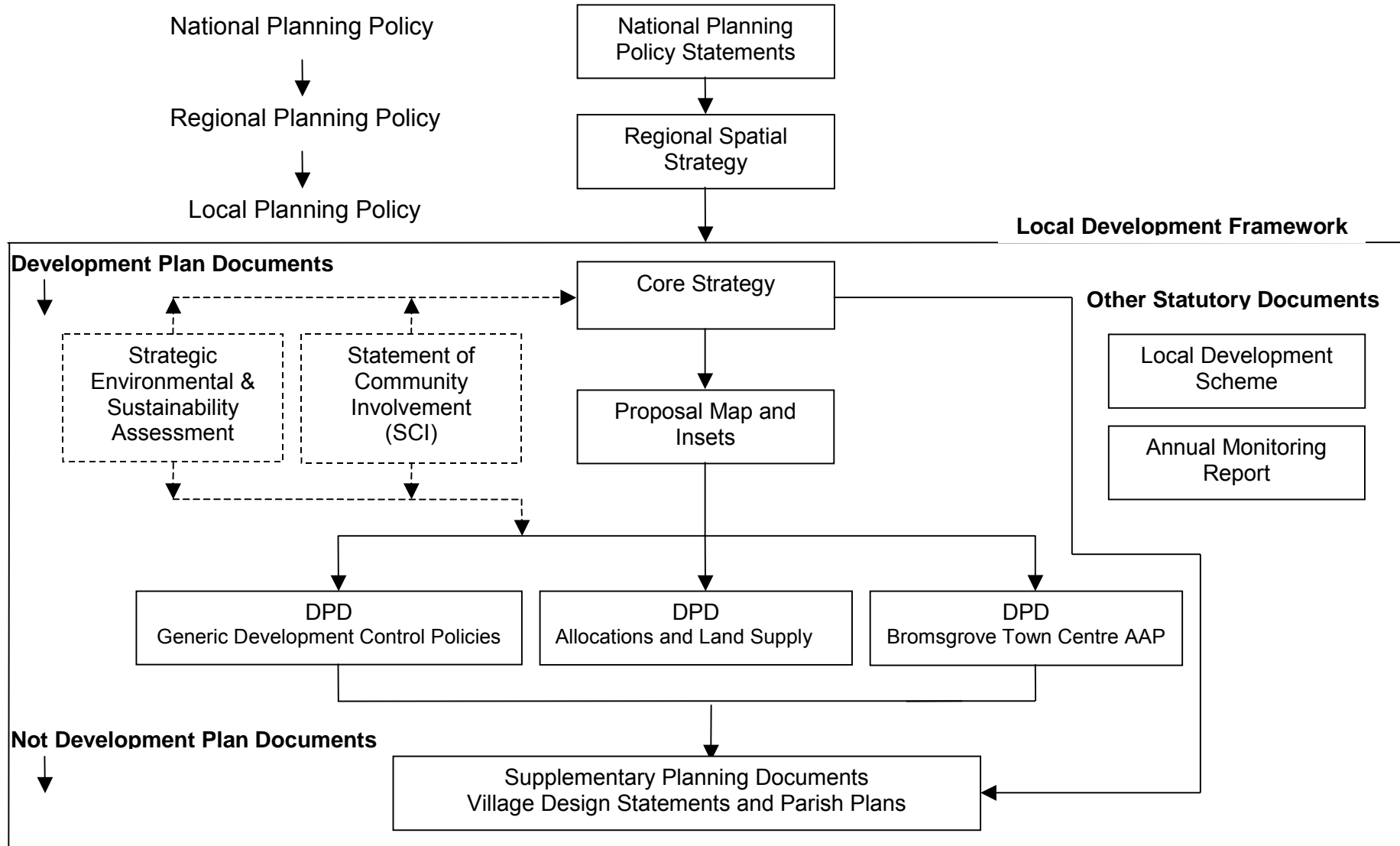
This Local Development Scheme is the first step in the production of a Local Development Framework for taking Bromsgrove forward. Many documents will be produced over the following years that will eventually replace the recently adopted Local Plan. The Local Authority's proposed timetable for doing this is contained in Section 8 of this Scheme.

The new 'parts' of the LDF will be called Local Development Documents (LDDs). Some Local Development Documents will be Development Plan Documents (DPDs) which will have a statutory status and be subject to independent public examination. Area Action Plans (AAPs) are also Development Plan Documents. The Local Authority are also required to produce other statutory documents, including a Statement of Community Involvement and an Annual Monitoring Report.

Other Local Development Documents that do not have development plan status can also be produced such as Supplementary Planning Documents (SPDs). These will not be the subject of a public inquiry but the local authority will still be required to undertake a full public consultation exercise to inform their content. These SPDs will not contain land use designations or site allocations but be documents that provide detailed supplementary guidance to an adopted development plan policy.

A principal feature of the new system is the need to secure the early involvement of stakeholders, developers and landowners in the LDF production process. The Local Authority will use its proposed Statement of Community Involvement (SCI) to explain to stakeholders and the community, how and when they will be involved in the preparation of the LDF. While the SCI does not have to be the first document to be produced the Local Authority have decided that it is vital to set out early on how the local community and other stakeholders will be involved in the preparation of subsequent local development documents. The Chain of Conformity diagram over the page shows how all the documents will fit together.

Figure 1 - Chain of Conformity – How the documents in the LDF fit together



4. Evidence Base and Links to other Strategies

It is vital that the policies and proposals set out in the Local Development Documents are based on a thorough understanding of the needs of Bromsgrove District. The Local Authority already maintains an up-to-date land use monitoring information base. Further evidence will need to be collected, including environmental information to inform the proper environmental assessment of Local Development Documents when undertaking a combined Strategic Environment Assessment (SEA) and Sustainability Appraisal (SA) at the issues and options stage of plan production.

The following monitoring reports comprise the evidence base on which the Local Development Scheme priorities were formulated;

- Housing Land Availability Study (April 2004)
- Employment Land Availability Study (April 2004)
- Housing Capacity Study (Consultation Draft)
(Due for adoption in Sept 04)
- Bromsgrove Town Centre Monitoring Report
(Not Published – informed need for Town Centre Strategy)

It is also essential that the LDF reflects the land use and development objectives of other strategies and programmes. Spatial expression will therefore need to be given to those elements of other strategies and programmes, particularly the Community Strategy, which relate to the use and development of land.

The table over the page contains details of strategies and programmes that have been produced, both internally and externally. The contents of these documents where appropriate will inform the preparation and contents of future Local Development Documents.

This is not an exhaustive list as over time other strategies and programmes will be produced or existing ones reviewed and changed that could influence the production of the Bromsgrove LDF.

Table 1 – Links to other Strategies and Programmes

Title	Date	Responsible Body (BDC = Bromsgrove District Council) (WCC = Worcestershire County Council)
Community Strategy 2003 - 2013	2004	BDC & partners
Draft Local Air Quality Management Action Plan	2004	BDC & Casella Stanger Environmental Consultancy
Best Value Performance Plan	2004	BDC
A Community Strategy for Worcestershire 2003-2013	2003	WCC
Sports Pitch Strategy	2002	BDC, WCC & PMP Consultancy
Housing Needs Survey	2004	Fordham Research & BDC/BDHT
Countryside & Access Recreation Strategy	2004	WCC in partnership & BDC
Bromsgrove District Biodiversity Action Plan	2000	Worcestershire Wildlife Trust
Biodiversity Action Plan for	1999	Worcestershire Biodiversity

Worcestershire		Partnership
Local Transport Plan 2001-2006	2001	WCC
Community Safety Strategy 2002-2005	2002	BDC, WCC, West Mercia plus partners
Local Agenda 21 Strategy	2001	BDC
Contaminated Land Strategy	2001	BDC
Tourism Strategy 2002-2005	2002	WCC in partnership with other LAs including BDC
Local Delivery Plan 2003-2006	2003	Redditch & Bromsgrove Primary Care Trust
Bromsgrove Town Centre Study Retail Study	2004	CBRE/Urban Practitioners
Cultural Strategy 2002-2007	2002	WCC in partnership with other LAs including BDC
Planning Services Business Plan 2004 - 2006	2004	BDC
West Midlands Economic Strategy Action Plan Update	2004	Advantage West Midlands
Arts Strategy 2003-2008	2004	Artservice

5. Existing Policy Base

The existing Planning chain of conformity for the District is as follows:

National Planning Guidance and Policy Statements



Regional Planning Guidance - RPG 11 (2001-2021) Adopted June 2004



Worcestershire County Structure Plan (1996-2011) Adopted June 2001



Bromsgrove District Local Plan (1986-2001) Adopted January 2004

Local Plan Policies

All policies contained in the Bromsgrove District Local Plan will be saved for a period of three years from commencement of the Planning and Compulsory Purchase Act (anticipated commencement date is September 2004).

As such, unless replaced or deleted all existing policies will be saved to September 2007. A small number of policies may also need to be saved post 2007 as the Local Authority will not have the time nor the resources to replace all existing policies by 2007. This will only be the case where an existing policy conforms with the Core Strategy. A complete list of all existing Local Plan policies and details on how they will be incorporated into the new system is contained in Appendix 2.

Supplementary Planning Guidance

The Local Authority have over the years prepared a number of Supplementary Planning Guidance notes (SPG). As it is not possible to transfer SPG automatically to SPD then the Council are proposing to save a number of SPGs where they are linked to adopted

saved Development Plan policies and have been through a process of preparation similar to that required for SPD. The table over the page lists all current SPGs. These SPGs will be a 'material consideration' under the new planning system.

Table 2 – List of status of Supplementary Planning Guidance

Title	Drafted	Adopted	Policy Link	Status
SPG1 Residential Design Guide	Mar 95	Jan 04	S7, S8, S9, S10, S11,S12	Saved
SPG2 Shop Fronts and Advertisements	Mar 95	Jan 04	S24, S25 and S26	Saved
SPG3 Car Parking Standards	Dec 94	Jan 04	N/A	Deleted
SPG4 Conversion of Rural Buildings	Dec 94	Jan 04	C27	Saved
SPG5 Agricultural Building Design Guide	Sep 94	Jan 04	C22 & C30A	Saved
SPG6 Agricultural Buildings and	Mar 95	Jan 04	C21 & C24	Saved

Occupancy Conditions				
SPG7 Extensions to Dwellings in the Green Belt	Apr 01	Jan 04	S11	Saved
SPG8 Alvechurch Village Design Statement	Apr 01	Jan 04	Para 13 of PPS 7 & Annex C of PPS 1	Saved
SPG9 Lickey and Blackwell Village Design Statement	Mar 02	Jan 04	See Para 13 of PPS 7 & Annex C of PPS 1	Saved
SPG10 Managing Housing Supply	Jul 03	Jul 03	D2 & D4 of Structure Plan	Saved
SPG11 Outdoor Play Space	Jul 04	Jul 04	RAT 5 & Rat 6	Saved

6. Proposed Development Plan Documents

This Section provides an overview of the new development plan documents.

- **Core Strategy**

This document will set out the long-term spatial vision and the strategic policies and proposals to deliver that vision. It will cover the same period as the Regional Spatial Strategy, that is to 2021. It will not merely repeat national and regional guidance but instead provide a spatial strategy specific to the needs of Bromsgrove. It will contain a set of primary policies for delivering the core strategy and set the broad locations for development through the production of a key diagram. It will not deal with site specific allocations or issues. These will be dealt with in the Allocations and Land Supply Development Plan Document. Once adopted, all other development plan documents will have to be in conformity with it.

- **Proposals Map**

The proposals map will illustrate on an Ordnance Survey base map all the policies and proposals contained in development plan documents and saved policies. It will be a separate development plan document and will be revised as new development plan documents are prepared and adopted. It will show:

- i. Areas of protection, including landscape protection areas, nature conservation areas, Green Belt and Conservation Areas.
- ii. Illustrate in map form all site specific policies and proposals that have been included in any adopted development plan document.

Separate inset maps will also be produced showing proposals for parts of the authority's area such as Bromsgrove Town Centre. It is intended that the maps will be produced in a A3 loose leaf format for ease of use and to allow easy updating. An overview map of the whole District would also be produced. While the County Council will be producing minerals and waste plans any allocations or designations in relation to minerals and waste made by the County and shown on their proposals map will also be shown on the Bromsgrove LDF Proposals Map.

- **Allocations and Land Supply**

While the Core Strategy will include policies that reflect the requirements for new housing and employment from the Regional Spatial Strategy this document will contain specific policies relating to the delivery of a housing and employment supply consistent with policies contained in the Core Strategy. It will also contain site specific details relating to the allocation of sites to meet the identified development needs of the District.

- **Development Control Policies**

The document will contain a generic set of policies against which planning applications for the development and use of land and buildings will be considered. This document will;

- i. Contain policies that accord with the vision and objectives set out in the Core Strategy.
- ii. Focus on topic relate policies such as protecting residential amenity and protection of the landscape instead of use-related policies.
- iii. Policies will not repeat national planning policy statements but will set in context how such policy applies to the local area.
- iv. Policies will be positive and will focus on achieving the outcomes required to meet the authority's vision as set out in the Core Strategy.

- **Bromsgrove Town Centre Area Action Plan**

This action plan will build on previous work undertaken as part of the Bromsgrove Town Centre Study. It will provide a planning framework to stimulate growth and regeneration of the town centre. The key focus will be on implementation and site specific proposals rather than strategic policies or visionary policies which will be contained in the Core Strategy.

7. Other Proposed Documents

This section contains information on other statutory documents that the Council are required to produce as part of the LDF.

- **Statement of Community Involvement (SCI)**

This will be a key component of the Local Development Framework. It will state how the local authority will involve the community in the preparation, alteration and continuing review of all local development documents and in significant development control decisions. The statement will be prepared early on in the process and will enable the community to know when and how it can get involved in the preparation of local development documents.

- **Annual Monitoring Report (AMR)**

The local authority is required to monitor the effectiveness of the policies contained in its Local Development Documents. This will also include the monitoring of saved policies contained in the Local Plan. This report will be produced annually with the first report to be produced in December 2005, approximately one year after the likely adoption of this Local Development Scheme. The two key aims of this report will be to assess;

- i) the implementation of the local development scheme; and

ii) the extent to which policies in local development documents are being achieved.

- **Strategic Environmental Assessment (SEA) and Environmental Assessment (SA) Report**

Local Planning authorities must comply with European Directive 2001/42/EC which requires formal strategic environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. The SEA and SA will play an important part in ensuring that local development documents produced by the Council reflect sustainability objectives.

The Council will adopt an integrated approach with the production of a joint SEA and SA which will be prepared alongside the production of the development plan documents. An environmental assessment of plans, policies and options will form part of the public consultation phase of plan work. The results of the SEA and SA study will help guide the local authority towards a sustainable policy framework.

8. Timetable

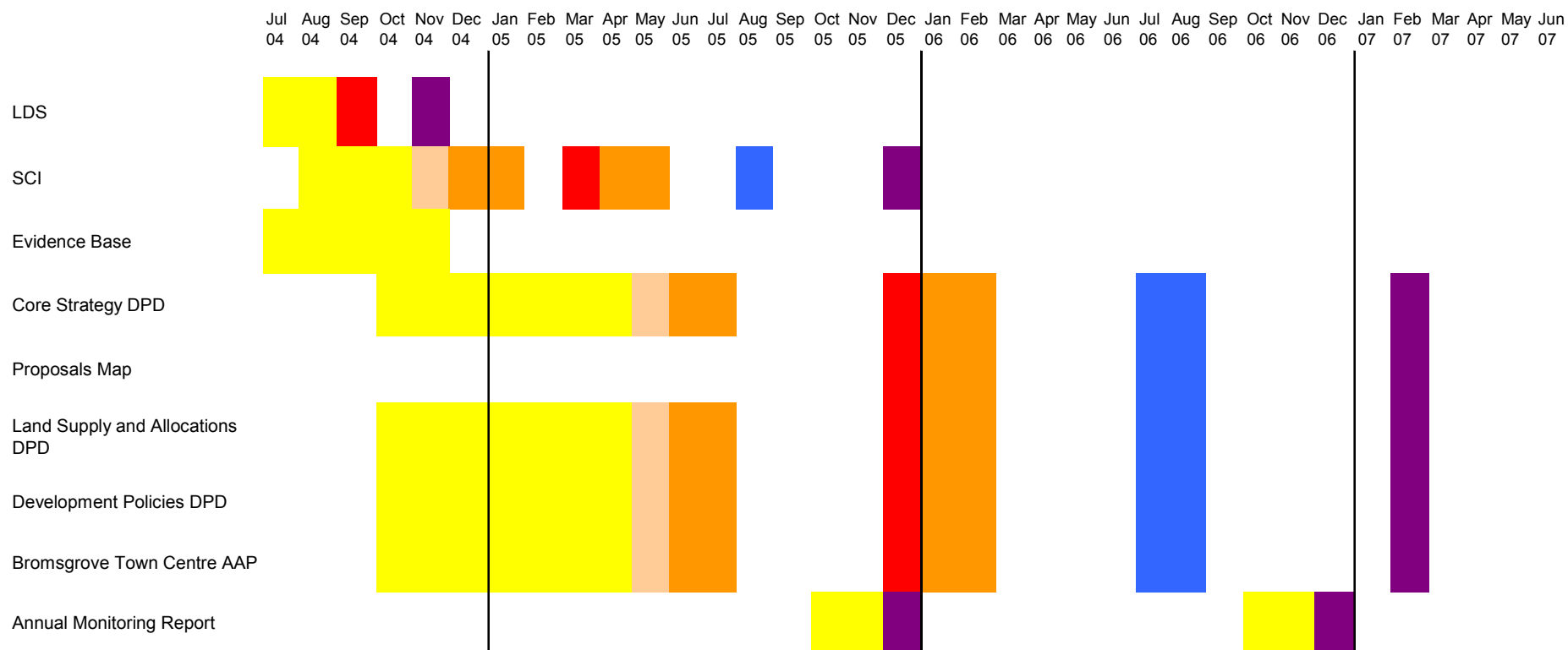
The table below and the chart on the following page indicate a timetable for the production of Local Development Framework documents by April 2007. Further details on each document to be produced are contained in Appendix 1.

The table below and the chart over the page indicate the key dates in the process. Following the publication of the Issues and Options and Submission Documents there will be a statutory 6 week consultation process. The Inquiry date is subject to consultation with the Planning Inspectorate. The timetable will be reviewed annually and if needed updated.

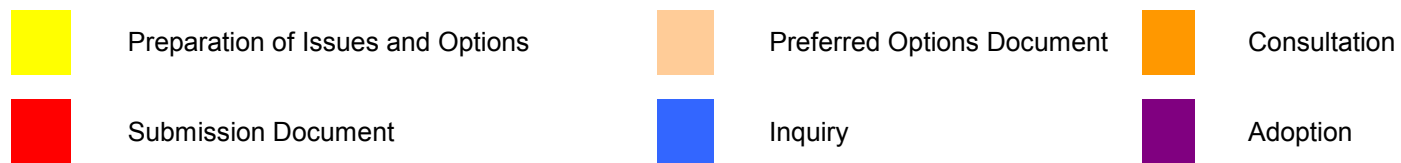
Table 2 – Key dates in the production of an LDF

Document	Issues & Options Document	Submission Document	Inquiry	Target Adoption date
Local Development Scheme	N/A	Sep 04	N/A	Nov 04
Statement of Community Involvement	Nov 04	Mar 05	Aug 05	Dec 05
Core Strategy	May 05	Dec 05	Jul 06	Feb 07
Proposals Map	May 05	Dec 05	Jul 06	Feb 07
Land Supply & Allocations	May 05	Dec 05	Jul 06	Feb 07
Development Control Policies	May 05	Dec 05	Jul 06	Feb 07
Bromsgrove Town Centre Action Plan	May 05	Dec 05	Jul 06	Feb 07

Figure 2 - Three year timetable for production of LDF documents



Key



9. Management of the Programme

While some components of the programme may be outsourced due to the need for external specialist input or/and internal resources issues the overall management of the process and delivery of the Framework will be in-house.

Local Development Framework Working Group

The Local Development Framework requires rapid progress in order to ensure that the LDS timetable is achieved. As part of this process officers will need to have a regular dialogue with members on both strategic and local policy issues. As such a 'working party' of members has been appointed.

The Working Group is representative of both of the Council and in geographic coverage. It will be used for informal discussion sessions and, when necessary, more formal endorsement of proposals prior to undertaking further stages of the policy process. The objectives of the Working Group are to increase early Member involvement in the process so resulting in fewer hold-ups later on in the process and to ensure that adequate consideration is given to relevant matters of planning policy.

Internal Resource Implications

The Local Plans Section will have responsibility for the production of all the Local Development Documents. It is anticipated that the specialist planning consultants will be used to verify work on the Statement of Community Involvement and Strategic Environmental Assessment. A budget has already been identified for this work and contact has been made with leading consultants in the two fields of work. The Local Plans Team will also work closely with the Development Control Section on the production of the Development Control Policies DPD.

Planning Delivery Grant (PDG) has enabled the staffing structure in the Local Plans Section to be improved. However, difficulties in recruiting specialist staff remains and both existing and future PDG may be required to meet either any slippage in work programmes or in providing specialised support. Fortunately, the recent adoption of the Local Plan has given the Council a recently adopted policy base and defined

Green Belt boundaries to use as a platform for the production of the Local Development Framework.

External Resource Implications

It is difficult to predict the impact of external bodies on the production of the Bromsgrove LDF. The timetable contains assumptions regarding possible Inquiry and adoption dates. The Planning Inspectorate have been consulted regarding the realism of these dates. These will be modified as the Inspectorate gains a more complete national perspective of likely workloads. Statutory Consultees have also been sent copies of this Scheme for their comment. The early preparation of a Statement of Community Involvement will also help to establish how community and stakeholder involvement will be integrated into the process to ensure that key players can positively engage in the plan work at the most appropriate points.

10. Monitoring and Review

Review and monitoring are key aspects of the Government's 'Plan, monitor and manage' approach to the planning system. The Council will publish an Annual Monitoring Report (AMR). This report will assess:

- i. the implementation of the local development scheme
- ii. the extent to which policies in local development documents are being achieved.

The AMR will review actual plan progress against the targets and milestones for local development document preparation set out in this scheme. If the Council is falling behind the schedule or has failed to meet a target the AMR will explain why this has happened and the action to be taken. If required then this scheme will be updated and re-published at the same time as the publication of the AMR.

Appendix 1 – Document Profiles

Core Strategy DPD		
Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>Will set out the vision, spatial strategy and core policies for the spatial development of the District.</p> <p>Development Plan Document.</p> <p>Conforms with Regional Spatial Strategy.</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Publication of Submission document • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October 2004 to April 2005</p> <p>May 2005</p> <p>June to July 2005</p> <p>December 2005</p> <p>January to February 2006</p> <p>July to Aug 2006</p> <p>December 2006</p> <p>February 2007</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources including studies produced for evidence base.</p> <p>Outlined in Statement of Community Involvement</p>

Proposals Map DPD

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>Maps illustrating policies, proposals and designations contained in the Development Plan documents.</p> <p>Development Plan Document.</p> <p>Conforms with Core Strategy.</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Publication of Submission document • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October 2004 to April 2005</p> <p>N/A</p> <p>N/A</p> <p>December 2005</p> <p>January to February 2006</p> <p>July to Aug 2006</p> <p>December 2006</p> <p>February 2007</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal preparation and external printers.</p> <p>Outlined in Statement of Community Involvement.</p>

Land Supply and Allocations DPD

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>Document containing site allocations and policies that control the supply of land.</p> <p>Development Plan Document.</p> <p>Conforms with Core Strategy</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Publication of Submission document • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October 2004 to April 2005</p> <p>May 2005</p> <p>June to July 2005</p> <p>December 2005</p> <p>January to February 2006</p> <p>July to Aug 2006</p> <p>December 2006</p> <p>February 2007</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources including studies produced for evidence base.</p> <p>Outlined in Statement of Community Involvement</p>

Development Control Policies DPD

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>Document containing policies that ensure development meets certain criteria and contributes to the vision of the Core Strategy.</p> <p>Development Plan Document.</p> <p>Conforms with Core Strategy</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Publication of Submission document • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October 2004 to April 2005</p> <p>May 2005</p> <p>June to July 2005</p> <p>December 2005</p> <p>January to February 2006</p> <p>July to Aug 2006</p> <p>December 2006</p> <p>February 2007</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources including studies produced for evidence base.</p> <p>Outlined in Statement of Community Involvement</p>

Bromsgrove Town Centre Action Plan DPD

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>Document will provide the planning framework for improvements to Bromsgrove Town Centre</p> <p>Development Plan Document.</p> <p>Conforms with Core Strategy</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Publication of Submission document • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October 2004 to April 2005</p> <p>May 2005</p> <p>June to July 2005</p> <p>December 2005</p> <p>January to February 2006</p> <p>July to Aug 2006</p> <p>December 2006</p> <p>February 2007</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources including studies produced for evidence base.</p> <p>Outlined in Statement of Community Involvement</p>

Statement of Community Involvement

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>How the Local Authority will involve the community in the preparation, alteration and continuing review of all local development documents and in significant development control decisions</p> <p>Statutory document but not DPD</p> <p>N/A</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Submission to Secretary of State • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>August to October 2004</p> <p>November 2004</p> <p>December 2004 to January 2005</p> <p>March 2005</p> <p>April to May 2005</p> <p>August 2005</p> <p>November 2005</p> <p>December 2005</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources with external verification (if required)</p> <p>N/A</p>

Annual Monitoring Report

Document Details	<ul style="list-style-type: none"> • Role and Content • Status • Position in chain of conformity • Geographic coverage 	<p>The monitoring of the implementation of the LDS and the extent to which policies in local development documents are being achieved.</p> <p>Development Plan Document.</p> <p>Conforms with Core Strategy</p> <p>District Wide</p>
Timetable	<ul style="list-style-type: none"> • Evidence gathering and Preparation • Publication of Options report • Consultation on preferred options • Submission to Secretary of State • Consultation on submission document • Examination Period • Receipt of Inspector's binding report • Adoption and Publication 	<p>October to November 2005</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>December 2005</p>
Production	<ul style="list-style-type: none"> • Process led by • Management arrangements • Resources required to produce DPD • Approach to involving stakeholders 	<p>Local Plans Section</p> <p>See Section 9</p> <p>Internal resources</p> <p>Outlined in Statement of Community Involvement</p>

Appendix 2 – Existing Policies Table

The following tables identify existing policies and their subject area from the Bromsgrove District Local Plan (BDLP) that will be saved until replaced by policies in a Development Plan Document (DPD). The policies have been grouped by Development Plan Document.

Core Strategy (DPD)	
Subject Area	Policy Reference
District Strategy	DS1, DS2, DS3, DS4, DS5, DS8, DS9, DS11, DS13, DS15
Landscape	C1
Housing	S14
Shopping	S20
Community Facilities	S28, S35, S38
Landscape	C6
Agriculture	C20
Woodlands	C18, C19
Transport	TR1, TR5, TR5A, TR13, TR15, TR16
Recreation	RAT1, RAT5, RAT6, RAT11
Rights of Way	RAT12, RAT16, RAT19, RAT20
Tourism Schemes	RAT22, RAT23, RAT27
Environmental Services	ES15
Area Policies	ALVE3, BEL1, BE1, BOUR1, BROM30, BUR1, CL1, CH1, FAR1, FIN1, HOL1, HOP1, ROM1, ROW1

Allocations and Land Supply (DPD)	
Subject Area	Policy Reference
Housing	S2
Employment	E3
Alvechurch	ALVE4, ALVE6, ALVE7, ALVE8
Barnt Green	BG2
Beoley	BE2, BE3
Bromsgrove	BROM5, BROM5A, BROM5B, BROM5C, BROM5D, BROM5E, BROM5F, BROM6, BROM7, BROM8, BROM8A, BROM10, BROM28, BROM29, BROM32
Finstall	FIN3, FIN4
Frankley	FR2, FR3, FR4
Hagley	HAG1, HAG2, HAG2A, HAG2B, HAG5
Romsley	ROM2
Rubery	RUB4, RUB5
Tardebigge	TARD1
Wythall	WYT3, WYT4, WYT5, WYT6, WYT7, WYT8, WYT9, WYT11, WYT13, WYT15, WYT16

Generic Development Control Policies (DPD)	
Subject Area	Policy Reference
Housing	S7, S8, S9, S10, S11, S12, S13, S13A, S15, S16, S18, S19
Shopping	S21, S22, S24, S24A, S25, S26, S27, S27A, S27B
Community Facilities	S29, S31, S32, S33
Conservation	S35A, S36, S37, S39, S39A, S41, S42, S44, S47, S48
Landscape	C4, C5, C16
Nature Conservation	C9, C10, C10a, C12
Woodlands	C17
Agriculture	C21, C22, C23, C24, C25, C26, C27, C27A, C27B, C27C, C29, C30, C30A
Farm Diversification	C31, C32, C33, C34, C35
Archaeology	C36, C37, C38, C39
Employment	E4, E6, E7, E9, E10, E11
Transport	TR2, TR6, TR10, TR12
Recreation	RAT2, RAT3, RAT4, RAT7, RAT8, RAT9
Rights of Way	RAT13, RAT17, RAT21
Tourism	RAT24, RAT25, RAT26, RAT28, RAT30, RAT33, RAT34, RAT35
Environmental Services	ES1, ES2, ES3, ES4, ES5, ES6, ES7, ES8, ES11, ES12, ES13, ES14, ES14A, ES16
Alvechurch	ALEV2, ALVE5
Barnt Green	BG1
Bromsgrove	BROM23, BROM24
Hagley	HAG3
Rubery	RUB2
Wythall	WYT1

Bromsgrove Town Centre Area Action Plan (DPD)	
Subject Area	Policy Reference
Bromsgrove	BROM11, BROM14, BROM16, BROM19, BROM22

The following table identifies the policies from the Bromsgrove District Local Plan that the Council is proposing to save post 2007.

Subject Area	Policy Reference
Barnt Green	BG3, BG4
Bromsgrove	BROM26
Wythall	WYT2, WYT10

Appendix 3 – Jargon Guide

Local Development Framework (LDF)

The LDF will provide the framework for delivering the planning strategy and policies for Bromsgrove District.

Local Development Documents (LDD)

The LDF is comprised of LDDs. These can be either Development Plan Documents (DPD), Supplementary Planning Documents (SPD) or other statutory documents such as the SCI and AMR.

Development Plan Documents (DPD)

These will contain development plan policies and be subject to independent examination.

Supplementary Planning Documents (SPD)

These will cover many issues and will provide additional guidance for policies in the DPDs. They are not a part of the development plan and they are not subject to independent examination.

Local Development Scheme (LDS)

This document is a 3 year project plan for the production of documents in the LDF.

Annual Monitoring Report (AMR)

A document showing the progress in achieving the programme set out in the LDS and the effectiveness of development plan policies.

Strategic Environmental Assessment (SEA)

The environmental assessment of plans and policies, as required by an EU Directive.

Sustainability Appraisal (SA)

An appraisal of the environmental, social and economic impacts of specific policies and proposals. Work will be undertaken at the same time as the SEA.

Statement of Community Involvement (SCI)

This sets out the standards which the planning authority has to achieve and its proposals in relation to involving the community in plan-making. This is not a DPD but is subject to independent examination.

Appendix 4 – Acronyms

List of Acronyms used in this document:

AAP	Area Action Plan
AMR	Annual Monitoring Report
BDC	Bromsgrove District Council
BDLP	Bromsgrove District Local Plan
DPD	Development Plan Document
LA	Local Authority
LDF	Local Development Framework
LDD	Local Development Document
LDS	Local Development Plan Scheme
LPA	Local Planning Authority
PPS	Planning Policy Statement
PINS	Planning Inspectorate
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
WCSP	Worcestershire County Structure Plan

Contact Details

We welcome your comments on the contents of this document. Please contact us by any of the following methods:

Telephone: 01527 881477 or 01527 881318

E-mail: g.brookfield@bromsgrove.gov.uk

Post: Local Plans Section
Planning Services
Bromsgrove District Council
Burcot Lane
Bromsgrove
B60 1AA

For further information you can also visit the Local Plans website at;

www.bromsgrove.gov.uk/localplanning

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

15th September 2004

HOUSING LAND AVAILABILITY – APRIL 2004

Responsible Portfolio Holder	Councillor Mrs M Taylor
Responsible Head of Service	Malcolm Griffiths, Director of Planning Services

1. SUMMARY

- 1.1 The housing land availability returns for April 2004 show the latest position regarding the level of planning permissions, house completions and sites under construction. These statistics are the key to monitoring progress towards the County Structure Plan target to 2011 and in future work towards a Local Development Framework for Bromsgrove.

2. RECOMMENDATION

That Members note the contents of this report.

3. DETAILS

- 3.1 The Council monitors housing land supply in October and April each year. This information shows how the supply of housing is progressing against strategic planning targets and is crucial to planning policy work.
- 3.2 In the last two years concerns have been raised over the likelihood that housing provision will exceed the Worcestershire County Structure Plan target to 2011. This information led directly to the introduction of Supplementary Planning Guidance No. 10, 'Managing Housing Supply, which effectively introduced an embargo on the majority of new housing permissions in the District.
- 3.3 The returns for April 2004 confirm the picture regarding oversupply. The Council now has a housing land supply in excess of 10 years. This means that if all permissions are implemented then housing supply would last at current rates until September 2014.
- 3.4 To further complicate this picture it is expected that the required rate after 2011 will fall as a result of changing regional planning policy. It is therefore possible that the current supply will last even beyond 2014. This emphasises the

importance of continuing to operate SPG10 in the short term to avoid any further increase in housing permissions.

- 3.5 Members should note that this does not mean that the embargo on housing permissions introduced through SPG10 will need to be retained for an extended period. Instead, once the new housing target to 2021 is known (at some point in 2005), a new policy can be introduced through the Local Development Framework (LDF) to regulate supply.
- 3.6 This means that the Council can identify key housing sites which could support other objectives. For example, permitting housing/flats in the town centre could encourage interest in wider town centre improvements through mixed use development. Similarly, allocating remaining larger brownfield sites in urban areas for housing use could encourage further regeneration. For other situations policy would be used to support housing schemes in the most sustainable locations which would normally be urban or urban edge sites.

4. CONCLUSION

- 4.1 The Council now has information that identifies a housing land supply position that comfortably meets strategic targets to 2011 and, at current average supply rates, several years beyond. This confirms the necessity for introducing SPG10 in 2003 to manage the housing supply.
- 4.2 As part of the new planning system it is the intention to review SPG10 in the light of new strategic housing figures for Bromsgrove District to 2021 with a view to devising a policy to regulate housing supply via a sequential approach to future land releases.

5. FINANCIAL IMPLICATIONS

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 None

BACKGROUND PAPERS

Housing Land Availability Document April 2004

Contact officer

Name P Crysell
E Mail: pcrysell@bromsgrove.gov.uk
Tel: (01527) 881318

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET MEETING

WEDNESDAY 15th SEPTEMBER 2004

CLEAN NEIGHBOURHOODS CONSULTATION DOCUMENT

Responsible Portfolio Holder	Councillor B. L. Fuller
Responsible Head of Service	David Williams

1. SUMMARY

- 1.1 To advise Members of the Government's wide ranging proposals contained in their consultation paper "Cleaner, Greener, Safer Communities and to seek views for submission to the Department for Environment, Food and Rural Affairs by 24th September 2004.

2. RECOMMENDATION

- 2.1 That the views presented by the Local Government Association (LGA) be strongly supported and submitted to the Government, together with any additional comments or proposals Members of the Council may wish to make.

3. INTRODUCTION

- 3.1. This report gives a summary of measures in the Clean Neighbourhoods Consultation, published by the Department for Environment, Food and Rural Affairs on 15th July 2004. It also sets out the LGA's key messages for government policy relating to the quality of life in local communities.
- 3.2. The Clean Neighbourhoods consultation has been published following a two year period of consultations and policy development on measures to improve the environment and liveability. This has included the Living Places - Powers, Rights, Responsibilities Review, the Anti-Social Behaviour Act and Fly-Tipping Strategy.
- 3.3. The Government plans to introduce the measures outlined in this consultation at the next available opportunity. The consultation will run until 24 September and Defra plan to hold a series of regional seminars to allow discussion of the proposals.

4. BACKGROUND

- 4.1 Quicker and more effective enforcement is needed to deter offenders and demonstrate that a clean, safe and green local environment is as much a priority for councils and local agencies as it is for residents and businesses. It has been clear for some time that some legislative changes are required to clarify

responsibilities and help councils to deal with environmental crime more effectively. The LGA has been compiling a list of changes that will help councils achieve a higher quality local environment and has been lobbying government over recent months to include these amendments in any future legislative opportunity. They are pleased to see many of the measures they have been lobbying for are included in this latest consultation.

5. MEASURES BEING PROPOSED IN THE CONSULTATION

5.1 The proposed measures cover a wide range of environmental and quality of life issues and they are summarised as follows:- .

Section I- Crime and Disorder

- An amendment to Section 6 of the Crime and Disorder Act 1998, to ensure that Crime and Disorder Reduction Partnerships include the quality of the local environment when developing strategies.

Section 2- Litter graffiti and Fly-posting

- The power for local authorities to designate any land as a Litter Control Area, without the need for approval by the Secretary of State.
- Extension of cleansing notices beyond London.
- Inclusion of graffiti and fly-posting in Litter Control Areas and extension of graffiti removal notices to include fly-posting.
- Strengthening of fly-posting legislation to ensure all beneficiaries can be prosecuted.
- Extension of the offence of dropping litter to all types of land, including aquatic environments.
- Extension of the Code of Practice on Litter and Refuse to include standards for fly-posting, graffiti, fly-tipping, nuisance vehicles and chewing gum.
- Extension to authorities outside London of powers to prevent the distribution of free literature.
- The definition of chewing gum and smoking related materials as litter, to clarify that authorities can prosecute and issue fixed penalty notices for the dropping of these materials.
- The power to require clean-up provisions when granting a special events licence.
- The power for authorities to recover from owners the cost of recovering, storing and disposing of abandoned shopping and luggage trolleys, even where the owner does not accept their return.

Section 3- Waste and Contaminated Land

- Powers for Local Authority or Environment Agency officers to immediately seize and impound a vehicle involved in fly-tipping.
- New powers for local authorities to issue fixed penalty notices (fpn's) for the following offences:-
 - to businesses failing to produce waste transfer notices (£300 fpn);
 - to waste carriers failing to produce registration details (£300 fpn);
 - to householders and businesses that leave their waste out for collection outside the times specified by the local authority (£100 fpn for each incident).
- Raising the maximum fine for fly-tipping offences from £20,000 to £50,000.
- An amendment to Section 59 of the Environmental Protection Act 1990, to extend responsibility for clearing illegally dumped waste to land owners as well as occupiers.
- A proposal to replace the current waste management licensing system with a new waste permitting regime.
- A new requirement for developers and contractors to produce a Site Waste Management Plan for all projects above the value of £200,000. This would be trialled for one year before becoming statutory, after which a fixed penalty notice of £300 could be issued.

Section 4- Nuisance Vehicles

- A new power to allow local authorities to immediately remove from the highway, from land to which the public has access and from private land (if it is there without permission of the owner), any nuisance vehicle.

A nuisance vehicle is deemed to be one which:-

- Has no authorised keeper;
 - Is abandoned;
 - Is not displaying a current tax disc;
 - Is causing a nuisance or is detrimental to the amenity of an area.
- Fixed penalty notices or fines (maximum £2,500).
 - The power for local authorities to destroy or otherwise dispose of any vehicles not reclaimed.

Section 5- Dogs

- A streamlined approval system for confirming specific dog byelaws, with model byelaws and procedures.
- Local authorities to be the sole body responsible for receiving stray dogs.

Section 6- fixed Penalty Notices (fpn's)

- A power for local authorities to set the level of fpn's, within national minimum and maximum levels for offences relating to:-
 - Litter;
 - Dog fouling;
 - Night time noise;
 - Graffiti;
 - Fly-posting;
 - Free literature distribution;
 - Waste collection placement;
 - Site Waste Management Plans;
 - Nuisance Vehicles.

This measure would not apply to fpn's for failure to produce waste transfer notes or waste registration details.

- A power for local authority officers issuing fpn's to demand names and addresses, with a maximum fine of £1000 for failure to give details, or giving false details.
- Extension of the power to issue fpn's to contractors engaged by local authorities, including parish councils.

Section 7- Nuisance

- Extension of statutory nuisances to include artificial light and nuisance from insects.
- New measures to reduce noise nuisance including:-
 - Extending the requirement (available in London) for those with burglar alarms to register key-holders with the police;
 - The power to issue fpn's for noise nuisance at night to operators of licensed premises as well as private individuals;
 - New powers to enable local authorities to gate nuisance alleyways.

Section 8 – General Public Space

- The establishment of the Commission for Architecture and the Built Environment on a statutory basis.

- New powers to enable local authorities to gate nuisance alleyways.
- 5.2 There are more detailed and technical proposals included in the consultation and the full paper can be obtained from Defra on tel. 020 7238 6575, email defra.library@defra.gsi.gov.uk.

6. KEY ISSUES

- 6.1. The 2002 Mori poll on Liveability concluded that there is a rising dissatisfaction on liveability issues, such as street cleaning, fly-tipping, noise and crime. Background trends (the fast food culture, rises in waste, alcohol abuse, 24 hour economy) and policy developments (landfill tax, waste directives - fridges, cars, hazardous waste) have often overtaken the powers and resources available to councils to deal with the damaging consequences for local liveability.
- 6.2. Local authorities have often been hampered in their efforts to maintain a high quality local environment by a lack of flexibility to remove waste and limited powers or resources to enforce against behaviour that makes the local environment unsafe or unclean.
- 6.3. The LGA broadly welcomes the proposals in the consultation, particularly those on fly-tipping, waste and nuisance vehicles. The measures proposed will provide local authorities with much needed extra "tools" to maintain and care for the environment.
- 6.4. The LGA stress however, the need for extra ring-fenced money for the environment. They go on to say that however much they welcome these proposed legislative changes, the lack of any new money to support any enhanced enforcement role is disappointing. Further, there is a danger that local authorities will not be able to make full use of the proposed new powers because of lack of resources. Councils are now expected to deliver wholesale changes to waste collection and waste disposal activities, as well as significant improvements in street scene management, but the 2004 Spending Review has failed to close the vast funding gap in this area. The LGA estimate that the under-funding in environment, protective and cultural services is in the order of half a billion pounds per annum.

7. LGA KEY MESSAGES

- 7.1. The LGA have long lobbied for measures set out in the Clean Neighbourhoods consultation, including powers for local authorities to immediately seize vehicles caught fly-tipping, fixed penalty notices for fly- posting, waste and graffiti offences with council's being able to retain the receipts, as well as powers for local authorities to immediately remove nuisance vehicles.
- 7.2 Whilst they are pleased that the government are consulting on making proposals in their "wish list" (developed through consultation with local councils) a reality, wide-ranging environmental legislation to fill the obvious gaps in the current law is long over-due.

- 7.3. The LGA will continue to lobby the Government to now set a clear legislative timetable to give these issues the priority they deserve and to give councils the powers and funding to really make an impact upon littering and environmental offences.

8. FURTHER MEASURES NEEDED

- 8.1. The LGA feel that further measures are required and would welcome the following powers:-

- The law should be changed to allow the use of Community Service Orders for those who are unable to pay fines.
- An amendment to Section 59 of the Environmental Protection Act 1990, placing a new duty of care on land owners and occupiers to take all reasonable steps to prevent fly-tipping on their land.
- Utility companies should be given a duty to look after equipment and property kept on the street (telephone boxes etc) so that it is kept free of graffiti and fly-posting.
- Local authorities should have the power to require the removal or relocation of third party street furniture in the interests of safety or amenity (eg disused or derelict phone boxes).
- There needs to be an extension of “producer responsibility” to address the problem of chewing gum litter and damage.

- 8.2. In addition to legislative changes, the LGA say that it is imperative that a sustained and properly resourced national anti-litter campaign runs alongside these new powers. Central Government need to reverse the decline in funding for environmental campaigns and commit extra money for a sustained programme of awareness and education to bring about a cultural change in behaviour amongst individuals and businesses. The Government cannot expect council tax payers to fund the costs of enforcement and tidying up.

- 8.3. The LGA believe that courts should be encouraged to impose tougher sentences on offenders, including escalating fines for repeat offences.

9. CONCLUDING COMMENTS

- 9.1 It is considered that the LGA’s comments are sound and that the Government should be strongly lobbied to reconsider their funding mechanisms and allowances, to enable full implementation of their bold and welcomed strengthening of legislation needed to tackle the growing problem of environmental crime and neighbourhood nuisance.

- 9.2. The proposed cessation of the Police involvement in respect of the provision of holding kennels for stray dogs is of concern, as this could place an increased financial and general service burden upon local authority dog warden services.

10 . FINANCIAL IMPLICATIONS

- 10.1. Whilst the Government claim that their proposals taken as a whole would be cost neutral and lead to cost savings through increased efficiency and effective, well publicised enforcement, the LGA believe that the proposed legislative changes will require extra ring-fenced money for the environment. Further, councils are now expected to deliver wholesale changes to waste collection and waste disposal activities, as well as significant improvements in street scene management, but the 2004 Spending Review has failed to close the vast funding gap in this area. The LGA estimate that the under-funding in environment, protective and cultural services is in the order of half a billion pounds per annum.
- 10.2. Whilst it would seem likely that having undertaken high profile enforcement and educational work, street cleansing and other environmental service costs would lower, it is considered that this would take some time to achieve.

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 The proposed legislative changes should have a positive impact on crime reduction.

12. POLICY AND ENVIRONMENTAL CONSIDERATIONS

- 12.1 The proposed legislative changes should make a positive contribution towards the Council's commitment to partnership working and meeting the objectives of the Community Plan, through for example enhanced enforcement measures to tackle environmental crimes, for example fly-tipping and abandoned vehicles.

Background Papers

None.

Contact Officer

Name : David Williams
E Mail: d.williams@bromsgrove.gov.uk
Tel: (01527) 881430