

**STRUCTURE PLAN AND  
REGIONAL PLANNING ISSUES PANEL  
Monday 12 January 2004**

Item No.

**4**

Members of Panel: M Bayes, R Clements (Sub), A Dodd, D Drake, J Metcalf (Sub), M Saunders, R J Smith, I Simpson, W Storey (Chairman), B A York.

**Consultation on Draft Planning Policy Statement 11 – Regional Planning, and Draft Planning Policy Statement 12 – Local Development Frameworks, and associated draft Regulations.**

Author: Jon Tiley (01992 556292)

**1. Purpose of Report**

- 1.1 In parallel with the progression of the Planning and Compulsory Purchase Bill through Parliament, the Government is consulting on a range of new guidance and Draft Regulations to accompany the new planning system.
- 1.2 Of particular importance are the draft planning policy statements (PPS) which deal with Regional Planning (PPS11) and the new Local Development Frameworks (PPS 12).
- 1.3 For each of the consultation documents, a set of questions are included in order to shape the response received. The proposed responses for both documents can be found at Appendix 1 and 2 respectively. In addition, the covering report highlights some more overarching points which it is suggested should be submitted in the County Council's response.
- 1.4 As the deadline for responses to be submitted is 16 January, it is proposed that the responses proposed in this report, together with any comments of the Panel, be agreed by the Executive Member for submission to ODPM.

**2. Background**

- 2.1 The Planning and Compulsory Purchase Bill is currently progressing through Parliament. It has now completed its Commons stages and will be introduced into the House of Lords when business commences in

the New Year. It is currently anticipated that the Bill will receive Royal Assent during April, and will be enacted in either June or July 2004

- 2.2 Members will be aware that the Bill introduces a new, two tier development plan system, based on Regional Spatial Strategies and Local Development Frameworks. As a consequence, the planning powers of the County Council are significantly altered, with Structure Plans being abolished, although the County will remain the Minerals and Waste Planning Authority.
- 2.3 The new system will also see the replacement of Planning Policy Guidance Notes (PPGs), with a new system of Planning Policy Statements (PPS). These new statements are meant to be far more focussed statements of Government policy on key planning issues.
- 2.3 Draft PPS 11 on Regional Planning, and Draft PPS 12 on Local Development Documents, are meant to set out the key elements of procedure and content of the new plan making system. At the same time, the Government has also published Draft Regulations to accompany the new plan making system, together with rather confusingly, a Guide to process for Local Development Frameworks, and a separate Guide to Procedure and Code of Practice.
- 2.5 This report, and the proposed consultation response, concentrates on the content of the two draft Planning Policy Statements., drawing attention to the Draft Regulations or other Guidance where appropriate, primarily where there are inconsistencies. Similarly, this report centres largely on the key issues from the County Council's perspective of strategic planning authority and its future role in the plan making system.

### **3. Key Issues**

#### **Regional Planning**

- 3.1 PPS 11 sets out the new arrangements for strategic plan making under the new Act. The primary change is that Regional Planning Guidance is replaced by a statutory Regional Spatial Strategy, which forms part of the development plan. The preparation of the RSS is the responsibility of the Regional Planning Board, although it is the Secretary of State who approves it. As part of the development plan, the RSS will be used in determining planning applications. In addition, all Local Development Documents must be prepared to be in conformity with the RSS.

- 3.2 The PPS sets out the Government's intentions that RSS should be inclusive, through the development of partnership working and community involvement; it should be more regionally and sub regionally specific, with a focus on implementation; and it should be integrated with other regional strategies.
- 3.3 RSS is intended to provide a spatial framework to inform the preparation of local development documents, local transport plans and other regional and sub regional strategies that have a bearing on land use. The guidance sets out that it should provide a broad development strategy for the region for at least a 15 year period and should encompass the scale and distribution of new housing, priorities for the environment, transport, infrastructure, economic development, agriculture, minerals extraction and waste treatment and disposal.
- 3.4 Turning to the role of the County Council in the RSS, the draft guidance stresses the need for partnership working with "local planning authorities and county councils" to ensure "buy in" to the emerging strategy. The guidance acknowledges that the current wording off the Planning Bill gives county councils a responsibility in terms of survey and information functions. The guidance also stresses that local authorities should be involved in the development and implementation of RSS policy. It is also sets out that Regional Planning Bodies (RPBs) should obtain advice from service delivery authorities in terms of how RSS can help deliver service priorities, whilst also ensuring that services help to deliver the objectives of the RSS. Finally, the option of local authorities leading sub regional studies is also set out.
- 3.5 The guidance also sets out areas where RPBs may enter into arrangements with strategic planning authorities in terms of carrying out specific functions. The types of functions listed are :
- Providing technical expertise, including assisting with district level housing distributions
  - Taking the lead in sub regional work specified by the RPB
  - Providing advice to the RPB on conformity issues
  - Advising district councils on plan preparation
  - Making representations on planning applications of a regional or sub regional significance

Helpfully, the draft guidance does set out that where such arrangements exist, strategic planning officers will still be accountable to their members, in terms of any conflict of interest.

- 3.6 Finally, the draft guidance sets out that in the transition to the new system, structure plans will be saved for a period of three years from commencement of the Act or adoption of the Structure Plan, whichever is the later, unless during that time RSS revisions are published to replace Structure Plan policies.

- 3.7 The detailed response to the consultation questions is set out at Appendix 1. However, there are a number of issues which should be raised in addition to these responses, which are particularly based on the County Council's perspective and Hertfordshire's experience of the current preparation of RPG 14.
- 3.8 Of primary concern is the role of the County Council in the plan making process. On regional planning, the draft PPS does try to map out a role for county councils. However, there is a degree of confusion in terminology throughout the draft guidance and the regulations, with references to local planning authorities, strategic planning authorities, and county councils. The main point should be however that as long as the role proposed is not part of the Act itself, there is ultimately no statutory basis for the role outlined for County Councils and the involvement of county councils in strategic policy work depends upon voluntary agreements with RPBs. The Act should reflect the approach outlined in section 2.11 to 2.18 of the guidance.
- 3.9 A second major point is that the process outlined appears to be based on there being consensus about the content of RSS. In terms of the process proposed, Local Authorities are essential in meeting the objectives of engaging the community in the process. However, what is not clear is what happens should local authorities not agree with the development strategy being promoted through the RSS. As set out above, helpfully the draft PPS sets out where there is a conflict of interest, strategic planning officers must be accountable to their employing authority. There is a need to develop this guidance, but also include some guidance for members who are called upon to serve on the RPB and may have similar conflicts of interest. Finally the guidance should set out how to deal with potential conflicts in the preparation of RSS.
- 3.10 One concern which has come directly from the County Council's experience of RPG 14 is the proposed timescale for the preparation of RSS. 32 Months was the guideline timescale set out for the preparation of Regional Planning Guidance, under the existing planning system. Given the greater scope of RSS, including such matters as district level housing distributions, together with its role as part of the development plan, it is totally inappropriate to try to condense the process into 32 months. If the objective of achieving community involvement and partner "buy in" is to be realised, this takes time. The model timetable should reflect the need for more time in the process.
- 3.11 Related to the timetable issue is the scope and content of the Examination in Public. Given the status of RSS and its subject matter, it is inconceivable that either the county councils or local planning authorities should be excluded from the EIP on key relevant issues. One example is the issue of housing figures. These will be binding on

local planning authorities once set in RSS. If any planning authority has an objection to their figures, they should be given the right to appear at the EIP to state their case. This approach will have implications for the EIP timetable, but there is great danger that the process will be damaged in terms of public acceptance if there is no opportunity for democratically elected bodies to represent their areas on matters of major importance.

### **Local Development Frameworks**

- 3.12 The Planning Bill will abolish Structure Plans, Unitary and Local plans. At the local level, Local development Documents (LDDs) will replace the local plan and Unitary Plans. PPS 12 sets out the Government's policy on the preparation of local development frameworks (LDFs).
- 3.13 The LDF is effectively a portfolio comprising a "local development scheme" (described as a public statement of the local planning authority's programme for a three year project plan,) development plan documents (including a new statement of community involvement) and any supplementary planning guidance. The County Council will be responsible for preparing development plan documents dealing with minerals and waste development.
- 3.14 The draft guidance sets out that LDDs should be focussed and locationally specific; provide an agreed vision for an area signed up to by the community and stakeholders, and not be restricted to matters that may be implemented through the planning system. 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.
- 3.15 Other key elements of the process will include the "statement of community involvement" which will set out the local planning authority's policy and methods for involving the community in the preparation of LDDs ( these statements will be the subject of a separate public examination), a move to a less confrontational style of public inquiry for LDDs based more on an EIP type approach; a very significant move to make Inspector's Reports binding on Authorities and also not limited to matters raised by objectors ( i.e. the Inspector can make recommendations on the general soundness of the plan, even if there are no objections to particular policies) .
- 3.16 Finally, annual monitoring statements will become a requirement of all local planning authorities, and county councils have a general role set out in the Bill to assist local planning authorities develop and maintain an effective information base.
- 3.17 The detailed response to the consultation document is set out at Appendix 2. However, there again some matters of major significance

which should be emphasised in the County Council's response to this document.

- 3.18 One of the key concerns about the whole LDD structure process is that it will not achieve the overall objective of the reform of the plan making system of delivering a “faster, fairer, more flexible system”. Although it has been presented as a simpler system, it is in fact far more difficult to understand the process and the plethora of documents which will make up the Local Development framework. The LDF will be a constantly changing suite of documents, with an annual statement – the Local Development Scheme – tracking the proposed changes and their justification.
- 3.19 There is an expectation that LDFs will be in place within three years of the commencement of the Act. The compacted timetable, together with the greater expectations of local planning authorities in terms of monitoring, community engagement and sustainability appraisal, will undoubtedly be beyond many Authorities, particularly at a time when there is an acknowledged shortage of planners.
- 3.20 There are some proposals in the system which can be welcomed, such as the move away from the current style of Local Plan Inquiries to a more general “examination in public” style of approach. This could produce considerable benefit in terms of saving time and resources, whilst making the process more accessible to the community. However, there is a basic assumption that a high level of consensus will have been reached on the plan through the consultation and policy development stages, thereby limiting what will need to be covered at the Examination. However, it is difficult to see how consensus will ever be reached over controversial and complex development issues such as the Government's proposals for the Growth areas and a “step change” in housing provision.
- 3.21 One of the most controversial elements of the new system will be the binding nature of the Inspector's Report. Whilst this will undoubtedly bring a faster system for the adoption of plans, it does take away a large degree of local discretion. This is of particular concern where the Inspector may make changes to parts of a plan which has received no objections, and which may strong community support. In short, the plan making system is being brought far more under central Government control, whilst at the same time being promoted as being more responsive to local communities. These tensions will be exposed at an early stage, unless a better balance between local autonomy and central control is reached.
- 3.22 Finally, turning to the County Council's role, it should first be noted that the Minerals and Waste Local Plans will become LDDs under the new system. The new system may therefore have resource implications for the preparation of these documents and the new responsibilities set out in the Guidance.

3.23 Turning to the County Council's wider role, the only statutory link to the LDD system is through a poorly defined reference in the Bill to the information and monitoring functions. The Guidance does include the County Council as a consultee, but a more formal role in assisting or commenting on emerging LDDs, both as a strategic planning authority, as the authority responsible for preparing the Local transport Plan and as a major local service provider, are absent. This again highlights the need for the role of the County Council in the new planning system to be placed on a firmer statutory basis.

#### **4. Conclusions**

4.1 The Panel is asked to note the contents of this report, including the detailed comments on the consultation drafts at Appendices 1 and 2, and to advise the Executive Member on any further issues which should be added to the County Council's response on Draft PPS 11 and 12.

## **Appendix 1 – Comments on Draft PPS 11 – Regional Planning**

- i. Paragraph 1.17 and 1.18 set out the expected format of the regional spatial strategy (RSS). Does this cover the right key points or do you think that there should be changes or additions?**

The format does not address the sub-regional dimension, paragraph 1.15 looks as though it will be difficult to deliver without the positive engagement of the strategic planning authorities.

- ii. Paragraph 2.8 to 2.10 discuss the relationship between the RSS and other regional strategies and the need to join these up. Do you have any suggestions about ways of securing better integration or other examples of good practice?**

There is a lack of clarity over which regional strategy is pre-eminent. Given that PPS is a statutory document, which is subject to a rigorous set of procedures and formal consultation processes, it should be clearly pre-eminent to the RES, RHS and Regional Cultural Strategy. PPS 11 needs to be made clear as to which would take precedent in the case of conflict.

Whilst at paragraph 2.10 it is acknowledged that the integration between land use and transport is critical at the regional level, the mechanisms for achieving it are weak. Integration between land use and transportation is also critical at the sub regional level, but again there is little guidance as to how to achieve such integration.

- iii. Chapter 2 and annexes D and E stress the importance of community involvement and partnership working in the RSS preparation process. Is the current balance between procedural policy and guidance right at the moment or does this need changing? In particular:**

**a) Paragraph 2.21 and paragraph 8 of annex D requires the RPB to hold a public conference to seek agreement to the issues identified for the review. Should this requirement be retained?**

**b) Paragraph 21 of annex D encourages the RPB to establish a formal group, chaired by someone from outside the RPB or a local authority and with a membership representative of the community, which is consulted at key milestones on the road to the draft RSS revision. Should this guidance be a requirement?**

Given the importance of RSS in terms of its statutory basis, and role as part of the development plan, every opportunity should be taken to engage the community in taking strategy forward.

Issues conferences and the community stakeholder groups are examples of good practice which have been successfully adopted in strategic plan preparation. The decision as to which process should be followed should be left to the relevant Regional Planning Board. But perhaps in line with the proposals for Local Development Documents, the RPB should be required to produce a Statement of Community Involvement, which is subject to an approval process by the ODPM.

**iv. Paragraph 2.14 refers to the role that it is anticipated strategic planning authorities may play in leading sub-regional studies. Should we include more on how to make these arrangements effective and if so do you have any suggestions?**

Hertfordshire County Council considers that County Councils should be involved in sub regional studies affecting their area as a matter of right, rather than as a matter of choice of the RPB. This should be a statutory provision of the Act, which is reflected in the PPS.

Paragraph 2.14 should also be clarified in terms of clearly setting out that this applies to sub regional strategy preparation, as well as sub regional studies.

**v. Paragraph 2.17 lists areas of work where RPB's may wish to enter into partnership arrangements with strategic planning authorities. Do these highlight the right areas of work or should there be changes or additions?**

Partnership arrangements should be a requirement on key technical matters such as surveying and monitoring, development of policy and its implementation, sub regional strategy development, and District level housing distributions.

The statement which sets out that strategic planning officers will ultimately be accountable to their own authorities, notwithstanding any partnership arrangements, is welcome as an attempt at clarifying the responsibilities of officers in partnership working. However there is still a need to articulate how such arrangements will operate in practice. There should also be guidance with respect to Councillors serving on Regional Planning Boards.

However, the list of areas for consideration for partnership working includes 'providing advice to the RPB general conformity issue'. This and other similar work on strategic planning applications, does raise issues of conflict of interest – i.e. how can a strategic planning authority police conformity with proposals that it may be implacably opposed to? These areas of partnership working and agency arrangements do need further thought. These are

matters which should be dealt with through a clearly defined statutory role for the strategic planning authorities in the Act.

- vi. **Paragraph 2.20 sets out the key features of the project plan for the RSS revision and paragraph 6 of annex D elaborates on this in relation to community involvement. Does the current text adequately describe the features of the project plan or are there others that should be included?**

Consultation with strategic planning authorities should be included at the beginning of the process. This would then require an amendment to Figure 2.1.

- vii. **Figure 2.1, the diagram of the RSS revision process, sets out a timetable from start to finish of thirty-two months. Is this in your view about right, too long or too short? If too long, how might we be able to speed up the process further? If too short, where in the process and on what grounds should we allow more time?**

The process is too short. Given the importance of the RSS is the new planning system, the fact that it is part of the development plan, its wider scope than RPG, and its need to address matters of detail such as District level housing figures, the 32 month programme is too short.

If there is to be true community engagement in the development of key policies at a regional level, that will put in place an unchallengeable framework for local development (eg District Housing figures), there must be adequate time to properly engage the community,

The total period for the development of policy and strategy to the submission stage appears to be too limited. This is the key stage of a “front loaded” system, and there needs to be adequate time reserved for policy development, testing and reconsideration.

It must also be recognised that the EIP process, given the importance of the RSS, may have to be longer than conventional Structure Plan or RPG EIPs have been in the past.

In short, simply transferring the guideline programme length for RPG, to the totally different document which the RSS will be, is inappropriate.

- viii. **There is currently no requirement for the draft RSS to be advertised in newspapers (see Paragraph 2.31). Should there be? Do you have other suggestions beyond those in paragraph 28 of annex D about how the RPB can best publicise the draft RSS?**

It is suggested that the good practice adopted by counties in relation to publicising structure plans, ought to be adopted by the RPB in relation to RSS, which would include the need to advertise in newspapers.

- ix. Paragraph 2.38 sets out the principles that the RPB should consider when determining whether structure plan policies should be saved beyond the normal three year period. Are these the correct ones or should there be any changes or additions?**

This section needs to cross refer to PPS12. The weakness of this section is not that structure plans will be saved, but that PPS12, paragraph 4.4.6 effectively cuts loose LDF's from the structure plans during this period. There is therefore a need for further clarification.

- x. Does paragraph 3.2 adequately describe the context of the annual monitoring report or would further guidance be useful in an annex? If more guidance would be useful what should be included?**

The importance given to monitoring is to be welcome, as is its role in the Act. Hertfordshire County Council would like to see the role for County Council's outlined in the guidance and regulations, enshrined in the Act itself.

In terms of the practical delivery of regional annual monitoring reports, it must be recognised that the process outlined is very demanding in terms of resources. Additional guidance should be given as to the most effective and efficient way to deliver these monitoring results, together with an assessment as to whether it is necessary to deliver a full monitoring report on all aspects for each regional plan every year. At a strategic level, longer term data sets are required in order to discern trends or impacts of policies.

- xi. Do chapters 1, 2 and 3 provide adequate procedural policy advice or are there other areas where we should set out procedural policy. If so, what are these?**

Paragraph 2.36 states that the RPB can identify which Draft RSS policies are intended to replace which existing policies in saved Structure Plans during the three year transition period. They can also identify which saved Structure Plan policies should be carried over for longer than the three year transition period. The paragraph states that either proposal from the RPB can be tested at the EIP into the Draft RSS.

However at paragraphs 2.26-2.27 there is no adequate reference to this in relation to the submission of draft revision documents, and those paragraphs need to be amended to clarify the matter. If the RPB's intention is either to repeal or extend the life of saved structure Plan policies, then Regulation 10 should be amended to require the RPB's proposals to be included as one of

the draft revision documents to be submitted with the Draft RSS to ODPM/GO.

- xii. Are the main aims of a regional transport strategy set out in annex B between paragraphs 3 and 4 and described in more detail at paragraphs 19 to 37 right? If not, what changes or additions should be made?**

See response to xiii below. In addition, the aims should make more reference to the need to take account of local transport plans.

- xiii. Does this consultation document, and in particular annex B, place sufficient emphasis on the integration of transport and spatial planning at the regional level? If not, what else should be added?**

The regional transport strategy is given great prominence as an integral part of the RSS and a whole annex is devoted to it, but the important role of counties as transport authorities is not stressed. Rather, the RDA is identified as the key stakeholder. Although the annex refers back to the section on partnership working the tone is very much in terms of the RPB 'steering' local transport authorities rather than actively working with the authorities responsible for producing local transport plans.

Annex B ought to be amended to clarify the relationship with LTP's, in recognising the bottom up dimension as well as top down. Paragraph 15 is the only reference to the 'county council level'.

- xiv. Is the guidance on the conduct of examinations in public at annex C sufficiently comprehensive or are there areas where further guidance would be helpful? If so, what are these?**

Planning authorities, whether strategic or local, are not amongst the specified list of likely participant in the EiP into the RSS. Paragraph 19 states that 'there may be occasions when a representative (s) of groups of local authorities may be invited in view of the matters to be discussed.

Paragraph 17 of Annex C ought, where there are unresolved disputes between the RPB and strategic authorities, include a right for strategic authorities to be invited to the EiP. Paragraph 44 goes part of the way, but should be included as a right, not an exception.

- xv. Paragraph 20 of annex D draws attention to the importance of involving harder-to-reach groups and provides advice on how this might be achieved. Views would be welcome on how else these groups might be effectively involved, including whether any of the procedure set out in this PPS should be refined.**

Strategic Planning Authorities are experienced in engaging with the harder-to-reach groups and would expect to be a key means of delivering that process.

**xvi. Should there be any additions to or deletions from the list of bodies at the end of annex D that the RPB may want to consult when preparing an RSS revision?**

Paragraph 18 of Annex D conflicts with the draft Regulations (Regional Planning). The wording in this paragraph ought to be taken across into the draft Regulations. Further paragraph 38 and Table 1 are consistent with paragraph 18, but not with the draft Regulations.

**xvii. Do you have examples of best practice in partnership working or advice on the principles which should be followed, relevant to annex E?**

The paragraphs on partnership working, which highlight the pivotal role that local authorities will play in developing and implementing the RSS are welcome. Perhaps they could stress the important point that local authorities are different from other consultees and partners because their views have democratic legitimacy. Only one example of good practice is given and this annex would be further strengthened by further examples.

**xviii. Is the list of proposed national core indicators at annex F correct or should there be any changes or additions?**

There should not be an approach of one size fits all. It is important to recognise that all regions are different, and that priorities in one region may not necessarily be reflected in RSS elsewhere. Further, it needs to be recognised that resources are limited, and that District Councils are struggling to dedicate resources to monitoring, which can only be exacerbated by the requirements in the Planning Bill. Wherever, possible therefore, duplication needs to be avoided, and regions will look to identify what they need to monitor, as well as what ODPM would like them to monitor.

On a more detailed point, the national core indicators do not appear to contain any measure of the success of affordable housing policy.

**xix. Are there any other comments you would like to make that cannot be accommodated as answers to the questions above?**

## **Implementation and Infrastructure investment**

There is still little indication from the draft PPS as to how a more effective system for delivering the necessary public sector decisions about infrastructure investment, are to be delivered, in line with key strategic planning decisions.

What should be spelt out is the mechanism whereby key strategic development decisions are fed into the budget making processes of Government Departments, in order to facilitate a joined up approach to delivering sustainable development.

Whilst RSS may deliver a comprehensive development strategy or framework for a region, there is great concern that Central Government may not be organised effectively to deal with this approach.

### **Community Plans**

PPS 12 sets out how and to what extent community strategies prepared by Local Planning Authorities must be taken into account in the preparation of Local Development Documents. Whilst County Councils have a duty to prepare community plans, PPS 11 does not set out the relationship between community plans and regional and sub regional spatial strategy. This is an omission which should be rectified.

### **Locational Specificity**

Paragraphs 1.14 to 1.16 of the draft PPS sets out guidance as to the level of location specific guidance to be included in RSS. Whilst acknowledging the general principle that RSS should not identify specific sites as suitable for development, it must be acknowledged that in the absence of Structure Plans, there will be a need for more locational specific guidance for strategic developments than has been the custom in RPG in the past.

As an example, the location of a major new hospital can have very significant sub regional implications. It would clearly be inappropriate for individual LDFs to try to set out the key locational criteria, particularly if individual local planning authorities are competing to have the facility. In the absence of a Structure Plan the RSS should offer guidance as to the most appropriate location or criteria to be used, which ties in with the wider spatial strategy for the sub region and region.

### **Sub-regional dimension- paragraphs 1.11 – 1.13**

The key role assigned to counties in the PPS is in assisting the RPB in the sub-regional elements of the RSS. However, it is clear that the sub-regions will not be based on county boundaries and that not all areas in a region will be addressed in the sub-regional dimension. So it would appear possible that some counties will have no input if their area does not fall within a sub-region that the RPB decides to include. This is not the intention set out elsewhere in the Guidance , and it should therefore be amended.

## **Paragraph 2.16**

The distribution of housing down to district level is crucial and an important aspect of the success of the Local Development Documents. It is disappointing therefore that paragraph 2.16 is unacceptably short, and provides no real guidance on how the distribution of housing figures will operate in practice.

## **Spatial Strategy**

As currently written the PPS does not articulate particularly clearly what a spatial strategy is. Whilst it is understood that PPS 1 will give more guidance, it must be acknowledged that at present the content of PPS 11 ( and PPS 12) falls short in terms of giving guidance on this critical matter.

## **Appendix 2 – Comments on Draft PPS 12 – Local Development Documents**

- 1. We propose that local planning authorities should adopt a spatial planning approach to local development frameworks (Chapter 1). Do you agree?**
- 1a. Would you like to see any other information on the scope of local development documents?**

It is sensible for local planning authorities to adopt a spatial planning approach. However, there needs to be greater acknowledgement within the guidance of county councils' service plan and community leadership responsibilities. In two tier areas, county councils typically provide 80% of all local government services by value. They also have a statutory responsibility to prepare community strategies. Although these are referred to in annex B of PPS12, more should be made of this link in the body of the guidance.

Further, LDD's should also have regard to the published programmes of County Council service functions, such as education and social services, where relevant. (In the same way they need to have regard to the Health Service functions.)

- 2. Chapter 2 sets out the main elements of local development documents – the core strategy; site specific allocations; area action plans; proposals map, and supplementary planning documents. Do you agree with the principles set out for each? If you consider that any of these principles give rise to particular problems in preparing local development frameworks, please make suggestions to deal with them.**
- 2a. The core strategy.**
- 2b. Site specific allocations.**
- 2c. Area action plans.**
- 2d. Proposals map.**

Paragraph 2.2.15 raise the possibility that proposals maps will have to be revised every time new development plan documents are and amendments are proposed. This could mean an almost constant process of updating, to the confusion of the community and with great resource and cost implications. Some further guidance on this point which sets out a practical approach would be welcome.

- 2e. Supplementary planning documents.**

A general comment on Chapter 2 is that, from the description there, the new system seems to be considerably more complex than the current one. This appears to run contrary to the overall objectives for the review of the plan making system, to make it more accessible to community involvement, easier to understand and use, and easier to maintain and keep up to date.

- 3. Chapter 3 sets out the process leading to the preparation of local development documents.**
  - 3a. Are the requirements for the statement of community involvement reasonable? Should any requirements be added or removed?**
  - 3b. Are the requirements for the statement of community involvement in respect of avoiding discrimination (paragraph 3.1.10) sufficiently addressed? If not, what alterations would you suggest?**
  - 3c. Does the statement of principles for the local development scheme provide the right level of prescription to enable a firm programme to be prepared for the preparation and adoption of local development documents?**

The process for producing statements of community involvement seems to add another stage to the process of development plan preparation. In effect, paragraph 3.1.5 is asking local planning authorities to consult people on the form of consultation/community involvement there should be in the LDD preparation.

There would appear to be little justification for a separate Examination into the statement of community involvement. Surely this is a matter which could be delegated to Government Offices for a “statement of acceptability”. If a local planning authority then fails to achieve a “statement of acceptability”, it could then request an Examination to resolve outstanding issues.

- 4. Chapter 4 presents the requirements for the preparation of development plan documents and supplementary planning documents. Are the stages set out with sufficient clarity? If not,**
  - 4a. What additional requirements need to be considered for development plan documents.**
  - 4b. What additional requirements need to be considered for supplementary planning documents?**
  - 4c. Are the criteria for the assessment of soundness of the plan (paragraph 4.4.8) comprehensive? Should any considerations be added or removed?**

**4d. Are the sections on monitoring and review (4.8) comprehensive and clear? If not, what alterations would you suggest.**

Paragraph 4.3.4 should make reference to the local transport plan.

The sentiments expressed in paragraphs 4.3.7 and 4.4.2 to the effect that continuous community involvement should secure consensus and avoid conflict, while laudable, is naïve. The planning system by its very nature has to mediate between conflicting interests, and these cannot simply be wished away.

There is a real concern about paragraph 4.4.6 which states that after the commencement of the Act LDDs will no longer need to be in general conformity with structure plans. This has the potential to cause delay in the new system.

At the very least, structure plans should continue to form part of the development plan until they are superseded by both the regional spatial strategy and an up to date LDF. Further, the RSS should identify which parts of the Structure Plan has been either replaced or saved pending the adoption of LDD's.

The section on monitoring seems weak in relation to the role of county councils Unless counties have a clear statutory responsibility to develop and maintain an effective information base, pressure on resources could see over time the resource devoted to this work reduce.

**5. Chapter 5 deals with transitional arrangements. Is this clear? If not, what other information should be provided?**

Concerns about the role of saved plans, and the potential for a hiatus in the system have been rehearsed in the response to question 4.

**6. Annex A provides definitions. Do you wish to suggest any amendments?**

**6a. Is the list of suggested components of the proposals map set at the right level? Do you wish to suggest any amendments?**

No comments on the components of the proposals map.

**7. Annex B provides advice on other subjects with which local development frameworks will need to relate. Do you have any comments on the content of sections on:**

**7a. The community strategy?**

**7b. Resources?**

**7c. Infrastructure provision and utilities infrastructure?**

**7d. Transport?**

**7e. Hazardous substances and air quality?**

**7f. Are there any omissions to the subjects on which policy needs to be provided in this statement?**

As already mentioned, the PPS should give greater prominence to the role of county community strategies.

The sections on resources and infrastructure provision seem particularly weak. One of the major criticisms of the current development regime is that the planning system is ill equipped to ensure that necessary investment in infrastructure, transport, services, etc takes place in advance of new development. There is inevitably a time lag, often a significant one, and frequently the resources secured are inadequate for the scale of development.

Far too much of this provision is reliant on section 106 planning obligations which are time consuming to secure and inconsistent in their application across the country. There is also at times public concern over lack of transparency.

The section on the Integration of transport and land-use policies in Annex B (Para 5.1) is considered to be helpful and provides essential information on the importance of linking spatial strategy with transportation policy. It is suggested therefore, that the detail ought to be included in the main body of the PPS and not just included in an Annex.

Consistency between LDDs and LTPs is crucial (paragraph 5.1.3). However, given that LTPs operate at a sub-regional level with schemes and policies inevitably crossing and transcending district boundaries, the PPS should give more guidance as to how this consistency is to be achieved at the county/sub-regional level. (On a related cross-boundary point, paragraph 4.1.3 appears to imply that local planning authorities have the power to determine the distribution of development *between* districts, which is something only the Secretary of State is able to do in approving the RSS.)

**8. Annex C provides a list of suggested consultees. Do you have any amendments to suggest?**

No obvious amendments at this stage.

**9. Are there any other matters in relation to the preparation and content of local development frameworks that you would like to see in this statement?**

**10. Do you have any other comments on this statement?**

## **Resources**

One matter of considerable concern is the resource that will be required to service the new plan making system. The timescale for preparation of documents, together with the new requirements of the system, will place additional demands on planning departments, at a time when there are acknowledged shortages of planners and other Environmental and Development related professions (resulting in the Government commissioning the Egan Review). The system should be reviewed before implementation to establish whether certain parts of the process can be made less demanding in terms of resources eg the process for the statement of community involvement.

## **Inspector's Report**

The proposed binding nature of the Inspector's Report does raise issues of local democracy and community involvement. The loss of all discretion regarding the Inspector's recommendations, at a time when the strategic planning context is being moved further away from local planning authorities and is being given greater weight, is of concern. Similarly the fact that an Inspector may make binding recommendations on any part of the Plan, irrespective of whether it has been the subject of objection, would appear to be inequitable. It is difficult to equate this provision with any support for local democracy or worthwhile community engagement.

## **Supplementary Planning Guidance**

It is the County Council's understanding that all Supplementary Planning Guidance associated with the current planning system will lose its status, once a new LDD is adopted. Whilst the formal incorporation of Supplementary Planning Guidance into the local development framework is strongly welcomed, the need to re-consult on matters which may have been established for many years and over which there is a large degree of consensus ( e.g. Conservation Area Appraisals) does appear to be an unnecessary burden on the planning system at a time of great change.