

**STRUCTURE PLAN AND
REGIONAL PLANNING ISSUES PANEL
WEDNESDAY 7 JULY 2004**

Item No.

3

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.

The Planning Act – Implications for the County Council.

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1. Purpose of Report

1.1 To update Members on the final content of the Planning and Compulsory Purchase Bill, as it affects the strategic planning role of the County Council.

2. Background

2.1 Members will be aware that the Planning and Compulsory Purchase Bill was finally given Royal Assent on 13 May 2004. The final stages of the Bill were quite difficult, with the House of Lords proposing amendments supporting a continued statutory strategic planning role for County Councils, particularly in regions with Assemblies which were not directly elected. The Government rejected this way forward, but to break the deadlock, a compromise was brokered.

2.2 The key provision was the introduction of a sub regional planning amendment which makes the following provisions :-

- It requires Regional Planning Bodies (RPBs) to consider whether it is desirable to prepare one or more sub-regional frameworks as part of the Regional Spatial Strategy (RSS).
- It requires the RPB to seek the advice of counties and other principal authorities (Section 4(4) Authorities) on the desirability of preparing such frameworks.
- It requires one of more of the principal authorities to take the lead in preparing the draft policies for the framework.
- It provides that one or more districts councils, or the RPB itself, can take the lead if this is agreed with the principal authorities (in practice something which is relatively unlikely to occur but may be desirable in certain special circumstances).

- 2.3. It is intended that PPS 11 will make it clear that sub regional frameworks are likely to be required in cases where planning and infrastructure issues extend across administrative boundaries. Although it was agreed that sub regional frameworks will not be needed for all locations, the Government has accepted that they will have to be prepared for a significant number of areas, particularly where planning issues cross administrative boundaries.
- 2.4 This concession on sub regional planning has been presented as a major victory for strategic planning authorities, in terms of their statutory role in the new planning system. However, the sub regional role for Counties does seem to be quite heavily proscribed. The brief for sub regional strategy work will be set by the RPB, and this will include the definition of the area to be covered, the timescale and the partners to be involved. It has also been made quite clear that strategic authorities will not be able to use this role to delay the production of sub regional work. The key benefit appears to be that the strategic planning authorities will draw up “the first detailed proposals “ for any such strategy, and therefore will be central to the first version of the strategy that emerges. It therefore an opportunity to take the lead in such work.
- 2.5 As with much of the Act, understanding how the new system might work and how much benefit it might bring, will have to await the more detailed Regulations, and Planning Policy Statements, which will emerge over the coming months.
- 2.6 What is of interest however, is that a number of other significant changes have either been made to the Act or have been promised for its supporting documents, which clarify the role of County Councils in the system. These include :-
- Clarification in the Act that the RPB must seek the advice of the County Councils in the preparation, review and monitoring of an RSS.
 - A revision to the statutory survey provisions in the Act, to make it clear that Counties are expected to maintain a comprehensive planning monitoring function.
 - The requirement for Counties to be statutory consultees on all key aspects of the new Local Development Frameworks. It is understood that PPS 12 will set out that County Council advice should be sought in the preparation of Local Development Documents, but with the caveat that District Councils must have regard to the availability of resources at the strategic level.
 - The confirmation in PPS 11 that where there are issues of contention between the RPB and a Section 4.4 Authorities regarding RSS, these must be considered at the regional EIP.

3 Conclusions

- 3.1 The next few months will see the publication of key pieces of supporting guidance and Regulations for the new Act, including the final versions of PPS 11 and 12. Given the degree of change in the plan making system that the Act will bring about, these supporting documents will be critical to establishing new roles and procedures.
- 3.2 However, the Panel is asked to note the key changes which have been highlighted in this report, and to note that further presentations will be made to the Panel, when additional guidance emerges.

Background Papers – Planning and Compulsory Purchase Act 2004