

Waste Panel Members:- Sherma Batson, Tony Dodd (Sub), Maria Green, Stan Mills, Stuart Pile, Seamus Quilty (Chairman).

The Town & Country Planning (Local Development) (England) Regulations 2004

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1. Purpose of Report

- 1.1 To update the Panel on the Draft Town & Country Planning (Local Development) (England) Regulations 2004, identify and evaluate procedural changes resulting from the Order and provide a short report for members of the Waste Planning Panel to discuss further.

2. Background

- 2.1 The Planning and Compulsory Purchase Bill is due to be enacted and come into effect June/July 2004. The Government is currently consulting on the draft Town & Country Planning (Local Development) (England) Regulations 2004 Order, which will directly have an effect on the Development Plan Framework. Draft guidance has also been published on "Creating Local Development Frameworks" and "Local Development Frameworks: Guide to procedures and Code of Practice", together with a revised draft of PPG12 "Planning Policy Statement 12: Local Development Frameworks".
- 2.2 The present system has Regional Planning Guidance, structure plans, local plans, waste and minerals local plan or unitary development plans. The proposals outline a change to one of Regional Spatial Strategies (RSS) and Local Development Documents (LDDs). There will also be a change in Planning Policy Guidance Notes (PPG's) to that of Planning Policy Statement (PPS).
- 2.3 The Government announced in the Planning Green Paper proposals for reforming the planning system, including the introduction of Local Development Frameworks containing Local Development Documents to replace local plans and unitary development plans. Development Plan Documents would be Local Development Documents that have development plan status in the determination of planning applications. The Regional Spatial Strategy, replacing Regional Planning Guidance, would also become part of the development plan.
- 2.4 The draft Order proposes the removal of Local Plans, Unitary Development Plans and Structure Plans, and will introduce Local Development Frameworks (LDFs), Local Development Documents (LDDs), Local Development Schemes (LDS) and a Statement of Community Involvement (SCI).

3. **How the development framework will look**

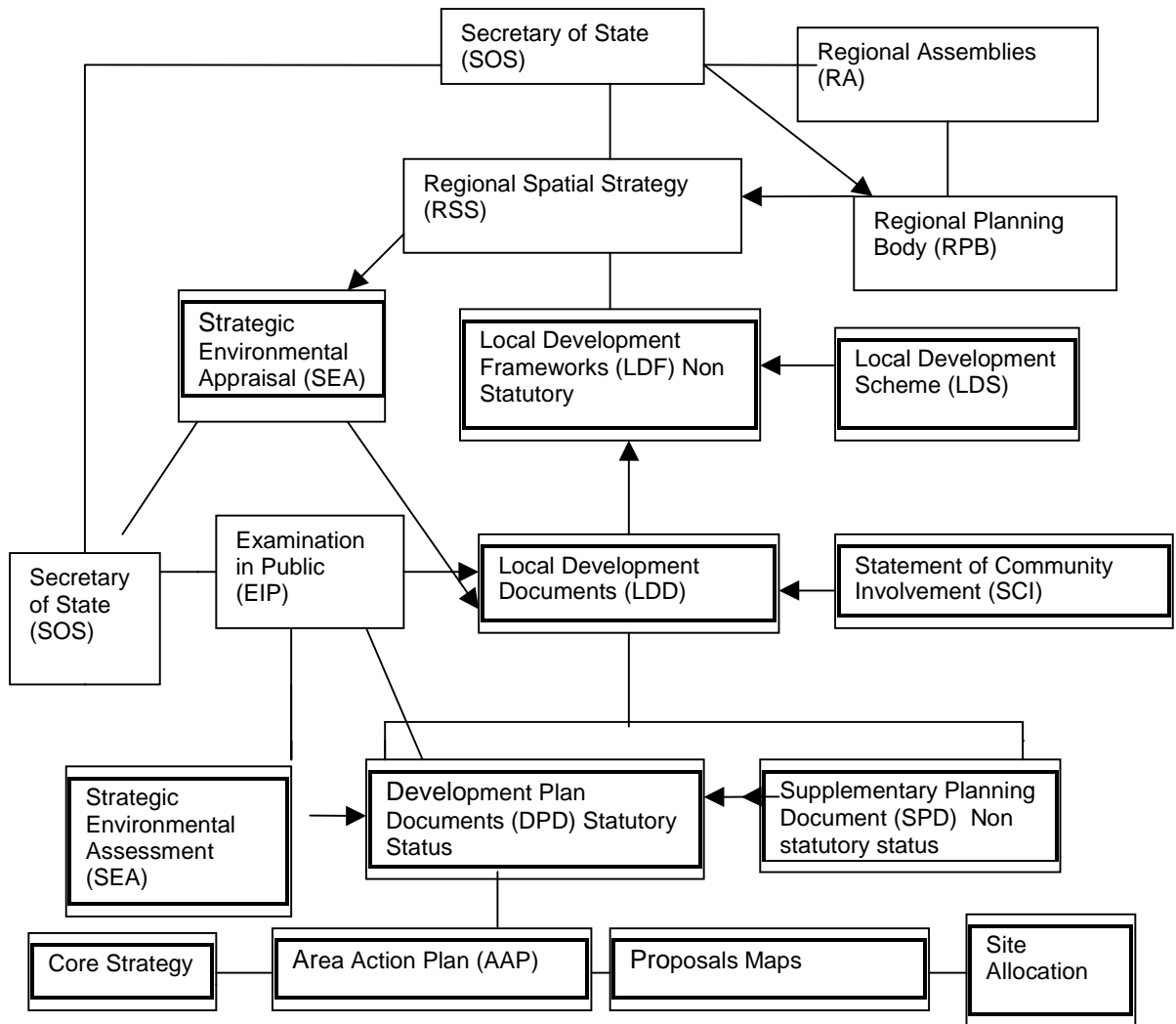
3.1 There will be a new suite of documents that make up the Local Development Framework consisting of a number of smaller Local Development Documents as shown below:

- (a) Core Strategy
- (b) Area Action Plan (AAP)
- (c) Proposals Map
- (d) Site Allocations

3.2 There will be specific Local Development Documents for minerals and waste, replacing the current Minerals Local Plan and Waste Local Plan. The following details will need to be included in the Waste Local Development Document:

- The core strategy – a statement of core and specific policies
- Site-specific allocations and policies
- Development control policies which are criteria based and ensure that development within the area fits the core strategy.
- Proposals maps to show preferred areas for waste management development, railheads and wharves safeguarded for bulk transportation of waste and minerals, consultation areas relating to hazards such as flooding; land instability and contaminated land, areas safeguarded for ground water protection, areas designated for environmental protection – geological and aquatic environments.
- Site Allocation – to identify potential sites through site evaluation and criteria.

3.3 The diagram below shows the structure of the new development plan system and the links between the Development Plan Documents (Waste and Minerals Local Plans are included in this category) that form part of the Local Development Document.



Note: The Statement of Community Involvement is subject to a Strategic Environmental Assessment (SEA) and under the Local Government Act 2000 this should be included in the LDF and should give “spatial” expression to land use elements of the Core Strategy (CS) and related policies, eg health, education, waste recycling and environmental protection. This document is subject to examination in public.

4. **Work currently undertaken as part of Waste Local Plan Review**

- 4.1 At present the work that has been carried out has been to consult interested parties such as Stakeholders, members of the public and industry to gauge their comments about the current Waste Local Plan and establish what is felt to be important and need to be considered as part of a Issues and Option Paper.
- 4.2 The preparation of Strategic Environmental Assessment (SEA) and Sustainability Appraisals (SA) is being carried out by Land Use Consultants (LUC) to address some of the other aspects of legislation. At present the draft Issues and Options document, together with the indicators that demonstrate how we are meeting the Sustainability Appraisal are near to completion for formal consultation.

- 4.3 The Planning and Compulsory Purchase Bill, once it becomes legislation, will change the way that statutory and general consultations are carried out. The new form of consultation will place greater emphasis on community involvement and there will need for a Statement of Community Involvement as part of a Local Development Scheme. As consultation on the Issues and Option Paper is to be included in the current preparation for the Waste Local Plan Review, and there is a lack of clarity about the consultation required under the new legislation, advice has been sought. GO-East have advised that until the Order and Planning Bill becomes legislation, we should not formally consult on our Issues and Option Paper as the consultation could not be considered to have been carried out under the new procedures. They further advise that work should commence on the Statement of Community Involvement and the Local Development Scheme. (The timescale for submission of the new Local Development Scheme to be received by the Planning Inspectorate, must be within 6 months from the date of the Order becoming law.) Further advice on Minerals and Waste Development Documents will be provided at a workshop on 11 March 2004.
- 4.4 The Planning and Compulsory Purchase Bill is still going through the legal process. There are still questions about the consultation requirements, that need to be carried out by Hertfordshire County Council to meet the new community involvement as described in the draft Order. Taking into consideration the advice from Government of the East of England (GO-East), it is proposed that preparation work will begin on the Statement of Community Involvement and the Local Development Scheme. The draft Issues and Options document will be reviewed to enable it to meet the new legislation and this work will still continue in the background.

5 RECOMMENDATION

- 5.1 That the contents of the report be noted and that further amendments may appear in the enacted Planning and Compulsory Purchase Bill. It is recommended that work on the Statement of Community Involvement and the Local Development Scheme should be undertaken due to the short time allowed for the submission of Local Development Schemes once the Bill has been enacted, and that work on the Issues and Options document and site selection process should continue but the consultation part of the process be put on hold until such time as the Planning Bill is enacted to avoid abortive work.