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<b>REPORT TO:</b>	<b>Environmental &amp; Development Services Committee</b>	<b>AGENDA ITEM:</b> 12
<b>DATE OF MEETING:</b>	<b>13<sup>th</sup> November 2003</b>	<b>CATEGORY:</b> <b>DELEGATED</b>
<b>REPORT FROM:</b>	<b>Deputy Chief Executive</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Gill Hague (595821)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Draft Planning Policy Statement 12 : Local Development Frameworks</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: ES03</b>

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## **1.0 Recommendations**

1.1 That the Office of the Deputy Prime Minister be informed that whilst the Council welcomes the objective of increasing community involvement and speeding up the planning system it has grave concerns regarding the process as set out in Draft PPS12 as follows:

- (I) The arrangements are complex and confusion is very likely to be experienced by the public which in particular is just getting to terms with the existing names and status of documents produced by the planning system under the last change.
- (II) It is likely that due to the short timescales prescribed for preparing the new documents that Authorities will merely conform to the minimum requirement for public consultation thus undermining the aim of achieving effective community involvement.
- (III) Subjecting the Statement of Community Involvement as well as the various documents to independent examination however laudable is likely to cause delay unless a considerable number of Inspectors are recruited to the Planning Inspectorate.
- (IV) Limiting the consultation period for Supplementary Planning Guidance to a maximum of 6 weeks does not allow sufficient time for bodies such as Parish Councils that comprise representatives of the local community to give sufficient time to respond. Whilst publication of documents on the Council's website will ease access not everyone is on the internet.
- (V) The need to specify what documents are to be produced in advance is likely to result in a cautious approach with fewer Supplemental Planning Guidance documents being produced. Lack of detailed guidance will lead to differences of opinion resulting in inconsistent decisions and potentially an increase in appeals.

## **2.0 Purpose of Report**

- 2.1 To inform Members of the content of Draft Planning Policy Statement 12: Local Development Frameworks (PPS12) (copy available in the Member's Room) and to seek approval of a consultation response to be forwarded to the Office of the Deputy Prime Minister by 16<sup>th</sup> January 2004.

## **3.0 Executive Summary**

- 3.1 This report to Committee sets out the basic changes to the planning system being introduced by the Planning and Compulsory Purchase Act due to commence in Summer 2004 and implications for the Authority contained in the draft guidance currently published for consultation.
- Paragraphs 4.2 – 4.8 set out the types of document the Local Authority is required to prepare the content of which will be similar to the existing system all be it under a different name.
  - Paragraph 4.9 explains the three year timescale imposed for moving to the new systems.
  - Paragraphs 4.10 & 4.11 explain the emphasis placed on achieving true community involvement and the need to provide a prescribed document setting out how this will be achieved and the requirement for such a document to be subjected to an independent examination.
  - Paragraph 4.12 refers to the need to comply with the European Directive on Strategic Environmental Assessment.
  - Paragraph 4.13 emphasises the need to prepare and submit to the Secretary of State an Annual Monitoring Report.
  - Paragraph 4.14 explains the transition period and that because of the stage the emerging local plan has reached it will not fall under the new procedure rule that the Inspector's Report will be binding.
  - Paragraphs 5.1 – 5.4 set out the financial implications as moving to and implementing the new system is likely to require an increase in human and financial resources. This is particularly relevant in relation to undertaking public consultation, the way documents are presented on the website and in gathering information so that policies can be monitored effectively.
  - Paragraphs 6.1 & 6.2 explain the Government's aim for Local Authorities to co-ordinate consultation on their various strategies in particular the new planning documents and the Community Strategy.
  - Paragraphs 7.1 – 7.3 explains in more detail the linkages between the Community Strategy and the new planning documents and implications for achieving true community involvement in the process.

## **4.0 Detail**

- 4.1 It is the Government's intention that PPS12 should replace PPG12: Development Plans with regard to procedural policy for formulating planning documents at the local level. The main purpose of the changes is to speed up the process and secure greater public involvement.
- 4.2 Following the commencement of the Planning and Compulsory Purchase Act the development plan system will move away from Regional Planning Guidance, Structure, Local, Waste, Minerals and Unitary Development Plans.

- 4.3 The new system is based upon a Local Development Framework (LDF) comprising a portfolio of Local Development Documents (LDDs). The development plan will consist of Regional Spatial Strategies (RSS) prepared by the Regional Planning Body and Development Plan Documents (LDDs) prepared by Local Planning Authorities.
- 4.4 Documents that Local Planning Authorities must produce are as follows:
- A core strategy. This will contain a key diagram and will not be site specific. It is this element that is most akin to the old Structure Plan. It should draw on the various strategies that have implications for the development and use of land and provide an integrated approach to the implementation of those strategies. Of particular importance will be the Community Strategy.
  - Site specific allocations of land to meet identified need. Requirements such as for new homes will be established in the RSS.
  - Area Action Plans (where needed) for areas the subject of significant change or conservation.
  - A Proposals Map (with inset maps, where necessary) similar to that of the old Local Plan.
- 4.5 All of the documents must be subjected to rigorous procedures of community involvement, consultation and independent examination and adoption after receipt of the Inspector's binding Report.
- 4.6 A joint LDD may be prepared by two or more local planning authorities.
- 4.7 Supplementary Planning Guidance can be prepared as under the old system to provide a greater level of detailed guidance on themes or specific sites.
- 4.8 LDFs should contain a limited suite of policies that set out the criteria against which planning applications will be considered. The purpose of the policies is to ensure that development accords with the vision and objectives set out in the core strategy and hence a compendium of use-related policies should be avoided with focus instead on topic related policies. Policies should be written in the affirmative.

#### Timetable

- 4.9 Within 6 months of commencement of Part 2 of the Act the Local Planning Authority must submit to the Secretary of State a Local Development Scheme (LDS) setting out the Authority's programme for a 3 year project plan. It must include what documents will be prepared, the timetable for their preparation and how they will be monitored. The LDS must also identify the resources required, constraints and milestones.

#### Community Involvement

- 4.10 Whilst there are similarities between the content of the newly titled documents and the old ones the major change relates to public involvement. Local Planning Authorities must produce a Statement of Community Involvement (SCI) setting out the Authority's policy for involving the community that must comply with minimum requirements set down in Regulations. The statement must set out how the authority will meet, or exceed, the minimum requirements. The intention is that there should be

local ownership and legitimacy for the policies that will shape the future distribution of land uses and development in the area.

- 4.11 Different consultation techniques will be required to engage the appropriate parts of the community at the various stages of plan preparation. Such techniques must therefore be 'fit for purpose'. The SCI must be subjected to independent examination to allow the community to influence the scope and form of consultation. Whether or not the SCI has been adhered to will be tested by the Inspector at the Inquiry into the development plan documents and if found lacking could result in the documents being withdrawn.

#### Sustainability

- 4.12 A formal Strategic Environmental Assessment (SEA) is required in order to comply with Directive 2001/42/EC as a test of the soundness of LDDs to ensure they reflect sustainable development objectives. This work should be integrated with a Sustainability Audit in order to avoid unnecessary confusion and duplication. Further guidance is expected on this issue in Spring 2004.

#### Monitoring

- 4.13 The new system retains the 'plan, monitor and manage' approach. An Annual Monitoring Report should be produced to assess the implementation of the LDS and the extent to which policies in LDDs are being achieved. The Government considers that County Councils have a key role in helping develop and maintain an effective information base. Authorities should seek to integrate their approach to monitoring and survey with other local initiatives, particularly the Community Strategy. An Annual Monitoring Report should be sent to the Secretary of State and made available on the website. Further guidance is expected on this issue in Spring 2004.

#### Transition

- 4.14 There will be a transitional period. Given that the emerging South Derbyshire Local Plan is a considerable way through the existing process it will continue to adoption under the existing procedures and the Inspector's Report of the Public Inquiry will therefore not be binding. The plan can then be saved for a period of 3 years from its adoption. This will ensure that there is a policy base against which to assess planning applications until such time as the new LDDs are prepared. Within the 3 years the Authority must bring forward LDDs to replace all or parts of the saved plan.

### **5.0 Financial Implications**

- 5.1 Local Authorities are required to have regard to the resources likely to be available for implementing the proposals in LDDs. In doing so they should take account of national economic policies, the financial policies of the various implementing agencies and the likely availability of land, labour and other material resources. This is vital if the documents are to give effective direction.
- 5.2 There is a requirement in the Regulations for documents the subject of public participation to be published on the Authority's website. Although the first draft of the emerging local plan is on the website, the sheer volume of work involved with such a major project necessitated it be undertaken by external specialists. Whilst the revised draft prepared in house is also on the website there is no comparison in terms of presentation, particularly in terms of how the public can interrogate the plan.

- 5.3 There will be a requirement for both human and financial resources including training to ensure that community and stakeholder involvement is effective.
- 5.4 Whilst the County Council has a role to play in compiling data about the District and in monitoring it, the source of much of the information originates in the District. Inputting data into a database requires time and human resources.

## **6.0 Corporate Implications**

- 6.1 The Government expects Local Authorities to combine consultation exercises and co-ordinate their activities as much as possible with other consultation programmes and initiatives.
- 6.2 Links between the Community Strategy and the LDF in particular should provide a joined-up approach to community planning.

## **7.0 Community Implications**

- 7.1 The Government wishes to develop effective linkages between Community Strategies and the LDF as the latter will act as the land-use and development delivery mechanism for the objectives and policies set out in the Community Strategy. Although the Local Strategic Partnership is the body responsible for formulating the South Derbyshire Community Strategy if it is not truly representative of the various elements that make up the community the SCI will need to specify how those other elements have been engaged in consultation.
- 7.2 Given the short timescale for moving to the new system it is likely that Authorities will specify and meet only the minimum requirements for public involvement in the SCI. This will not deliver the level of community involvement and ownership of the documents that the Government seeks to achieve.
- 7.3 The consultation period for SPGs under the present system is not specified but under the new regulations the period must not be less than 4 weeks or more than 6 weeks. In the past some Parish Councils have expressed concern that 6 weeks does not provide sufficient time and the Council has been able to take into account late submissions. This will no longer be possible under the new formal system.

## **Conclusions**

- 8.1 Member's particular attention is drawn to the comments under the headings Financial, Corporate and Community Implications set out above.
- 8.2 While the objective of achieving true community involvement and a simplification and speeding up of the planning system is to be supported the new system consists of a complexity of arrangements. There is a risk that introducing a new system to authorities and communities who are just becoming accustomed to the old one will actually cause delay.

## **9.0 Background Papers**

- 9.1 None other than those referred to in the report.

