



**Report to: Cabinet**

**Subject : Consultation Document on Streamlining Local Development Frameworks / Draft PPS12**

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**Author: Principal Planning Officer (Planning Policy) for Head of Planning and Environment and Head of Strategy and Performance**

### **Introduction**

The Planning White Paper (May 2007) made a number of proposals to streamline Local Development Framework production which would require changes to regulations and/or policy. The consultation document on Streamlining Local Development Frameworks (including a draft Planning Policy Statement 12) has been produced in order to seek consultation responses to these changes.

The deadline for responses to be received by the Department of Communities and Local Government is 19/02/2008.

The consultation document is split into two parts:-

1. Draft Local Development (Amendment) Regulations
2. Changes to Planning Policy Statement 12: Local Development Frameworks

The consultation questions and the Council's response are identified below in *italics*.

### **Section B: Draft Local Development (Amendment) Regulations**

#### **Improved Consultation Arrangements**

- The consultation document proposes the replacement of the current two separate processes (Issues & Options and Preferred Options) with a single consultation process. i.e. there will be a broad statutory requirement on the local planning authority to consider who should be involved and how they should be engaged.

- The degree and nature of consultation will vary from place to place and from one Development Plan Document to another. i.e. the preparation process would be tailored to the circumstances.
- The first legal requirement for the publication of the sustainability appraisal is when the plan is eventually published.

Consultation Question B1: Do you support the proposal to remove the requirement to have a stage of consultation in the middle of the process (i.e. Regulation 26 Preferred Options)?

*This proposal would allow for a speedier process in some circumstances but may lead to confusion for members of the public who may be inputting into different processes for different Development Plan Documents. In addition, it may be that local planning authorities are unwilling to follow the abbreviated process and potentially risking that the Development Plan Document is found to be unsound, and will instead decide to 'play it safe' and continue with the two stages of consultation.*

### **Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State**

- Propose the moving of the period for formal representations on the plan to before submission of the plan for independent examination. Currently happens after the plan has been submitted. The change will reduce the total examination period, especially the time between submission and opening of any hearings.
- Propose that the period for formal representations should be amended from **exactly** 6 weeks to **at least** 6 weeks.
- Will reconsider the current arrangements for receiving and handling site allocation representations.

Consultation Question B2: Do you agree that the period for formal representation on the plan should be brought forward before submission? Do you think that the procedure concerning "site allocation representations" is unnecessarily burdensome?

*With regards to the proposal to move the timing of the period for formal representation, it is accepted that this will reduce the total examination period. If this proposal is accepted, it would be helpful if the local planning authority could comment on the representations prior to submission.*

*The proposal to amend the period for representations to 'at least 6 weeks' may lead to confusion for members of the public who may be inputting into different processes for different Development Plan Documents. Given the emphasis on ongoing dialogue with interested parties, it is considered that a period of 'exactly 6 weeks' for formal representation is sufficient. Leaving the period open ended could lead to the local planning authority being criticised for not setting a longer period, thereby introducing unnecessary delays into the process.*

*No comment on the current procedure concerning 'site allocation representations'*

## **Opportunity for change after the formal representations**

- Propose the ability for LPAs to make changes to a plan prior to submission without having to return to the start of the process. The LPA would (technically) withdraw the plan and then make available a new plan for formal representations that would incorporate the proposed changes.
- This will only be necessary where something unexpected arises at a late stage and apply to changes that are not so fundamental to require rewriting the entire plan.

*Consultation Question B3: Do you think we should require (by regulation) local authorities to be under a separate and specific duty to consider the representations at this stage or should this be left to their discretion?*

*Whilst Development Plan Documents might be 'sound' at this stage, local planning authorities should be allowed to consider all responses as comments on the detailed wording of a policy might highlight unexpected consequences which could be easily resolved.*

*Discretion should remain with the local planning authority so that delays are not caused by issues which had been discussed at earlier stages or by issues which are clearly contrary to the policy objectives.*

## **Allowing Supplementary Planning Documents to be issued in accordance with policy in documents other than Development Plan Documents**

- At present, Supplementary Planning Documents must be in conformity with a Development Plan Document.
- Propose to allow SPD to conform directly with the RSS or national policy, provided that it does not contravene Development Plan Documents in the district.
- Propose that non statutory supplementary guidance to assist the delivery of development may be prepared by a government agency, Regional Planning Body or a County Council where this would provide economies in production and the avoidance of duplication, e.g. where the information in it would apply to areas greater than single districts.
- Such guidance would not be a SPD but might be afforded weight in decision-making.

*Consultation Question B4: Do you agree that LPAs should be able to produce SPD based directly on national or regional policy rather than local policy, provided it does not contravene their DPDs? Do you agree that we should draw attention to the possibility that certain key bodies could produce non-statutory guidance?*

*The production of Supplementary Planning Documents based directly on national/regional policy may prove useful especially as Core Strategies are not able to repeat higher level policies.*

*Emphasis on the production of non-statutory guidance by other key bodies could cause confusion as there would effectively be a second category of SPD and the weight to be attached to this guidance would be unclear.*

### **Changes to Regulations to reduce administrative burdens**

- Propose that the LPA will not be required to send a hard copy of the DPD to every member of the public who engaged in the process or to each of the general consultation bodies. Instead, individuals should be able to either access a copy on the Internet, or pay an appropriate amount for a hard copy.
- Propose amending the number of paper copies of documents on submission to the Secretary of State from four to one (in addition to the electronic copy).

*Consultation Question B5: Do you agree that only specific consultation bodies must be sent copies of the DPD?*

*This proposal is welcomed, as long as all are able to easily access the Development Plan Document.*

### **Section C: Changes to Planning Policy Statement 12: Local Development Frameworks**

An online 'Planning Manual' will cover material relating to process (and will be updated at regular intervals). Therefore the draft PPS 12 will be a solely policy document setting out the context for Local Development Frameworks and what government thinks they should achieve. It will therefore be much shorter and will cover how they should be prepared in broad terms and what kinds of documents they should be. It emphasises core strategies as the overarching element of the Local Development Framework.

### **Emphasis on the need for timely delivery of Development Plan Documents**

- By March 2011, local planning authorities should have adopted the necessary Development Plan Documents in line with their Local Development Scheme to bring forward developable land for housing in line with PPS3.
- Local planning authorities should provide live public information on progress with core strategies, so stakeholders know if the Local Development Scheme timetable is not to be kept to.

### **Local Development Frameworks as part of joined-up local authority strategy making**

- It is important that the core strategy is firmly linked to and influences other strategies of the authority and of the Local Strategy Partnership. The draft PPS now places greater emphasis on this and on the role of the core strategy at the heart of the council's place shaping role.

## **Greater flexibility for local authorities to determine which Development Plan Documents they will produce**

- The core strategy will be the key DPD produced. Other Development Plan Documents will only be produced as the authority deems necessary in consultation with government office.
- This will mean fewer plans to achieve the same result and a quicker process for delivering key sites.
- Draft PPS12 will introduce criteria to help local planning authorities decide which Development Plan Documents should be produced.

Consultation Question C3: Do you agree that the criteria listed in PPS12 are useful and cover all aspects needed? What else should be included or changed?

*The inclusion of criteria is welcomed in order to provide clarity to local planning authorities and to stakeholders who can then understand the reason that a Development Plan Document is to be produced.*

## **Greater flexibility for local authorities to allocate strategic sites in the core strategy**

- Existing PPS12 states that site allocations should not be made in the core strategy. However, may be areas where sites should be appraised and allocated in the core strategy.
- This will bring forward the delivery of these key sites which will often have long lead in times.

## **Reduction in complexity and number of Development Plan Documents**

- Re-emphasises that unnecessary to reproduce national policy or policies in the RSS.
- Draft PPS12 sets out circumstances where it may be prudent to supplement national or regional policy locally.

## **Re-presenting the tests of soundness in a way which avoids duplication with legal processes and makes it clear why testing for soundness matters**

- Draft PPS12 proposes the repackaging of the nine 'tests of soundness' in the context of 2 basic principles of 'justification' and 'effectiveness'. Inspectors will also examine whether the plan complies with the legal requirements.
- Justified – founded on a robust and credible evidence base, the most appropriate strategy when considered against the reasonable alternatives
- Effective – deliverable, flexible, able to be monitored
- The examination should be about whether plans will deliver rather than the extent to which LPAs are meeting the government's aspirations for joining up across the local authority and with the Local Strategic Partnership.

Consultation Question C6: Do you agree that the proposal to focus on justification and effectiveness will make the test clearer, and the process of examining plans more transparent?

It is considered that the proposal would result in greater uncertainty as to whether a document will be found 'sound, and is more open to interpretation than the previous nine tests of soundness.

**Making it clear that infrastructure delivery planning to support the core strategy needs to be undertaken satisfactorily**

- The importance of planning for infrastructure at the outset is related to the need to place plan making at the heart of each LPAs activity and to ensure that there is a strong link between delivering different parts of the community's vision expressed in the Sustainable Community Strategy.
- The government has indicated its intention to move forward with the Community Infrastructure Levy.

**Extending the lifespan of the Core Strategy to 15 years**

- The Core strategy should now have its lifespan extended from 10 to 15 years from adoption to provide certainty to communities/investors.

Consultation Question C8: Do you agree with the proposal to extend the lifespan of the Core Strategy to 15 years?

The lifespan should match that of the RSS.

**Recommendation**

It is recommended that the above comments are forwarded to the Department of Communities and Local Government (CLG) as the views and comments of Gedling Borough Council, in advance of the deadline of 19<sup>th</sup> February 2008.