



Streamlining Local Development Frameworks: **Consultation**



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Section A: Introduction

A Introduction

The Planning White Paper made a number of proposals to streamline LDF production which would require changes to regulations and/or policy. This document has been produced in order to seek consultation responses to these changes. It sets out the proposals and asks a series of questions about them. Annexes to this document comprise:

- (1) the draft amending regulations;
- (2) the consultation draft of replacement Planning Policy Statement No 12;
- (3) the Partial Impact Assessments; and
- (4) Consultation Criteria.

The main areas of change to regulations concern improved consultation arrangements, revisions to the process of plan making, and in the way Supplementary Planning Documents are produced. Changes to the PPS include emphasising the key role the Core Strategy plays; the need for making progress with LDFs; increasing the flexibility local authorities have in producing documents so as to concentrate on the essentials, and repackaging the tests of soundness.

The Partial Impact Assessment (IA) attached at Annex 3 make a provisional assessment of the impacts of the changes in terms of the costs, benefits and risks. Your views are welcomed on any aspect of the Partial IA.

We look forward to receiving comments and views on the draft regulations, the draft planning policy statement, and on the Partial IA. Responses are invited by **Tuesday 19 February**. Should you wish to make comments electronically, please download the form available next to this document on the web page.

Responses and any questions about the consultation, should be directed to:

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Fax: 020 7944 3859

Or by e-mail: devplan@communities.gsi.gov.uk

It would be helpful if responses from representative groups could give a summary of the people and organisations they represent.

We intend to publish a summary of responses to this consultation by the end of March 2008 on the Communities and Local Government website. Paper copies of the summary will be available on request.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

This consultation is being conducted in accordance with *the Government's Code of Practice on Written Consultation*. The criteria are reproduced in Annex 4. Any procedural observations or complaints about the consultation exercise should be sent to:

Albert Joyce
Communities and Local Government Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5DU
or by e-mail to albert.joyce@communities.gsi.gov.uk.

Section B: Draft Local Development (Amendment) Regulations

B1. Improved Consultation Arrangements

Our proposal is that two currently separate processes (issues and options, and preferred options stages) are replaced with a single requirement to engage the public and stakeholders. Our proposals will not restrict consultation but they allow local authorities to decide what is the best way to do it in a proportionate manner.

At present, there is only a requirement to consult such members of the 'specific'¹, and 'general'² consultation bodies as the local authority deems appropriate to the subject matter of the DPD being produced. In practice, the local authorities have been treating this as a stage of public consultation in addition to the statutory requirement under Regulation 26. This is happening regardless of the scale of the DPD in question and often regardless of what other consultations the authority as a whole has recently carried out eg for the community strategy. Given that authorities have to consider their resource use very carefully, and that the timetables for DPD production are proving very challenging to many, this does not seem necessary in all cases.

We do not think that it is for government to *regulate* the precise detail of how a local authority should prepare a plan that they think is sound. The degree and nature of consultation and preparation will vary from place to place and from one type of DPD to another. Therefore we propose that there is a single but broad statutory requirement (draft Regulation 25 see Annex 1 page 20) on the LPA to consider who should be involved in the preparation of the DPD and then to take what steps they think appropriate to engage them. The choice should be made from:

The list of specific consultation bodies – those who the authority consider to have an interest (as now)

The list of general consultation bodies (as now)

Persons resident or carrying out business in the area

The process of preparing the DPD should be tailored to the circumstances: a major core strategy may then require a process akin to the current preferred options in order for the authority to be sure that the plan is sound when eventually published (see below) A small scale DPD or a minor change to a DPD may not require this approach.

¹ Defined in Regulation 2, and relate to organisations responsible for services and utilities and infrastructure provision.

² Defined in Regulation 2, and relate to voluntary organisations representing certain groups in the community.

The removal of existing Regulation 26 will mean that the first point at which the sustainability appraisal is legally required to be published is the point when the plan is eventually published. However the requirement under the SEA directive to demonstrate that alternative options have been looked at will remain, and also the need for early public involvement in the plan's preparation. Authorities may find it helpful to make an early appraisal of different options available to the public to assist the public in giving their views on the options. It would certainly also assist the authority in deciding between options itself.

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)?

B2. Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State.

Our proposal is to move the period for formal representations on the plan to *before* submission of the plan for independent examination. Currently, this six week period happens after the plan has been submitted to the Secretary of State. Therefore the Inspector holding the examination into the plan has to wait several weeks before the planning authority has drawn together all the representations, analysed them and forwarded them to him or her. Our proposed change should make the total examination period shorter and reduce particularly the period of time between submission and the opening of any oral hearings. If more of the work is done before submission, there is not only a much quicker examination process, but also much less chance of issues being raised post-submission that have not been raised during plan preparation and consultation.

We propose that under Draft Regulation 27 (See Annex 1 page 21) the LPA should publish the DPD and receive representations on it. Alongside the DPD, it should also publish the sustainability appraisal report. Draft Regulation 28 (see Annex 1 page 22) sets out the period for allowing representations to be received. We propose that this period should be *at least* 6 weeks, rather than *exactly* 6 weeks. This would permit those authorities who wish to give a longer period the opportunity to do so.

We currently propose that the arrangements for receiving and handling of site allocation representations are unchanged from the current regulations (See draft Regulations 29 and 30.) But we recognise that some regard this process as burdensome and we are prepared to look again at it.

At the completion of the representations procedure, the DPD, the SA report, and all representations are submitted to the Secretary of State under draft Regulation 32, in order for the examination to begin.

Do you agree that the period for formal representations on the plan should be brought forward before submission?

Do you think that the procedure concerning “site allocation representations” is unnecessarily burdensome?

B3. Opportunity for change after formal representations

The introduction of local development frameworks has required local authorities not only to become accustomed with new legal arrangements, but also with an entirely different concept of plan making. This has involved a steep learning curve. One of the consequences has been that, in many cases, the plan when submitted has been subject to representations which go so much to the heart of its soundness, as to cause the authority to propose fairly substantial changes to the plan *following* submission, in pursuit of the goal of having a sound plan. In some other cases the representations have led the authority to resolve to withdraw the plan during the examination process and start again, since it has been felt in these cases that the scale of change required the LPA to reconsider the whole plan.

Plans should be sound in the opinion of the LPA when submitted – this is indeed a statutory requirement. However the government wishes to make the period of full transition to the new system as easy as possible for local planning authorities. The amendments to the LDF regulations which are proposed would enable changes to the plan to be made prior to submission for examination without having to return to the start of the process. This should only be necessary where something unexpected arises at this late stage in the preparation process that ought properly to be dealt with in the document.

If in such circumstances an authority decides that it should change its plan following formal representations, rather than risk it being found unsound, or giving up on the plan and starting again, we propose a route that could be taken to make this feasible.

In this situation the LPA would (technically) withdraw the plan. It could *also* make available (under draft Regulation 27) a new plan for formal representations. This plan would be exactly the same as the original one, save that it would incorporate the proposed changes. It would explain to those who have already made representations what the change was (ie the differences between the first version and the second version). It would ask people in the light of the change either to confirm their representation still stands; to indicate it has changed; or to withdraw their representation. *They would not need to resubmit their original representations* in order for them to be considered by the Inspector nor indeed for

them to be “heard”. The plan would then be submitted together with the original and any later representations, and a sustainability appraisal which encompassed the changes made, under draft Regulation 32 in the normal fashion.

Producing the changed plan, and supporting evidence for the changes (such as the appropriate assessment and sustainability appraisal of them) should be a relatively straightforward exercise, such that the delay to submission of the DPD should not be serious. As far as *processes* are concerned, all that would be required would be for the council to resolve to withdraw and for the change to be made to the text and maps of the document which would be then subject to sustainability appraisal. Since most of it would be unchanged this should not be onerous – a matter of a few weeks. Then the changed plan would be subject to minimum six weeks for representations as before. The real factors in determining the delay to the submission would be any further discussions required with key delivery stakeholders.

The removal of existing Regulation 26 and the changes in draft Regulation 25 mean that an authority would be allowed to go straight to the point of formal representations with the replacement DPD – unlike in the present system. The authority in these circumstances would deem it not “appropriate” to undertake any consultation under draft Regulation 25. The only obligation we would retain is the obligation to notify the specific consultation bodies who were previously notified.

This approach would provide a safety valve which might prove useful for authorities where the changes they might wish to make to the DPD would be too great to be accepted by an Inspector without further public consultation and sustainability appraisal, but are not so fundamental as to require rewriting the entire plan. However should, unfortunately, even the latter eventuality occur, the improvements to the public consultation arrangements being made for all DPDs will mean that the process of having to return to the start is much less onerous than it is at present.

Representations must be taken into account by the Inspector in coming to his/her conclusion on the soundness of the plan (see draft Reg 33). It is naturally in the authority’s interest, in the course of compiling the summary of representations (required by draft Reg 32 (1)(c)) to check that none of the representations are such as to cause the authority to change its mind regarding the soundness of the plan.

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?

B4. Allowing Supplementary Planning Documents to be issued in accordance with policy in documents other than DPDs

At present, SPDs are required to be in conformity with a DPD, We propose to allow SPD to be prepared which conforms directly to either the RSS or to national policy provided that it does not contravene DPDs in the district. This would mean that where an LPA wished to elaborate on RSS or national policy, it would not need to create a DPD policy repeating higher level policy simply to do so. It would also enable SPD to be prepared more easily for areas larger than a single district such as a design guide for an AONB. See amendment to Regulation 13 in Annex 1, page 17.

We also propose in draft PPS12 to indicate 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*³ or other body (eg *AONB committee*) where this would provide economies in production and the avoidance of duplication eg where the information in it would apply to areas greater than single districts. Such guidance would not be a supplementary planning document. However, if the same procedures of consultation and sustainability appraisal (where necessary) are applied, such guidance might be afforded weight in decision making. This will be more likely if the district/ borough/city councils to which it is intended to apply endorse the guidance⁴, or if the document is an amplification of RSS policy and it has been prepared by an RPB.

Do you agree that LPAs should be able to produce SPD based directly on national or regional policy rather than on 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?

B5. Changes to Regulations to reduce administrative burdens

This section deals with a number of relatively minor changes to the Regulations in order to ensure that the new system is able to reduce the burden on Local Authorities as much as possible, whilst retaining its integrity.

We do not feel it is necessary for the local authority to be required to send copies of the DPD itself to any body other than the specific consultation bodies. This means that the local authority 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. Such of the public or general consultation bodies as

³ ... in a two tier area and where the issue is not minerals or waste.

⁴ ... or a county council in a two tier area where the issue is minerals or waste.

wish to receive a copy of the DPD should be able to either access a copy of it on the internet, or pay an appropriate amount for it to the local authority. (It is open to the authority still to decide to provide free hard copies to those bodies if they wish: LPAs often do this where the recipients are charities, for example.)

Do you agree that only specific consultation bodies must be sent copies of the DPD?

We are also making minor changes to those regulations that require the publication and circulation of documents. We are removing the requirement to produce 4 paper copies of these documents, on submission to the SoS and replacing it with a requirement to only provide a single paper copy. The requirement to provide an electronic copy is unchanged.

Section C: Changes to PPS12

Overall the draft PPS is a much shorter document than the current version. Material relating simply to process – such as the amplification of the new procedures in the draft regulations – will be covered by an on line *Planning Manual* which is in production and which will be able to be updated at regular intervals. By contrast the draft PPS is a solely policy document setting out the context for LDFs and what government thinks they should achieve. It also covers how they should be prepared in broad terms and what kinds of documents they should be. It places a deliberate emphasis on core strategies as the overarching element of the LDF.

Key new material in the draft PPS is as follows:

C1. Emphasis on the need for timely delivery of DPDs

Draft PPS12 stresses that timely completion of DPDs is essential. It is a cross government Public Service Agreement that by March 2011 local planning authorities should have adopted the necessary Development Plan Documents, in accordance with their Local Development Schemes, to bring forward developable land for housing in line with PPS3.

Should the timetable in the LDS for some exceptional reason not be kept to, it is essential that local authorities keep all stakeholders informed. Hitherto it has been difficult in some areas for third parties to know what forthcoming consultation events they should be preparing for. Local planning authorities should provide live public information on progress with core strategies.

C2. LDFs as part of joined-up local authority strategy making

The new spatial planning system is dependent on local authorities using plan making as one of their tools to deliver their overall strategies for achieving economic, social and environmental sustainability. Therefore it is important that the LDF core strategy is firmly linked into and in turn influences other strategies of the authority and of the local strategic partnership. The draft PPS now places greater emphasis on this issue and on the role of the core strategy at the heart of the council's place shaping role. Section 2 (page 30) stresses the value to the authority and the LSP of spatial planning. Proper understanding of this issue will go a long way towards ensuring that local authorities produce sound plans.

C3. Greater flexibility for local authorities to determine which DPDs they will produce

We propose that the local authority should be able to determine which DPDs they feel are required in order to deliver the overall strategy, vision, objectives and targets. The Core Strategy will be the key DPD produced. Other DPDs may also be

produced, but only as the authority determines as necessary in consultation with the Government Office. The need for local authorities to produce DPDs should be related solely to the need to carry out any part of the strategy that has been agreed for the area.

This change will also mean that there would be potentially fewer plans required to achieve the same result, and therefore a much quicker process for delivering key sites.

PPS12 proposes to introduce criteria to assist local authorities in deciding which other DPDs should be produced (see Annex 2 page 48).

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

C4. Greater flexibility for local authorities to allocate strategic sites in the Core Strategy

Existing PPS12 paragraph 2.16 sets out that the Core Strategy is not the place to be making site allocations. However, it has become clear that there may well be areas where the options for determining the location of key strategic sites that are critical to the overall delivery of the strategy are very limited, in which case it would be unhelpful to delay the point at which there could be certainty surrounding such sites. In these circumstances it would be desirable to carry out the appraisal of those sites and allocate them in the Core Strategy.

This has the added advantage of bringing forward the delivery of these key sites, as the Core Strategy will normally be the first DPD produced. This means that there will be far less delay in making key strategic sites available. Since these sites are often ones requiring a long lead time in terms of infrastructure planning, this is especially helpful. It will also assist in terms of being able to assess the ability of the core strategy to deliver the development required.

This approach is set out in PPS12 (see Annex 2 page 34).

C5. Reduction in complexity and number of DPDs

It was a common characteristic of the former local plans that they contained many policies which were merely elaborations on national planning policy. This led to very long documents and also took up time in plan preparation and inquiries. We have noticed that in some cases authorities seem to be intent on reproducing this approach in the local development framework, resulting in a situation where the sum total of policies in DPDs approaches that of the former local plan. This was not the intention of the reform of the planning system.

We do not consider it is always necessary to reproduce national policy when it is already a material consideration in decision making (see *General Principles* para 13). It is certainly not necessary to reproduce policies in the Regional Spatial Strategy, since they are already part of the development plan.

PPS12 re-emphasises these points, and also sets out circumstances where it may be prudent to supplement national or regional policy locally. See Annex 2 page 40.

C6. Re-presenting the tests of soundness in a way which avoids duplication with legal processes and makes it clear why testing for soundness matters

At present, the examination by Inspectors to assess the soundness of a DPD is governed by the nine tests of soundness set out in PPS12. There has been a tendency by LPAs to see meeting the tests of soundness as if they were ends in themselves, rather than as descriptors for what a sound plan will be. Plans should be produced with the intention of delivering sustainable development; and to do that LPAs will need to be able to show that they are “justified” and “effective” as described in paragraph 4.52 of draft replacement PPS12.

Draft PPS12 proposes that the nine tests are effectively repackaged in the context of 2 basic principles of ‘justification’ and ‘effectiveness’.(See Annex 2 page 45). Inspectors will, as now, also be required to examine whether the plan has complied with the legal requirements. We will make clear that the examination is about whether plans will deliver and not about assessing the extent to which LPAs are meeting government’s aspirations for joining up across the local authority and with the LSP, for example, even though we believe such joining up is essential to the long term success of the LDF process.

The rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content. Local authorities are expected to submit what they consider to be a ‘sound’ DPD for examination and that will continue to be the starting point for the examination.

Do you agree that the proposal to focus on justification and effectiveness will make the tests clearer, and the process of examining plans more transparent?

C7. Making it clear that infrastructure delivery planning to support the core strategy needs to be undertaken satisfactorily

PPS12 sets out the importance of planning for infrastructure at the outset. It is related to the need to place plan making at the heart of local authority 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 in the Pre-Budget Statement indicated its intention to move forward with a Planning Charge to be called the Community Infrastructure Levy (CIL). The levy would be backed up by sound planning for infrastructure delivery, so that the reasons for imposing it are fully justified and the purposes for its collection clear.

PPS12 therefore sets out the principle for infrastructure delivery (See Annex 2 page 34).

C8. Extending the lifespan of the core strategy to 15 years

PPS12 (see Annex 2 page 35) sets out that the Core Strategy should now have its lifespan extended from 10 to 15 years from the point of adoption in order to assist in providing certainty to communities and investors and to deliver among other things the outputs sought in PPS3: Housing.

Do you agree with the proposal to extend the lifespan of the Core Strategy to 15 years?

Annex 1: Draft Local Development (Amendment) Regulations

Draft

STATUTORY INSTRUMENTS

2008 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

<i>Made</i>	- - - -	2008
<i>Laid before Parliament</i>		2008
<i>Coming into force</i>	- -	2008

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 17(7), 20(3), 24(3), 36 and 122(3) of the Planning and Compulsory Purchase Act 2004(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 and come into force on XXXX 2008.

Interpretation

2. In these Regulations “the 2004 Regulations” means the Town and Country Planning (Local Development) (England) Regulations 2004(b).

Amendment of the 2004 Regulations

3.—(1) The 2004 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “specific consultation bodies”—

- (a) for “the Countryside Agency” substitute “the Coal Authority”(c);
- (b) for “English Nature” substitute “Natural England” (d);
- (c) for “the Strategic Rail Authority” substitute “the Secretary of State for Transport” (e);
- (d) omit paragraph (a)(vi); and
- (e) for “a Strategic Health Authority” substitute “a Primary Care Trust”(f).

(a) 2004 c.5. As to powers to prescribe, see section 122(1).

(b) S.I. 2004/2204.

(c) Under section 1 of the Natural Environment and Rural Communities Act 2006 (c.16), the Countryside Agency was dissolved. The Coal Authority was established under section 1 of the Coal Industry Act 1994 (c.21).

(d) Under section 1 of the Natural Environment and Rural Communities Act 2006, English Nature was dissolved and Natural England established.

(e) See Part 1 of the Railways Act 2005 (c.14) which provides for the winding up of the Strategic Railway Authority and the transfer of its functions to the Secretary of State and others.

(f) See section 18 of the National Health Service Act 2006 (c.41).

(3) In regulation 13 (form and content of local development documents: general), for paragraph (8) substitute the following paragraph—

“(8) The policies in an SPD—

(a) must correspond to—

- (i) a policy in the core strategy or in any other DPD adopted by the local planning authority,
- (ii) a policy in the regional spatial strategy for the region in which the area of the local planning authority is situated, if that area is outside Greater London,
- (iii) a policy in the spatial development strategy, if the local planning authority are a London Borough Council,
- (iv) an old policy which is part of the development plan for the local planning authority’s area, or
- (v) national policy or advice contained in guidance issued by the Secretary of State; and

(b) must not be inconsistent with—

- (i) the policies in the core strategy adopted by the local planning authority,
- (ii) the policies in any other DPD adopted by the local planning authority, and
- (iii) any old policy which is part of the development plan for the local planning authority’s area.”.

(4) In regulation 16(2) (application and interpretation of Part 5) for the definition of “adoption statement” substitute the following definition—

““adoption statement” means a statement specifying—

- (a) the date on which an SPD is adopted,
- (b) that any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision, and
- (c) that any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted;”.

(5) For regulation 24 (application and interpretation of Part 6) to regulation 33 (representations on a site allocation representation) substitute the following regulations—

“Application and interpretation of Part 6

24.—(1) This Part applies to a submission proposals map as it applies to a DPD; and accordingly, with the exception of regulation 25, any reference in this Part to a DPD includes a reference to a submission proposals map.

(2) Regulations 27, 28 and 32 to 39 apply to a local planning authority’s statement of community involvement as they apply to a DPD; and accordingly, unless otherwise indicated, any reference in any of those regulations to a DPD includes a reference to a statement of community involvement.

(3) With the exception of regulation 45(b), regulations 40 to 44 apply to any part of a DPD as they apply to the whole of DPD.

(4) In this Part—

“adoption statement” means—

(a) in relation to a DPD, a statement specifying—

- (i) the date on which it was adopted,
- (ii) that any person aggrieved by it may make an application to the High Court under section 113, and
- (iii) the grounds on which, and the time within which, such an application may be made; and

- (b) in relation to a statement of community involvement, a statement specifying—
 - (i) the date on which it was adopted,
 - (ii) that any person with sufficient interest in the decision to adopt the statement may apply to the High Court for permission to apply for judicial review of that decision, and
 - (iii) that any such application must be made promptly and in any event not later than 3 months after the date on which the statement was adopted;

“decision statement” means—

- (a) a statement that the Secretary of State has decided to approve, approve subject to modifications, or reject a DPD (as the case may be),
- (b) where the Secretary of State decides to approve a DPD, or to approve a DPD subject to modifications, a statement—
 - (i) of the date on which the DPD was adopted,
 - (ii) that a person aggrieved by the DPD may make an application to the High Court under section 113, and
 - (iii) of the grounds on which, and the time within which, such an application may be made;

“proposed submission documents” means—

- (a) in relation to a DPD, the following documents—
 - (i) the DPD which the local planning authority propose to submit to the Secretary of State,
 - (ii) the sustainability appraisal report for that DPD,
 - (iii) a statement setting out—
 - (aa) which bodies and persons the local planning authority invited to make representations under regulation 25,
 - (bb) how those persons and bodies were invited to make representations under that regulation,
 - (cc) a summary of the main issues raised by the representations made pursuant to that regulation, and
 - (dd) how those main issues have been addressed in the DPD; and
 - (iv) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the DPD; and
- (b) in relation to a statement of community involvement, the following documents—
 - (i) the statement of community involvement which the local planning authority propose to submit to the Secretary of State,
 - (ii) a statement setting out—
 - (aa) which bodies and persons the local planning authority invited to make representations under regulation 26,
 - (bb) how those persons and bodies were invited to make representations under that regulation,
 - (cc) a summary of the main issues raised by the representations made pursuant to that regulation, and
 - (dd) how those main issues have been addressed in the statement of community involvement; and
 - (iii) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the statement of community involvement;

“site allocation representation” means any representation which seeks to change a DPD by—

- (a) adding a site allocation policy to the DPD, or
 - (b) altering any site allocation policy in the DPD; and
- “statement of the representations procedure” means a statement specifying—
- (a) the title of the DPD or statement of community involvement (as the case may be) which the local planning authority proposes to submit,
 - (b) the subject-matter of, and the area covered by, that document;
 - (c) the period within which representations relating to that document must be made that the local planning authority specifies for the purposes of regulation 28(2)(a);
 - (d) the address to which and, where appropriate, the person to whom such representations (whether made by way of electronic communications or otherwise) must be sent that the local planning authority specifies for the purposes of regulation 28(2)(b); and
 - (e) that representations may be accompanied by a request to be notified at a specific address—
 - (i) that the DPD or the statement of community involvement (as the case may be) has been submitted for independent examination under section 20, and
 - (ii) of the adoption of the DPD or the statement of community involvement (as the case may be).

Public participation in the preparation of a DPD

25.—(1) A local planning authority must—

- (a) notify each of the bodies specified in paragraph (2) of the subject of a DPD which they propose to prepare; and
- (b) invite each of those bodies to make representations to them about what a DPD with that subject ought to contain.

(2) The bodies referred to in paragraph (1) are—

- (a) such of the specific consultation bodies which the local planning authority considers may have an interest in the subject of the proposed DPD, and
- (b) such of the general consultation bodies which the local planning authority considers appropriate.

(3) If a local planning authority proposes to prepare a DPD, they must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in its area, for the purposes of informing the preparation of that DPD.

(4) If a local planning authority decides that it is appropriate to invite representations under paragraph (3) from persons resident or carrying on business in their area, they must make such arrangements as they think are appropriate for the purposes of inviting representations from such persons, as they think appropriate, about what the content of that DPD might be.

(5) In preparing the DPD, the local planning authority must take into account any representations made to them pursuant to paragraph (1) or (4).

Public participation in the preparation of a statement of community involvement

26.—(1) Before preparing a statement of community involvement, a local planning authority must—

- (a) notify each of the persons and bodies specified in paragraph (2) of their intention to do so, and
- (b) invite each of those persons and bodies to make representations about what the contents of the statement might be.

(2) The persons and bodies referred to in paragraph (1) are as follows—

- (a) if the local planning authority's area is in Greater London—
 - (i) the Mayor of London,
 - (ii) the Secretary of State for Transport,
 - (iii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority, and
 - (iv) such of the general consultation bodies which the local planning authority consider appropriate; and
- (b) if the local planning authority's area is in a region other than Greater London—
 - (i) the regional planning body for that region,
 - (ii) the Secretary of State for Transport,
 - (iii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority, and
 - (iv) such of the general consultation bodies which the local planning authority consider appropriate.

(3) Before preparing a statement of community involvement, a local planning authority must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in its area for the purposes of informing the preparation of that statement.

(4) If a local planning authority decides that it is appropriate to invite representations under paragraph (3) from persons resident or carrying on business in their area, they must make such arrangements as they think are appropriate for the purposes of inviting representations from such persons, as they think appropriate, about what the contents of the statement of community involvement might be.

(5) In preparing the statement of community involvement, the local planning authority must take into account any representations made to them pursuant to paragraph (1) or (4).

Publication of development plan document

27. Before submitting a DPD to the Secretary of State, the local planning authority must—

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available for inspection during normal office hours—
 - (i) at their principal office, and
 - (ii) at such other places within their area as they consider appropriate;
- (b) publish on their website—
 - (i) the proposed submission documents,
 - (ii) a statement of the representations procedure, and
 - (iii) a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected;
- (c) send to each of the specific consultation bodies invited to make representations under regulation 25(1) or 26(1) in relation to the DPD—
 - (i) a copy of each of the proposed submission documents, and
 - (ii) a statement of the representations procedure;
- (d) send to each of the general consultation bodies invited to make representations under regulation 25(1) or regulation 26(1) in relation to it, a statement of the representations procedure; and
- (e) give notice by local advertisement which sets out—
 - (i) a statement of the representations procedure, and

- (ii) a statement of fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected.

Representations relating to development plan document

28.—(1) Any person may make representations about a DPD which a local planning authority propose to submit to the Secretary of State.

(2) Any such representations must be—

- (a) made within the period which the local planning authority specifies for the purposes of this paragraph, and
- (b) sent to the address and, where appropriate, the person which the local planning authority specifies for the purposes of this paragraph.

(3) But the period which the local planning authority specifies for the purposes of paragraph (2)(a) must be a period of six weeks or any longer period starting on the day on which the local planning authority complies with regulation 27(a).

(4) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(6) or (7) (non-conformity opinions of RPBs and the Mayor of London).

Site allocation representations

29.—(1) If any site allocation representation is made in accordance with regulation 28(2) in relation to a DPD, the local planning authority must as soon as reasonably practicable after the expiry of the period specified by them for the purposes of regulation 28(2)(a)—

- (a) make a copy of the representation and a statement of the matters in paragraph (2) available for inspection during normal office hours at the places at which the proposed submission documents were made available under regulation 27(a).
- (b) publish on their website—
 - (i) where practicable, the site allocation representation,
 - (ii) a statement of the matters in paragraph (2),
 - (iii) a statement of the fact that the representation is available for inspection and the places and times at which it can be inspected;
- (c) send to each of the specific consultation bodies invited to make representations under regulation 25(1) in relation to the DPD—
 - (i) the address of the site to which the site allocations representation relates,
 - (ii) a statement of the matters in paragraph (2),
 - (iii) a statement of the fact that the representation is available for inspection and the places and times at which it can be inspected;
- (d) send to each of the general consultation bodies invited to make representations under regulation 25(1) in relation to the DPD—
 - (i) a statement of the matters specified in paragraph (2); and
 - (ii) a statement of the fact that the representation is available for inspection and the places and times at which it can be inspected;
- (e) give notice by local advertisement of—
 - (i) the matters in paragraph (2),
 - (ii) the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected.

(2) The matters referred to in paragraph (1) are—

- (a) the period within which representations on the site allocation representation must be made; and

- (b) the address to which and, where appropriate, the person to whom such representations (whether made by way of electronic communications or otherwise) must be sent.

Representations on a site allocation representation

30. Any person may make representations about a site allocation representation but must do so by sending them to the address and, where appropriate, the person specified pursuant to regulation 29(1) within the period of 6 weeks starting on the day the local planning authority comply with regulation 29(1).

Conformity with regional strategy

31.—(1) A local planning authority must make a request under section 24(2)(a) or (4)(a) on the same day that they comply with regulation 27(a).

(2) The period prescribed for the purposes of section 24(3) is 6 weeks starting on the day the request is made under section 24(2)(a).

(3) If a request is made under section 24(4)(a), the Mayor must send his opinion as to the general conformity of the DPD with the spatial development strategy to the Secretary of State and the local planning authority within the period of 6 weeks starting on the day the request is made.

Submission of documents and information to the Secretary of State

32.—(1) The documents prescribed for the purposes of section 20(3) are—

- (a) the sustainability appraisal report for the DPD (other than in the case of a statement of community involvement);
- (b) if the local planning authority have an adopted statement of community involvement, that statement;
- (c) a statement setting out—
 - (i) which bodies and persons the local planning authority invited to make representations pursuant to regulation 25 or regulation 26 in relation to the DPD,
 - (ii) how those persons and bodies were invited to make representations pursuant to either of those regulations,
 - (iii) a summary of the main issues raised by the representations made pursuant to either of those regulations in relation to the DPD, and
 - (iv) how any representations made pursuant to either of those regulations have been taken into account in the preparation of the DPD;
- (d) a statement setting out—
 - (i) if representations were made under regulation 28 or 30 in relation to the DPD, the number of representations made and a summary of the main issues raised in those representations, or
 - (ii) that no such representations were made;
- (e) any representations made under regulations 28 or 30 in relation to the DPD; and
- (f) such supporting documents as in the opinion of the planning authority are relevant to the preparation of the DPD.

(2) Of the documents and statements mentioned or referred to in paragraph (1)—

- (a) a copy of each must be sent in paper form,
- (b) a copy of those mentioned or referred to in paragraph (1)(a) to (d) and, if practicable, of those referred to in paragraphs (1)(e) and (f), must be sent electronically.

(3) As soon as reasonably practicable after a local planning authority submit a DPD to the Secretary of State—

- (a) they must make available during normal office hours at the places at which the proposed submission documents were made available under regulation 27(a), a copy of the DPD and of each of the documents referred to in paragraphs (1)(a) to (f).
- (b) they must publish on their website—
 - (i) the DPD and the documents referred to in paragraphs (1)(a), (c), (d) and (f),
 - (ii) where practicable, any representations made under regulations 28 or 30, and
 - (iii) a statement of the fact a copy of the DPD and of each of the documents referred to in paragraphs (1)(a) to (f) are available for inspection and of the places and times at which they can be inspected;
- (c) they must send to each of the specific consultation bodies invited to make representations under regulation 25(1) or 26(1) (as the case may be) in relation to the DPD—
 - (i) a copy of the DPD and each of the documents referred to in paragraphs (1)(a) to (d),
 - (ii) a copy of such of the documents referred to in paragraph (1)(f) that they consider are relevant to that body, and
 - (iii) a statement of the fact that a copy of the DPD and each of the documents referred to in paragraphs (1)(a) to (f) are available for inspection and of the places and times at which they can be inspected;
- (d) they must send to each of the general consultation bodies invited to make representations under regulation 25(1) or 26(1) notification that copies of the documents referred to in paragraph (1)(a) to (f) are available for inspection and of the place and times at which they can be inspected; and
- (e) give notice by local advertisement of—
 - (i) the title of the DPD,
 - (ii) the subject matter of, and the area covered by, the DPD,
 - (iii) the fact that a copy of the DPD and of each of the documents referred to in paragraphs (1)(a) to (f) are available for inspection and of the places and times at which they can be inspected; and
- (f) give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been so submitted.

Consideration of representations by appointed person

33.—(1) Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with regulation 28(2) or 30.”.

- (6) In regulation 34(2)(b) (independent examination) for “regulation 29(1) or 33(1)” substitute “regulation 28(2) or regulation 30”.
- (7) In regulation 35(2)(a) (publication of the recommendations of the person appointed)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (8) In regulation 36(a) (adoption of a DPD)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (9) In regulation 37 (withdrawal of a DPD)—

- (a) in paragraph (1)(c), for “notification was given under regulation 26(c)” substitute “a copy of the proposed submission documents were provided under regulation 27(c)”;
- (b) in paragraph (1)(d) for “regulation 26(a) and (b)” substitute “regulation 27(a) or (b) or regulation 29(1)(a) or (b)” and for the full-stop substitute “;and”;
- (c) after paragraph (1)(d) add the following sub-paragraph;
 - “(e) notify any person who has made a representation in accordance with regulation 28(2) or 30, and not withdrawn that representation, of that fact.”; and
- (d) for paragraph (2) substitute the following paragraph—
 - “(2) But if a DPD is withdrawn under section 22(1) after it has been submitted for independent examination under section 20, the local planning authority must also remove from their website the matters referred to in regulation 34(2)(a), as soon as reasonably practicable after the DPD has been withdrawn.”.
- (10) In regulation 38(2)(a) (direction not to adopt a DPD)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (11) In regulation 39(a) (direction to modify a DPD)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (12) In regulation 40 (supplementary provision relating to directions under section 21(4))—
 - (a) in paragraph (2)(a)(ii), for “regulation 30” substitute “regulation 31 (unless the local planning authority have already made a request under section 24(2)(a) or (4)(a) in relation to the DPD)”;
 - (b) in paragraph (2)(b)(i), for “regulation 26” substitute “regulation 27”;
 - (c) in paragraph (2)(b)(ii), for “regulation 26” substitute “regulation 27” and for “regulation 26(a)” substitute “regulation 27(a)”;
 - (d) in paragraph (3) for “regulations 26 to 34” to the end substitute “regulations 27 to 29, 32, 34 and 37 (ignoring paragraph (1))”.
- (13) In regulation 41(2)(a) (changes proposed by Secretary of State to a DPD on call-in)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (14) In regulation 43(a) (publication of recommendations of person appointed after call-in)—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.
- (15) In regulation 44(a) (publicity following a decision by the Secretary of State under section 21(9)(a))—
 - (a) for “pre-submission proposals” substitute “proposed submission”; and
 - (b) for “regulation 26(a)” substitute “regulation 27(a)”.

Transitional provision and savings

4.—(1) The amendments made by regulation 3(4) do not apply in relation to a supplementary planning document adopted on or before XXXX 2008.

(2) The amendments made by these Regulations do not apply in relation to a development plan document or statement of community involvement which has been submitted to the Secretary of State under section 20(1) of the Planning and Compulsory Purchase Act 2004(a) on or before XXXX 2008.

(a) 2004 c.5.

(3) In this regulation “supplementary planning document” has the same meaning as in regulation 2(1) of the 2004 Regulations.

Signed by the authority of the Secretary of State
for Communities and Local Government

Date *Name*
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Local Development) (England) Regulations 2004 (“the 2004 Regulations”) which make provision in connection with the new system of local development planning established by Part 2 of the Planning and Compulsory Purchase Act 2004. Since the 2004 Regulations apply in relation to England only, the amendments being made by these Regulations similarly only apply in relation to England.

Regulation 3(2) alters the definition of “specific consultation bodies” in regulation 2(1) of the 2004 Regulations to cover the Secretary of State for Transport (instead of the Highways Agency and the Strategic Rail Authority) and to cover Primary Care Trusts (instead of Strategic Health Authorities). In addition, the Coal Authority becomes such as body as does Natural England (which took over functions of English Nature and the Countryside Agency).

Regulation 3(3) changes requirements regarding the contents of supplementary planning documents. Regulation 3(4) makes a minor amendment to the definition of “adoption statement” relating to supplementary planning documents.

Amendments (see regulation 3(5)) are made in relation to the requirements in Part 6 of the 2004 Regulations which relate to development plan documents and statements of community involvement. In particular, new duties are provided relating to public participation in the preparation of development plan documents and statements of community involvement (see new regulations 25 and 26). In addition, the time at which representations are to be made into these documents is moved to before submission to the Secretary of State under section 20(1) of the Planning and Compulsory Purchase Act 2004, rather than after submission. In addition, a minor amendment is made to the definition of “adoption statement” in regulation 24(4).

Finally, the Regulations contain minor consequential amendments to Part 6 (see regulation 3(6) to regulation 3(15)) as well as transitional provisions (regulation 4).

An impact assessment has been prepared in relation to these Regulations. A copy is available from [].

Annex 2: Draft PPS12

PLANNING POLICY STATEMENT 12 [PPS12]

CREATING STRONG SAFE AND PROSPEROUS COMMUNITIES THROUGH LOCAL SPATIAL PLANNING

0.0 Foreword

- 0.1** This *Planning Policy Statement* sets out government policy on local development frameworks. It, along with the *Planning Manual* accompanying this PPS, replaces PPS12 *Local Development Frameworks* (2004). These reflect the lessons learned from the first three years of operation of the new planning system in England brought in by the Planning and Compulsory Purchase Act 2004.
- 0.2** The PPS explains what local spatial planning is, and how it benefits communities. It also sets out what the key ingredients of local spatial plans are and the key government policies on how they should be prepared.

1.0 Introduction: The Changing Local Government Context

- 1.1** Local authorities have a key role in leading their communities, creating prosperity in our villages, towns and cities, and fostering local identity and civic pride. Communities need civic leadership to help bring together the local public, voluntary and community sectors together with private enterprise in order to create a vision of how to respond to and address a locality's problems, needs and ambitions and build a strategy to deliver the vision in a coordinated way. This is what the Government means when it refers to local authorities as "place shapers". Local authorities have been doing this for over 100 years. However, whereas at one time they would solve problems and provide services themselves, today they are much more likely to discharge their place shaping role through partnership – with the public, private and voluntary sectors within their areas and with neighbouring authorities – and with the direct input of their local communities
- 1.2** The local authority is required to produce a Sustainable Community Strategy (SCS)⁵ following consultation with their local communities and key local partners through the Local Strategic Partnership (LSP). The Sustainable Community Strategy sets out the strategic vision for a place and is linked into overarching regional strategies. It provides the vehicle for considering and deciding how to address difficult cross-cutting issues such as the economic future of an area, social exclusion and climate change. Building these factors into the community's vision in an integrated way is at the heart of creating sustainable development at the local level.

⁵The Sustainable Communities Act 2007 formally changed the name of community strategies into Sustainable Community Strategies.

Local Strategic Partnerships

Local Strategic Partnerships are not statutory bodies, but they bring together the public, private and third sectors to coordinate the contribution that each can make to improving localities. There are currently over 360 LSPs in England and over the past few years the government has made important changes to strengthen their ability to act collectively and collaboratively.

- 1.3** A Local Area Agreement is normally a three year agreement, based on the SCS vision, that sets out improvement targets for the priorities of a local area. The agreement is made between Central Government, represented by the Government Office (GO), and local authorities and their partners on the LSP. Local authorities and their public sector partners are now under a duty to cooperate to agree LAA targets and to have regard to them in exercising their day-to-day functions. The LAA is a key delivery mechanism for the SCS.
- 1.4** The Government has published for consultation *Creating Strong, Safe and Prosperous Communities* which provides details of the new statutory framework for LAAs and includes guidance on the preparation of SCS.
- 1.5** The Local Development Framework is the collection of *local development documents* produced by the local planning authority which collectively delivers the spatial planning strategy for its area. The Core Strategy is the key plan within the Local Development Framework.
- 1.6** The planning system has been substantially reformed to embed community responsive policy-making at its heart and deliver *sustainable development* as a new statutory obligation. The new *spatial planning* system exists to deliver positive social, economic and environmental outcomes, and requires planners to collaborate actively with the wide range of stakeholders and agencies that help to shape local areas and deliver local services.
- 1.7** The new planning system therefore both offers, and requires, the development of a stronger leadership role for local authorities and elected members, built on collaboration through LSPs and accountable delivery through LAAs. The government intends that spatial planning objectives for local areas, as set out in the LDF, should be fully aligned not only with national and regional plans, but also with the shared local priorities set out

in Sustainable Community Strategies (SCS) where these are consistent with national and regional policy. To achieve this, the Local Government White Paper strongly encourages local authorities to ensure that:

- their SCS takes full account of spatial, economic, social and environmental issues;
- key spatial planning objectives for the area as set out in the LDF Core Strategy are fully aligned with SCS priorities; and
- the LAA, as the delivery agreement with central government, is based on the priorities of the SCS and supported by local planning policy to deliver the outcomes agreed.

2.0 The importance of Spatial Planning in Creating Strong, Safe and Prosperous Communities

NATURE OF LOCAL SPATIAL PLANNING

2.1 Spatial planning is a process of place shaping and delivery. It aims to:

- Produce a vision for the future of places and communities that responds to the local challenges and opportunities, is based on evidence and community derived objectives, within the overall framework of national policy and regional strategies
- Translate this vision into a set of priorities, programmes, policies, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental and social well being for the area.
- Coordinate and deliver the public sector components of this vision with other agencies and processes [eg LAAs and MAAs].
- Create a positive framework for action on climate change

ADVANTAGES OF SPATIAL PLANNING TO COUNCILS AND LSPs

2.2 Spatial planning underpins the wider corporate strategy of the council and LSP in that it:

- brings together a very wide range of different services, since most require land to operate so it can help to support the **co-ordination of services**
- ensures that strategies can be based on the **community's views** and obtain community buy-in
- ensures that other strategies can be fully cognisant of and play their part in respect of issues such as **flooding** and **transport**
- can assist in providing the evidence base for, and monitoring of, other strategies.

2.3 Spatial planning plays a central role in the overall task of place shaping and in the delivery of land, uses and associated activities.

2.4 In relation to housing, it:

- ensures that the necessary **land** is available at the right time and in the right place to deliver the new housing required;

- orchestrates the necessary social and physical **infrastructure** to ensure sustainable communities are delivered;
- provides the basis for the private sector funding of **affordable housing**

2.5 Spatial planning is also critical in relation to economic growth and regeneration by

- providing a flexible supply of **land for business** and identifying suitable locations.
- ensuring business is drawn to the area by providing an attractive **environment** and a sufficient **workforce** well housed and able to access employment opportunities easily and sustainably
- **bringing in private funds** through incentivising, promoting and coordinating investment by the private sector
- providing a robust basis for making **bids for public funds** and for **assembling land** for projects
- providing a robust basis for assessing the need for, and providing **supporting infrastructure** for economic development

2.6 Spatial planning provides a means of safeguarding the area's **environmental assets**, both for their intrinsic value and for their contribution to social and economic well-being.

2.7 In relation to land and buildings it:

- helps **review the use of land and buildings** as public services come together and new operational requirements lead to the release of land
- **co-ordinates the identification and release of land** for the provision of the services such as health facilities which form a crucial part of a local authority's strategic role;
- provides the justification for the **compulsory acquisition of land**, where necessary, to allow regeneration schemes to progress

3.0 Local Development Frameworks in context

- 3.1** The development Plan is made up of the Regional Spatial Strategy (RSS) which covers the whole region, and is produced by the Regional Assembly⁶, and Development Plan Documents (DPD) produced by local planning authorities within the *local development framework*. The Core Strategy is the principal DPD. (In London the Mayor produces the Spatial Development Strategy “the London Plan”. All references to RSS in this PPS should be taken to include the SDS and all references to regional planning bodies should be taken to include the Mayor.) Minerals and Waste planning is undertaken by counties in two-tier areas, to which policies in this PPS also apply.

Regional Spatial Strategy

The RSS provides the overall spatial vision for the entire region, identifying the broad locations for growth, often by identification of sub-regions, and major infrastructure requirements, together with the housing numbers to be provided for in LDDs. The RSS is a product of effective engagement with local authorities and others. Therefore it provides the regional framework against which local participation in creating Sustainable Community Strategies and Core Strategies takes place.

⁶The SubNational Review was published in July 2007 and proposed a move to a single regional strategy produced by the regional development agency. There will be further consultation on this proposal, which could be implemented in 2010. All references to “regional spatial strategies” in this Statement shall be taken to mean “RSS or successor single regional strategy”.

4.0 The Core Strategy

NATURE OF CORE STRATEGIES

4.1 Every local planning authority should produce a core strategy which includes:

- (1) an overall vision which sets out how the district and the places within it should develop;**
- (2) strategic objectives for the area focussing on the key issues to be addressed;**
- (3) a delivery strategy for achieving these objectives. This should set out what is intended to happen where, when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram;**
- (4) clear arrangements for managing and monitoring the delivery of the strategy.**

4.2 The vision should be a brief, high level statement, setting out what the area and its component parts should be like at the end of the plan period. It should be informed by an analysis of the characteristics of the area and the key issues and challenges facing the Local Authority area. The vision should be clearly led by the RSS and it should closely relate to the Local Planning Authority's Sustainable Community Strategy.

4.3 The strategic objectives form the link between the high level vision and the detailed strategy. They should expand the vision into the key specific issues for the area which need to be addressed, and how that will be achieved within the timescale of the core strategy.

4.4 The delivery strategy is central. It needs to show how the objectives will be delivered, whether through actions taken by the LPA, such as determining planning applications, or through actions taken by other parts of the Council or other bodies. Particular attention should be given to the coordination of these different actions so that they pull together towards achieving the objectives and delivering the vision. The strategy needs to set out as far as practicable when, where and by whom these actions will take place. It needs to demonstrate that the agencies/partners necessary for its delivery have been involved in its preparation, and the resources required have been given due consideration and have a realistic prospect of being provided in the life of the strategy. If this is not the case, the strategy will be undeliverable.

- 4.5** It is essential that the core strategy makes clear spatial choices about where developments should go in broad terms. This strong direction will mean that the work involved in the preparation of any subsequent DPDs is reduced. It also means that decisions on planning applications can be given a clear steer immediately.

Strategic Sites

- 4.6** **Core strategies may allocate strategic sites for development. These should be those sites considered central to achievement of the strategy. Progress on the core strategy should not be held up by inclusion of non strategic sites.**

- 4.7** The core strategy looks to the long term. It may be beneficial to the delivery of its objectives for details of key sites to be included in it, where these sites are central to the achievement of the strategy and where investment requires a long lead-in. But in general the core strategy will not include site specific detail which can date quickly. Where core strategies allocate sites, they must include a submission proposals map. It may be preferable for the site area to be delineated in outline rather than detailed terms with site specific criteria set out to allow more precise definition through masterplanning using an AAP (if required) or through SPD. If it is necessary to allocate land which has not already been allocated in the core strategy, a DPD rather than SPD must be used.

Infrastructure

- 4.8** **The core strategy should be supported by evidence of what physical and social infrastructure is needed to enable the amount of development proposed for the area , taking account of its type and distribution. This evidence should cover who will provide the infrastructure and when it will be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations.**

- 4.9** Good infrastructure planning considers the infrastructure required to support development, costs, sources of funding, timescales for delivery and gaps in funding. This allows for the identified infrastructure to be prioritised in discussions with key local partners. This has been a major theme highlighted and considered via HM Treasury's CSR07 Policy Review on Supporting Housing Growth. The infrastructure planning process should identify, as far as possible:

- Infrastructure needs and costs
- Phasing of development
- Funding sources
- Responsibilities for delivery.

4.10 The need for infrastructure to support housing growth and the associated need for an infrastructure delivery planning process has been highlighted further in the Government's recent Housing Green Paper. The outcome of the infrastructure planning process should inform the core strategy and should be part of a robust evidence base. It will greatly assist the overall planning process for all participants if the agencies responsible for infrastructure delivery and the local authority producing the core strategy were to align their planning processes. However the government recognises that the budgeting processes of different agencies may mean that less information may be available when the core strategy is being prepared than would be ideal. It is important therefore that the core strategy makes proper provision for such uncertainty and does not place undue reliance on critical elements of infrastructure whose funding is unknown. The test should be whether there is a reasonable prospect of provision. Contingency planning – showing how the objectives will be achieved under different scenarios – may be necessary in circumstances where provision is uncertain.

4.11 Infrastructure planning for the core strategy should also include the specific infrastructure requirements of any strategic sites which are allocated in it.

4.12 On 9 October 2007 the Government announced that it would introduce a new statutory planning charge in the forthcoming Planning Bill (to be called the Community Infrastructure Levy (CIL)). CIL policies will be based on a costed assessment of the infrastructure requirements arising out of development. The new powers are expected to come into effect by spring 2009. In the meantime Local Authorities should continue to advance their infrastructure planning in preparation for the new CIL in order to ensure that there is clear evidence about planned infrastructure, its cost, timing and likely sources of funding.

Period of operation

4.13 The time horizon of the core strategy should be at least 15 years from the date of adoption.

- 4.14** Core strategies represent a considerable body of work and are intended to endure and give a degree of certainty to communities and investors. In particular they give a guide to where long term investment in infrastructure should be made. The need for frequent updating may be reduced by taking a long-term view and providing some flexibility. So for example, if a strategy has some room for manoeuvre, it should not need to be updated simply because there has been a change in the housing numbers in the regional spatial strategy. The need for frequent updating may be reduced by taking a long-term view and providing some flexibility.
- 4.15** This can be achieved by local authorities considering the implications of different levels of development taking place either within the core strategy period or alternatively beyond it.. Such an approach would help ensure that the preparation of core strategies is not delayed by the proposed partial reviews of RSSs which will be required to deliver the Government's proposed level of housebuilding by 2020. Strategies should consider the possibilities of development occurring more quickly than currently being planned for.

Joint working

- 4.16** **Local authorities should explore and exploit opportunities for joint working on core strategies.**
- 4.17** Many issues critical to spatial planning do not respect local planning authority boundaries. Housing markets and commuting catchments often cover larger areas, which makes planning an individual district in isolation a difficult task, even where the Regional Spatial Strategy gives a strong steer. Critical discussions on infrastructure capacity and planning may be more effectively and efficiently carried out over a larger area than a single local planning authority area. Joint working between local planning authorities can address these issues properly, and also make the best use of scarce skills and capacity in different authorities. The production of one core strategy instead of two or more may save resources. Joint working also resonates with approaches to sub-regional working as set out in the Sub-national review and support the development and implementation of Multi Area Agreements.
- 4.18** Joint working on core strategies may take a variety of forms. In some places a single plan has been produced either through a formally constituted joint committee, or through concurrent adoption. In others joint working on evidence and overall policy direction is being used as the basis for the production of two or more separate plans to the same timetable.

PREPARATION OF CORE STRATEGIES

Participation

4.19 The UK government has signed up to the UNECE *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (the Århus Convention). Article 7 states:

“Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public.”

4.20 The production of core strategies should follow the Government’s principles for community engagement in planning. Involvement should be:

- i. appropriate** to the level of planning;
- ii. from the outset** – leading to a sense of ownership of local policy decisions;
- iii. continuous** – part of ongoing programme, not a one-off event, with clearly articulated opportunities for continuing involvement ;
- iv. transparent and accessible** – using methods appropriate to the communities concerned; and
- v. planned** – as an integral part of the process for making plans

4.21 The council must produce a Statement of Community Involvement which should follow these principles. The involvement of the public in preparing the core strategy must follow the approach set out in the SCI. It is important that the Council, in exercising its discretion in how to involve the community in a plan, keeps to its published policy.

Participation across sectors

4.22 The Council and the Local Strategic Partnership should take a strategic approach to community involvement.

4.23 The Sustainable Community Strategy provides a key community input to the preparation of core strategies. The Council and the LSP should take a strategic approach to community involvement across the board. In preparing or revising its SCI the Council should consider integrating community engagement on planning with other community engagement activities taking place across the Council’s wider functions. This will indicate to communities how they can expect to be involved in wider decision

making and should remove duplication, combat consultation fatigue and make the most of opportunities to maximise the strengths of different skills and resources within the council and LSP.

Participation during plan preparation

- 4.24** LPAs are required to undertake such consultation as they think “appropriate” in Reg 25 to satisfy themselves that they have ascertained the view of the public on the DPD matters.
- 4.25** **Consultation on the core strategy during the preparation phase of the plan in pursuit of Regulation 25 should be proportionate to the scale of issues involved in the plan.**
- 4.26** If it is proposed to produce a new or revised core strategy for an area, for example, to respond to a major change in circumstances, such as receiving eco town or growth point status, it will be necessary to involve the community in considering the options for the strategy before the final document is produced. A rather different level of consultation may be needed where some specific aspect of the core strategy is being revised such as the approach to the delivery of affordable housing. Where in exceptional circumstances following the period for formal representations on the core strategy a council resolves to revise the strategy and re-publish it prior to submission for examination it may be “appropriate” only to notify the specific consultation bodies in pursuance of Regulation 25, provided that it is clear to people wishing to make representations what the differences between the first and second published versions are.

Statements of Community Involvement Content

An SCI should

- explain clearly the process and methods for community involvement for different types of local development documents and for the different stages of plan preparation. This needs to include details of how the diverse sections of the community are engaged, in particular the 'hard to reach'.
- identify which umbrella organisations and community groups need be involved at different stages of the planning process, with special consideration given to those groups not normally involved.
- explain the process and appropriate methods for effective community involvement in the determination of planning applications and where appropriate refer to Planning Performance Agreements.
- include details of the LPAs approach to pre application discussions
- include the LPAs approach to community involvement in planning obligations (S106 agreements).
- include information on how a SCI will be monitored, evaluated and scrutinised at the local level.
- include details of where community groups can get more information on the planning process, for example, from Planning Aid and other voluntary organisations.

Engagement with Delivery Stakeholders

4.27 Local authorities should undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for a core strategy are deliverable.

Key stakeholders should engage in timely, effective and conclusive discussions with local planning authorities on the deliverability of options for core strategies.

4.28 It is essential that stakeholders key to the plan's delivery are engaged early in the production of the core strategy. There is no point in proceeding with options for the core strategy which cannot be delivered as a result of failure to obtain the agreement of key delivery agencies. Stakeholders also need to be engaged earlier to avoid late and unexpected representations emerging at the end of the process which might render the plan unsound and lead to lengthy delays in the delivery of a robust planning framework for the area.

4.29 The relevant delivery agencies include:

- Regulatory agencies: The Environment Agency, English Heritage, Natural England
- Physical Infrastructure delivery agencies: highways authority, Highways Agency, utilities companies, public transport providers, airport operators
- Social infrastructure delivery agencies: local authority education dept, social services, primary care trust, acute hospital trusts, strategic health authority, charities/NGOs
- Major landowners – including the local authority itself, government departments and agencies
- Housebuilders, the New Homes Agency and other developers
- Minerals and waste management industries

Contextual issues: nation and region

4.30 **The core strategy should not repeat or reformulate national or regional policy.**

4.31 National planning policy is set out in a series of *Planning Policy Statements*⁷. The statement on *General Principles* (annex to PPS1) indicates that “the courts have held that the Government’s statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government’s planning policy, they must give clear and convincing reasons.” The **Regional Spatial Strategy** is part of the “development plan” for an area by virtue of Section 38(6) of the PCPA 2004

4.32 If it is the intention of the local planning authority simply to apply national and regional policy in its decision making it does not need to reiterate it in DPDs in order to do so; nor reformulate it by devising a similar kind of wording which achieves the same result. However there may be local reasons for having greater detail than national or regional policy provides for, or local circumstances which suggest that a local interpretation of higher-level policy is appropriate. Authorities may include such approaches in their plans if they have sound evidence that it is justified *by local circumstances*.

⁷ Minerals planning policy is contained in a set of Minerals Planning Guidance and Policy Statements.

4.33 In devising its strategy however, the local planning authority should be consistent with national policy and in general conformity with the regional spatial strategy. This means that the choices made regarding, for example where growth should take place should follow national and regional policy. This is not the same as reformulating it in different words as “development control” policies and leaving the spatial decision making to the planning application stage. This focus is because the core strategy should be concentrating on devising a delivery strategy to deal with the particular issues which have been identified as of local importance. Plan making resources are scarce and need to be concentrated on those tasks which only the core strategy can achieve – especially the coordination of the delivery of development and the accompanying infrastructure.

Sustainable Community Strategy

4.34 Local authorities should align and coordinate the Core Strategy of the LDF with the unitary or district Sustainable Community Strategy.

4.35 The core strategy is critical in delivering corporate and community aspirations (in the context of the Regional Spatial Strategy). Therefore the key spatial planning objectives for the area should be in alignment with priorities identified in the SCS. Place-shaping requires a dynamic relationship between these critical high-level vision strategies within both unitary and two-tier areas. This can be promoted through a shared evidence base and analysis, shared appraisal techniques such as sustainability appraisal, and the proactive engagement of stakeholder partners, citizens and local businesses in their development and implementation through a shared approach to consultation, and shared monitoring of results.

Justification of Core Strategies

4.36 Core strategies must be justifiable: they must be

- **founded on a robust and credible evidence base**
- **the most appropriate strategy when considered against the reasonable alternatives**

Evidence base

4.37 Core strategies have major effects, for example altering property values by a considerable amount, helping or possibly hindering the access to housing, jobs, accessible local services and open space for many people, especially people with limited resources and affecting how much the area contributes to the mitigating and reducing climate change. It is essential

that they are based on thorough evidence. The evidence base should contain two elements:

- *Participation*: evidence of the views of the local community and others who have a stake in the future of the area.
- *Research/fact finding*: evidence that the choices made by the plan are backed up by the background facts.
- Evidence gathered should be proportionate to the job being undertaken by the plan, relevant to the place in question and as up-to-date as practical having regard to what may have changed since the evidence was collected.

Alternatives

4.38 The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate *reasonable* alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process. Alternatives must not be invented simply to have a choice if the alternatives are not realistic. Being able to demonstrate that the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of an easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy.

Sustainability Appraisal

- 4.39** The “sustainability appraisal” required by S19(5) of the Planning and Compulsory Purchase Act 2004 should be an appraisal of the economic, social and environmental sustainability of the plan.
- 4.40** Sustainability appraisal fully incorporates the requirements of the European Directive on Strategic Environmental Assessment. Provided the sustainability appraisal is carried out following the guidelines in the *A Practical Guide to the Strategic Environmental Assessment Directive* and the *Manual* there will be no need to carry out a separate SEA .
- 4.41** Where authorities are required by law or encouraged by government policy to undertake assessments of their plans, such assessments should be integrated with the sustainability appraisal.

- 4.42** Sustainability appraisal must be proportionate to the plan in question. It should not repeat the appraisal of higher level policy.
- 4.43** The Sustainability Appraisal should perform a key role in providing a sound evidence base for the plan and form an integrated part of the plan preparation process. It should provide a powerful means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.

Effectiveness

4.44 Core strategies must be effective: this means they must be:

- **deliverable**
- **flexible**
- **able to be monitored**

Deliverability

- 4.45** Core Strategies should show how the vision, objectives and strategy for the area will be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support the strategy will be provided and ensuring that what is in the plan is consistent with other relevant plans and strategies relating to adjoining areas. This evidence must be strong enough to stand up to independent scrutiny. Therefore it should:
- A. Be based on sound infrastructure delivery planning (see above).
 - B. Include ensuring that there are not regulatory or national policy barriers to the delivery of the strategy, such as threats to protected wildlife sites and landscapes or sites of historic or cultural importance
 - C. Include ensuring that partners who are essential to the delivery of the plan such as landowners and developers are signed up to it. LPAs should be able to state clearly who is intended to implement different elements of the strategy and when this will happen. (These issues are handled through early involvement of key stakeholders in the preparation of options for the plan.)
 - D. Be consistent with the core strategies prepared by neighbouring authorities, where cross boundary issues are relevant

Flexibility

- 4.46** A strategy is unlikely to be effective if it cannot deal with changing circumstances. Core strategies should look over a long time frame – 15 years usually but more if necessary. In the arena of the built and natural environment many issues may change over this time. Plans should be able

to show how they will handle contingencies: it may not always be possible to have maximum certainty about the deliverability of the strategy. In these cases the core strategy should show what alternative strategies have been prepared to handle this uncertainty and what would trigger their use. Authorities should not necessarily rely on a review of the plan as a means of handling uncertainty.

Monitoring

4.47 A core strategy must have clear arrangements for monitoring and reporting results to the public and civic leaders. Without these it would be possible for the strategy to start to fail but the authority and indeed the public would be none the wiser. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plans within the strategy would be triggered.

AMRs

An AMR should:

- report progress on the timetable and milestones for the preparation of documents set out in the local development scheme including reasons where they are not being met;
- report progress on the policies and related targets in local development documents. This should also include progress against any relevant national and regional targets and highlight any unintended significant effects of the implementation of the policies on social, environmental and economic objectives. Where policies and targets are not being met or on track or are having unintended effects reasons should be provided along with any appropriate actions to redress the matter. Policies may also need to change to reflect changes in national or regional policy;
- include progress against the core output indicators including information on net additional dwellings (required under Planning Regulation 48(7)) and an update of the housing trajectory to demonstrate how policies will deliver housing provision in their area
- Indicate how infrastructure providers have performed against the programmes for infrastructure set out in support of the core strategy. AMRs should be used to reprioritise any previous assumptions made regarding infrastructure delivery.

Guidance on the approach to developing monitoring frameworks and producing annual monitoring reports is set out in the Local Development Framework Monitoring: A Good Practice Guide (ODPM 2005).

QUALITY ASSURANCE

- 4.48** The importance attached to getting the core strategy right is reflected in the fact that it is subject to **independent examination**. Given the potential impact of core strategies on the lives of individuals and communities is vital that the plan is the most appropriate, which is why there is an independent examination to provide assurance.
- 4.49** This revised PPS12 presents “tests of soundness” in a different and more simple way based on the fact that the Planning and Compulsory Purchase Act 2004 distinguishes between the legal procedural requirements (former ‘procedural’ and ‘conformity’ tests) and the determination of soundness (former ‘consistency, coherence and effectiveness’ tests). However the rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content. Local authorities are expected to submit what they consider to be a ‘sound’ DPD for examination and that will continue to be the starting point for the examination.

Legal requirements⁸

- 4.50** Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation. This includes in particular checking that the plan:
- Has been prepared in accordance with the Local Development Scheme; and has been prepared in compliance with the Statement of Community Involvement and with the Local Development regulations;
 - has been subject to sustainability appraisal;
 - has regard to national policy;
 - conforms generally to the Regional Spatial Strategy; and
 - has regard to any sustainable community strategy for its area (ie county and district).

“Soundness”⁹

- 4.51** In addition the Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is “sound” .
- 4.52 To be “sound” a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY. The meaning of “justified” and “effective” is set out above at paragraphs 4.36 and 4.44 respectively.**

⁸ These replace the former Tests i-iii, iv(part) & v.

⁹ This replaces the former Tests iv(part) & vi-ix.

TIMELY PROGRESS WITH CORE STRATEGIES

4.53 The Government’s Public Service Delivery Agreement 20 is to increase long-term housing supply and affordability and it states that local planning authorities should adopt the necessary Development Plan Documents, in accordance with their Local Development Schemes, to bring forward developable land for housing in line with PPS3.

4.54 Core strategies should be produced according to the timetable set out in the Local Development Scheme. If there is slippage from the agreed timetables, local planning authorities should provide real time public information on progress with core strategies.

4.55 It is critical that core strategies are produced in a timely and efficient manner. This is essential for the supply of housing and other development to meet need. The **Local Development Scheme** sets out the development plan documents which will be produced and when they are going to be produced. It is vital that local authorities do their utmost to adhere to this timetable. If they do not:

- development which is needed for the benefit of current and future residents of the area may be delayed or even shelved.
- The coordination of the allocation of land for housing and the necessary supporting infrastructure will be difficult to achieve
- The public and other stakeholders will lose confidence in the plan making process

4.56 Local authorities are urged to ensure that effective programme management techniques are employed in progressing the core strategy *and orchestrating the production of the evidence base*. Various studies (on for example housing markets, housing land availability, flooding, and transport) are necessary for the proper preparation of core strategies. Local authorities should seek to align the timetables of these studies with the core strategy so that it is not unexpectedly held up. This will mean discussing the project timetabling with key stakeholders.

4.57 The local government performance framework makes it clear that delivery (ie completion) of sufficient numbers of houses overall and of affordable homes and the supply of ready-to-develop housing sites are among the 198 indicators for which information will be collected. Where completions or housing supply are falling behind targets, local areas may find that improvements in this indicator form part of a revised local area agreement

if so directed by the Secretary of State. Prompt preparation and adoption of sound core strategies is a key means whereby performance against this indicator can be improved.

4.58 Local planning authorities should keep to the timetables agreed in local development schemes submitted in March 2007. In exceptional circumstances LPAs may consider it appropriate to prepare revisions to LDSs. In these circumstances, local planning authorities must consult the Government Office on the development and review of local development schemes. In responding to these consultations Government Offices will take the following matters into account:

- a) **Is alteration of the local development scheme justified by reference to exceptional circumstances?**
- b) **Does the LDS reflect government priorities on subject matter?**
- c) **Is the LDS realistic in programme management terms, taking into account the resources available?**
- d) **Does the LDS take proper account of the need to produce a complete evidence base and the time and resources this will take?**

5.0 OTHER DEVELOPMENT PLAN DOCUMENTS

5.1 LPAs should consider the following criteria when determining which DPDs other than the core strategy they produce:

Does the RSS and core strategy adequately cover the issue?

If not,

Does the issue need treatment in the development plan?

In considering these questions, the following issues should be considered:

- **The scope of and detail in the RSS or core strategy**
- **Market conditions, including the scale of the development challenge (both absolute and relative), whether it be growth or managed change, that LPAs face**
- **The approach to delivery, including the size and type of land available for new development and how to make the best use of existing buildings\housing stock**
- **The need for land assembly\CPOs**
- **The approach to utilities\infrastructure providers**
- **Timing, particularly in terms of when other regional and local strategies are being brought forward.**

5.2 Other DPDs should comply with the following paragraphs in this Statement on:

- **participation and stakeholders (4.20, 4.25 & 4.27)**
- **not repeating national and regional policy (4.30)**
- **sustainability appraisal (4.39–4.41)**
- **justification and effectiveness (4.36 & 4.44); and**
- **timely progress (4.53 & 4.54).**

To be “sound”, other DPDs should be JUSTIFIED and EFFECTIVE and consistent with NATIONAL POLICY. The meaning of “justified” and “effective” is set out above at paragraphs 4.36 and 4.44 respectively.

If other DPDs are produced they should not be used to take the place of the core strategy: it is the core strategy which should make clear spatial choices about where development should go.

- 5.3** The local planning authority may prepare additional development plan documents to provide additional detail which would not be suitable in a core strategy and which will benefit from the status of the development plan. Other DPDs might for example be to provide greater detail on a particular area or sites. It is important to get the right balance between the value added by inclusion in the development plan and the resources and time delay involved in producing additional DPDs. If it is necessary to allocate land which has not already been allocated in the core strategy, a DPD must be used.

Area Action Plans

- 5.4** **Area action plans should be used to provide the planning framework for areas where significant change or conservation is needed. Area action plans should:**
- i. deliver planned growth areas;**
 - ii. stimulate regeneration;**
 - iii protect areas particularly sensitive to change;**
 - iv. resolve conflicting objectives in areas subject to development pressures; or**
 - v. focus the delivery of area based regeneration initiatives.**
- 5.5** Area Action Plans can assist in producing a consensus as to the right strategy for an area and how it might be implemented. They can assist in providing the basis for taking compulsory purchase action where necessary or act as a focus and a catalyst for getting several key agencies and landowners to work together. Authorities may set criteria in their core strategy for identifying locations and priorities for the preparation of area action plans.
- 5.6** In areas of change, area action plans should identify the distribution of uses and their inter-relationships, including specific site allocations, and set out as far as practicable the timetable for the implementation of the proposals. In areas of conservation, area action plans should set out the policies and proposals for action to preserve or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development.
- 5.7** Area action plans may take forward broad locations in regional spatial strategies in situations where the timing of the core strategy would cause undue delay in delivery of regionally important sites.

6.0 Supplementary Planning Documents

- 6.1** A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPD. It can also use SPDs to amplify either government or RSS policy but they should not be prepared with the aim of avoiding the need for the examination of policy which should be examined.

Sustainability appraisal of SPDs

- 6.2** **Supplementary Planning Documents should have Sustainability Appraisals where they have significant social, economic or environmental impacts which have not been covered in the appraisal of higher level policy.**
- 6.3** As SPDs are not part of the statutory development plan, and are designed to expand on policies set out in national or regional policy, or in DPDs, it is anticipated that much of the relevant Sustainability Appraisal work will have already been undertaken at higher levels. In some cases the SPD may not have significant effects additional to the policy it supplements. In such cases further detailed appraisal work does not add value to the decision making process and results in a great deal of duplication and disproportionate work. (SPD based on national policy alone may require sustainability appraisal of its local impact.)
- 6.4** There are four broad types of SPDs that can be produced by a local authority. They are:
- 1) Master Plans,
 - 2) Area Development Briefs,
 - 3) Issue Based Documents; and
 - 4) Design Guides.
- 6.5** Master Plans and Area Development Briefs are predominantly spatial documents dealing with policy associated with a physical parcel of land or a specific development opportunity. The requirement and level of detail for the Sustainability Appraisal of these documents will need to be carefully considered to ensure that all obligations under UK and EU law are met. Design Guides and Issue Based Documents are theme based documents and usually deal with a specific topic or issue and are less likely to have a significant environmental, social or economic effect that has not already been covered in the appraisal of higher order policy.

Role of others

- 6.6** The process of planning at urban community or parish level can bring wide benefits in terms of deepening community involvement and increasing a sense of belonging and of ownership of policy. However where communities or developers wish to use the statutory planning process (ie SPDs) as part of their approach, they should work with the local planning authority from the outset. Developers and communities should not expect to prepare plans independently from the LPA and then have them adopted as SPD. Parishes and urban communities should not however regard the statutory planning approach as the only option open to them: other forms of community planning may be more appropriate. Local planning authorities should pay close attention to the contents of non statutory parish and community plans as part of their community involvement.
- 6.7** In the case of SPDs, the involvement of the local planning authority at the outset is essential in order to ensure proper standards of consultation and sustainability appraisal (where necessary) are planned into the process. However once a proper project plan has been agreed, LPAs may accept offers of substantial support in the production of SPD – or indeed DPDs - where their own resources are limited and provided that it is accepted that such offers of support cannot in any way be regarded as any commitment to endorse the work produced or agree the SPD.

Preparation of supplementary guidance by other bodies:

- 6.8** Supplementary guidance to assist the delivery of development may be prepared by a *government agency, Regional Planning Body or a County Council*¹⁰ or other body (eg AONB committee) where this would provide economies in production and the avoidance of duplication eg where the information in it would apply to areas greater than single districts. Such guidance would not be a supplementary planning document. However, if the same disciplines of consultation and sustainability appraisal (where necessary) are applied, such information might, subject to the circumstances of a particular case, be afforded a weight commensurate with that of SPDs in decision making. This may be more likely if the district/borough/city councils to which it is intended to apply endorse the guidance¹¹, or if the document is an amplification of RSS policy and it has been prepared by an RPB.

¹⁰ ... in a two tier area and where the issue is not minerals or waste.

¹¹ ... or a county council in a two tier area where the issue is minerals or waste.

- 6.9** District/borough/city councils should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the coordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPDs have. This excludes assistance to applicants on how to make planning applications, which would not constitute SPD.

7.0 Intervention by The Secretary of State

- 7.1 The Secretary of State will only use powers of intervention in development plan documents or supplementary planning documents where they raise issues which are of national or regional importance.**

8.0 Adopted Proposals Map

8.1 The adopted proposals map should:

- i. **identify areas of protection, such as nationally protected landscape and local nature conservation sites , Green Belt land and Conservation Areas;**
- ii. **show areas at risk from flooding and hazardous sites**
- iii. **allocate sites for particular land use and development proposals included in any adopted development plan document and set out the areas to which specific policies apply.**

8.2 District planning authorities are also required by law to include on their adopted proposals map, minerals and waste matters including safeguarding areas, minerals consultation areas and any minerals and waste allocations which are adopted in a development plan document by the county council.

8.3 Separate inset maps may be used to show policies for part of the authority's area, such as the policies for area action plans, which must all be shown on the adopted proposals map. Where inset maps are used, the geographical area they will cover will be identified on the main adopted proposals map. The boundaries of each inset map must be shown precisely on the adopted proposals map but the policies shown on the inset must not appear on the main adopted proposals map.

Annex 3: Partial Impact Assessment

Impact Assessments (IA) are a key tool in delivering better regulation and ensuring that departments deliver policy that acts as both:

- a continuous process to help policy-makers fully think through the consequences of Government interventions (whether domestic or internationally based) in the public, private and third (voluntary) sectors; and
- a tool to enable the Government to weigh and present the relevant evidence on the positive and negative effects of such interventions, including reviewing the impact of policies after they have been implemented.

At the consultation stage of an IA, the responsible Minister must sign a declaration that, on the basis of the available evidence, the Impact Assessment represents a reasonable view of the likely costs, benefits and impact of the leading options.

The following Impact Assessment has been produced in order to assist in the consultation process. However, a further Impact Assessment will be carried out on the final PPS12 and Regulations.

It should be noted that not every matter covered in the Consultation Document is included within this IA. This is because, although we are re-emphasising certain aspects of the process in a different way from before, there is no material change to either the documents we expect Local Authorities to produce, or to the way in which the local community at large is involved.

There are certain proposals which do require an IA on account of the nature and scope of change proposed, their impact on the local authorities, and the potential for impact on the local community.

One IA has been prepared which incorporates the following five themes outlining the proposed changes to the plan making system.

- 1. Improved Consultation Arrangements;**
- 2. Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State;**
- 3. Allowing Supplementary Planning Documents to be issued in accordance with policy in documents other than Development Plan Documents;**
- 4. Changes to regulations to reduce administrative burdens; and**
- 5. Changes to the policy on producing Local Development Frameworks (PPS12).**

- I. Streamline PPS12 to be pure policy document, with guidance to be published separately;**
- II. Providing local authorities with greater flexibility to allocate sites in the Core Strategy;**
- III. Providing local authorities with greater flexibility in determining which DPDs to produce; Reduction in complexity and number of DPDs;**
- IV. Increasing the lifespan of the core Strategy from 10 to 15 years; and**
- V. Strengthening the role of the Core Strategy in relation to infrastructure provision.**

The following matters are not covered in this IA as they are not changes in policy:

- **Opportunity for change after formal representations in exceptional circumstances –**

This is not so much a policy as a statement of something that would be possible if the new regulations (whose impact is assessed) become law.

- **Emphasis on the need for timely delivery of DPDs**

This is not a change to government policy

- **LDFs as part of joined-up local authority strategy making**

This is a stronger emphasis of an existing approach which is designed to assist local authorities to produce sound plans.

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

Summary: Intervention & Options

Department /Agency: Communities & Local Government	Title: Impact Assessment of Incorporate the proposed changes to the planning system	
Stage:	Version:	Date:
Related Publications: Planning for a Sustainable Future: White Paper		

Available to view or download at:

<http://www.>

Contact for enquiries: Richard Blyth

Telephone: 020-7944-5269

What is the problem under consideration? Why is government intervention necessary?

Government intervention is necessary because the reformed planning system introduced in 2004 requires minor amendments to ensure its smooth operation.

What are the policy objectives and the intended effects?

The objective is to remove bureaucratic barriers to aid preparation of Local Development Frameworks.

What policy options have been considered? Please justify any preferred option.

A) Do Nothing

or

B) Incorporate proposed changes into the planning system. Additional information on the proposed changes is located within the Summary section of the impact assessment.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

3 years

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options

Signed by the responsible Minister:

A handwritten signature in black ink, appearing to read 'Paul Gey', is written over a horizontal line.

Date: November 2007

Summary: Analysis & Evidence

Policy Option:
A

Description: Retain existing plan making system

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' None.
	One-off (Transition)	Yrs	
	£0		
	Average Annual Cost (excluding one-off)		
	£0		
			Total Cost (PV) £0
Other key non-monetised costs by 'main affected groups'. None.			
BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' None – as system is to remain in its current form.
	One-off	Yrs	
	£0		
	Average Annual Benefit (excluding one-off)		
	£0		
			Total Benefit (PV) £0
Other key non-monetised benefits by 'main affected groups'. None			
Key Assumptions/Sensitivities/Risks			
Price Base Year N/A	Time Period Years N/A	Net Benefit Range (NPV) £0	NET BENEFIT (NPV Best estimate) £0

What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		6 April 2008		
Which organisation(s) will enforce the policy?		GOs & LPAs		
What is the total annual cost of enforcement for these organisations?		£ None		
Does enforcement comply with Hampton principles?		N/A		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ None		
What is the value of changes in greenhouse gas emissions?		£ None		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	N/A	N/A	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)		
Increase of £0	Decrease of £0	Net Impact £0		
Key:	Annual costs and benefits: Constant Prices		(Net) Present Value	

Summary: Analysis & Evidence

Policy Option:
B

Description: Incorporate the proposed changes to the planning system to remove bureaucratic barriers and ensure smooth operation of Local Development

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' None.
	One-off (Transition)	Yrs	
	£0		
	Average Annual Cost (excluding one-off)		
	£0		Total Cost (PV) £0
Other key non-monetised costs by 'main affected groups'. Changes to statutory consultations could be argued as a cost to consultation rights. We believe however, that the quality of consultation will be improved. Changes to PPS12 may increase the costs of infrastructure planning. This should be offset by other savings.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Statutory Consultation on DPDs – estimated saving to LPA: Total £4million per year. PPS12 reform – estimated savings to LPAs from not necessarily including separate site allocation plans £3.5 million.
	One-off	Yrs	
	£0		
	Average Annual Benefit (excluding one-off)		
	£7,000,000		Total Benefit (PV) £62,375,000
Other key non-monetised benefits by 'main affected groups'. Other unquantified savings to authorities including producing less DPDs and sending out less hard copies of plans.			

Key Assumptions/Sensitivities/Risks

Price Base Year 2007	Time Period Years 10	Net Benefit Range (NPV) £0	NET BENEFIT (NPV Best estimate) £62,375,000
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What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		6 April 2008		
Which organisation(s) will enforce the policy?		GOs & LPAs		
What is the total annual cost of enforcement for these organisations?		£ None		
Does enforcement comply with Hampton principles?		N/A		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ None		
What is the value of changes in greenhouse gas emissions?		£ None		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	N/A	N/A	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)		
Increase of £0	Decrease of £0	Net Impact £0		
Key:	Annual costs and benefits: Constant Prices		(Net) Present Value	

Evidence Base (for summary sheets)

The Planning White Paper outlined the proposal to change the plan making system in order to place planning at the heart of local government. In addition changes are to be introduced to local development frameworks to ensure a more streamlined and tailored process with more flexibility about the number and type of plans, how they are produced, and a more meaningful level of community involvement.

Introduction

This Impact Assessment is focused on the proposed amendments to the Local Development Regulations and the rewriting of the policy associated with the plan making system – Planning Policy Statement 12 (PPS12).

For the purposes of this Impact Assessment, the cost benefit analysis adopts the following format:

- Sectors and groups affected;
- Costs for local authorities and businesses;
- Benefits for local authorities and businesses.

The status quo is also stated as a benchmark to enable analysis of the costs and benefits of the proposal.

One IA has been prepared which incorporates the following five themes outlining the proposed changes to the plan making system and the Town and Country Planning (Local Development) (England) (Amendment) (The Town and Country Planning (Local Development) (England) Regulations 2004. The changes are:

- 1. Statutory Consultation on DPDs;**
- 2. Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State;**
- 3. Allowing Supplementary Planning Documents to be issued in accordance with policy in documents other than DPDs;**
- 4. Changes to regulations to reduce administrative burdens; and**
- 5. Changes to the requirements for producing Local Development Frameworks in PPS 12, incorporating:**
 - I. Streamline PPS12 to be pure policy document, with guidance to be published separately.

- II. Providing local authorities with greater flexibility to allocate sites in the Core Strategy;
- III. Providing local authorities with greater flexibility in determining which DPDs to produce; Reduction in complexity and number of DPDs;
- IV. Increasing the lifespan of the core Strategy from 10 to 15 years; and
- V. Strengthening the role of the Core Strategy in relation to infrastructure provision.

These changes will now be considered in turn.

POLICY CHANGE 1: Statutory Consultation on DPDs

What is the problem under consideration? Why is government intervention necessary?

The current process for producing Development Plan Documents (DPDs) includes three separate statutory requirements for consultation through out the process. Three stages of consultation are considered to be unnecessary and have led to confusion amongst consultees. It has also resulted in substantial amounts of time during the plan making process being spent consulting on the various stages of the emerging plan.

What are the policy objectives and the intended effects?

The objective is to streamline and improve the quality and effectiveness of community involvement as part of the Local Development Framework plan making process.

The intended effect will be early and effective engagement throughout the plan preparation process. This will ensure that those consulted on will be more effectively involved in the plan making process. It is also envisaged that the time taken to produce a plan can be lessened, which will fulfil one of the intentions of the LDF system which is that it should be able to respond more rapidly and flexibly to changing circumstances.

The changes involve amending the Town and Country Planning (Local Development) (England) (Amendment) (The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (TCP).

Background

The current process for producing Development Plan Documents (DPDs) includes three separate statutory requirements for consultation, set out in the Town and Country Planning (Local Development) (England) (Amendment) (The Town and Country Planning (Local Development) (England) Regulations 2004. The three requirements are: 'pre-submission consultation' (issues and options), 'pre-submission participation' (preferred options) and at the submission stage of the final plan.

At present there is a pre submission consultation (Regulation 25 – Pre-submission consultation) where the local authority is required to consult with 'specific' and 'general' consultation bodies as it deems appropriate. In addition the local authority is required to make available copies of the pre-submission proposals document and statement of the proposals matters for inspection (Regulation 26 – Pre-submission participation). This is generally treated as the discussion of 'preferred options' and is the second time the public will be consulted on proposals. Once the final plan is submitted for examination, a final period of

consultation occurs (Regulation 29 – Representations on development plan documents) allowing any person to make representations on it, thus in effect offering a third ‘window’ for consultation.

Consultation Responses from Planning White Paper Preliminary Regulatory Impact Assessment

Information from stakeholders and consultation responses to this question has been analysed and has informed the content of this Impact Assessment. A significant number of respondents agreed with the proposal of revoking regulation 26. There were however concerns with the proposal. Specifically:

- concern that the removal of preferred options stages would reduce community input and hinder communities’ ability to influence vision, strategies and policy development; and
- Authorities run the risk of non-compliance with SEA Directive which requires early and effective consultation on the plan. If consultation was considered to be insufficient, plans might be declared unsound, so LPAs would in effect have to consult as now or face delays.

What policy options have been considered?

- A) Do Nothing (retain existing process)
- B) Revoke Regulation 26 (TCP) pre submission public participation and add provision for amendments after final consultation (often referred to as the ‘preferred options stage’); or
- C) Revoke Regulation 25 (TCP) pre-submission consultation and add provision for amendments after final consultation (often referred to as the ‘issues and options’ stage).

Sectors and groups affected

- Public sector (particularly local authorities).
- The public and stakeholders involved in DPD production or involved in the consultation process.

Costs and Benefits: Option A (the Status Quo)

The status quo is used here as a benchmark against which costs and benefits of the proposal can be measured.

Costs

Under this option, the current process would be maintained. No new or additional costs or benefits have been identified under this option. Local Planning Authorities would be required to implement the consultation process in its current form.

Benefits

However, any potential for savings would be missed under this option.

Costs and benefits: Option B Revoke Regulation 26 on Statutory Consultation on DPDs – (Preferred Approach)

Benefits

The principal benefit of this proposal is an overall improvement and simplification of the consultation process for key stakeholders, including the public throughout the plan making process.

Cost Saving To Local Authorities

Although there is no information on the costs of the 'preferred option' stage, the estimated costs of the 'issues and options' stage will serve as an approximation. An estimation of this was carried out in early 2007 by contacting several councils who reported an average cost of £33,000. If we therefore assume that cost of the 'preferred option' stage is £33,000 and at least a third of authorities will be undertaking consultation on Issues and Options for a DPD in any one year, there is an annual cost saving of approximately:

$$£11,000 * 362 = £3,982,000$$

Rounded this gives an annual figure of £4 million.

Time Savings

Whilst a complex plan or core strategy would go through similar stages as now (which can take 18 months or more), for a plan with a relatively narrow scope or an amendment to an existing plan the preparation time could be six months or less.

Devolutionary Benefits

Additional benefits to the changes include the broader commitment to empowering the local authority to take a greater lead in the overall consultation it has with its constituents on all council matters, through a Sustainable Community Strategy.

Local authorities are best placed to take decisions about the consultation required for each DPD. The remaining regulation 25 will be amended in order to retain its existing provisions and also to include requirements to engage the general public. It will therefore be more flexible than regulation 26, which will increase this local flexibility compared to other options which have been considered

Improvements to Consultation and Plan Making

The change should ensure consultation is meaningful when it occurs there is a lower risk of consultation fatigue. The requirement for consultation would be similar to that for other government policy (two tier) and local authorities would not undertake repeated detailed consultation where it was unnecessary.

The revised plan making guidance will encourage the authority to undertake early and ongoing involvement with the community and key stakeholders as part of the initial plan making process.

The revised plan making guidance will encourage the authority to undertake early and ongoing involvement with the community and key stakeholders as part of the initial plan making process. The guidance will also reinforce that the requirements of the SEA Directive. The proposed changes to the Regulations are not considered to run contrary to the Directives requirements for early and effective consultation.

Costs

Some people could view this measure as a cost to consultation. However our understanding is that there is at present consultation fatigue and that the 'issues and options' stage is a more effective way of engaging the community than the 'preferred options' stage. It is therefore believed that revoking regulation 26 could lead to more effective consultation.

It is noted that a third option was considered for this particular policy revision. It was considered after our investigations that this particular option would not deliver the necessary improvements.

Option C: Revoke Regulation 25

Benefits

Reducing the amount of consultation stages should reduce the risk of consultation overload and help ensure involvement is meaningful. There will also be a cost saving from reducing the number of iterations of consultation.

At present the average production time for a DPD is 36 months. We anticipate that the production of a complex DPD could be reduced down to 28 months and a simple DPD reduced down to 12 to 13 months. Note the actual time each plan will take will vary depending on the circumstances.

A formal separate issues and options phase can add six months to the timeline of an individual DPD.

The cost of the issues and options stage for Core Strategies is estimated to be around £33,000. This was obtained by contacting several local authorities in 2007 to ascertain their average. If we assume that at least a third of authorities will be undertaking Issues and Options for a DPD in any one year and that there are 362 Local Authorities, there is an annual cost saving of approximately:

$$£33,000 * (362/3) = £3,982,000$$

Rounded this gives an annual figure of £4 million.

Costs

Risk to quality and impact of consultation – It is our understanding that local authorities find it somewhat easier to engage the community at this stage rather than at Preferred Option stage, where consultees sometimes feel that all the key decisions have already been taken.

POLICY CHANGE 2: Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State.

What is the problem under consideration? Why is government intervention necessary?

At present, after a plan is submitted to the Secretary of State for independent examination, there is a maximum 6 week period for the submission of representations to be received. As a result, the Inspector is required to hold off commencing the hearing of oral representations until the submissions have been received, analysed and forwarded to the Inspector. Significant issues could be raised during this submission that would be best resolved prior to formal commencement of an examination rather than once and inspectors time has been booked.

Revisions are necessary to ensure the efficiency of the plan making and examination process is maintained.

What are the policy objectives and the intended effects?

The objective is to ensure that the examination process is not compromised by unnecessary delays.

The policy will outline the changes to the times when the submissions of final representations can occur. The changes aim to reduce the potential for time delays during the examination process. It will result in a much quicker examination process, but also much less chance of issues being raised post-submission that have not been raised during the plan preparation and consultation process.

Background

At present the six week period for formal representations on the plan occurs after submission of the plan to the Secretary of State for independent examination. At present the inspector has to wait until the LPA has drawn together all these representations from the post submission consultation before the oral hearing of the examination can commence. Not only does this result in a delay to the commencement of the examination, but the representations received may raise an issue or issues of such significance that it would have been better served if these issue were known prior to the plan being formally submitted.

The satisfactory resolution of this issue could take some time to resolve thus further delaying the formal examination process. The period of time the inspector has to wait is a delay that could be removed by slightly altering the order in which the process occurs, and having this period of consultation prior to the submission of the plan.

What policy options have been considered?

A) Do Nothing

B) Amend Regulation 27 & 28 to allow for the LPA to publish and receive representations on plans prior to submission. In addition the period of representation is to be at least 6 weeks rather than exactly 6 weeks. This will allow for the authority to give a longer period should they wish to do so.

Sectors and groups affected

- Public sector (particularly local authorities).
- The public and stakeholders involved in DPD production or involved in the consultation and examination process.

Costs and Benefits: Option A (the Status Quo)

The status quo is used here as a benchmark against which costs and benefits of the proposal can be measured.

Costs

Under this option, the current process would be maintained. No new or additional costs or benefits have been identified under this option. Local Planning Authorities and the Inspectorate would be required to carry out the process as it currently occurs.

Benefits

None, however any potential for savings would be missed under this option.

Costs and benefits: Option B Revoke Regulations 27 & 28 on time for making formal submissions & how long the period for receiving representations should be received.

Benefits

Firstly the period of examination is shortened not including all of the time needed to make representations. Secondly, if the plan appears to be unsound it could in extreme circumstances withdrawn before submission.

Costs

Risk to perceived status of representations. Draft regulations make it clear that the representation may carry the right to be heard.

POLICY CHANGE 3: Allowing Supplementary Planning Documents to be issued in accordance with policy documents other than DPDs.

What is the problem under consideration? Why is government intervention necessary?

Currently the preparation of Supplementary Planning Documents (SPDs) must be in conformity with the policies contained within a Development Plan Document (DPD).

As part of the broader devolution of responsibility to local authorities, and following on from other initiatives allowing local authorities to determine which DPDs are necessary, this alteration will allow for an LPA to prepare an SPD to elaborate on national and regional planning policy without having to create a DPD for the policy link.

The effectiveness of the plan making process will be improved by removing this existing linkage

What are the policy objectives and the intended effects?

The objective is to provide revised policy in PPS 12 providing local authorities with the ability to prepare SPDs without a formal policy link to a DPD.

What policy options have been considered? Please justify any preferred option.

The following options have been considered:

- A) Do nothing (retain existing process for SPD production)
- B) Revise policy to reflect the proposed changes to SPD production

Background

At present, SPDs are required to be in conformity with a DPD. We propose to allow SPDs to be prepared conforming directly to either the Regional Spatial Strategy or to National Planning Policy issued by the Secretary of State, provided that it does not contravene DPDs in the district. This would mean that where an LPA wished to elaborate on RSS or national policy, it would not need to create a DPD policy repeating higher level policy simply to do so. It would also enable SPDs to be prepared more easily for areas larger than a single district such as a design guide for an Area of Outstanding Natural Beauty.

Costs and Benefits: Option A (the Status Quo)

The status quo is used here as a benchmark against which costs and benefits of the proposal can be measured.

Costs

Under this option, the current policy would be maintained. Local Planning Authorities would be required to produce SPDs that must conform with DPDs which act as the conduit for containing national and regional policy on which the SPD can link to.

Benefits

Minimal benefits would be realised. The SPDs being produced would have to be produced only once the policy connection down from national, regional to DPD levels has been established in a DPD in which the SPD can link into. Authorities are familiar with the current process and would continue to produce SPDs as they are currently required to do following the existing process.

Costs and benefits: Option B Amend Regulations to reflect proposed changes to preparing SPDs

Benefits

The revised regulations would allow for the preparation of SPDs without a formal policy link to a DPD when including national or regional policy. We anticipate that the preparation of SPDs will be made more efficient and effective as a result of this change. SPDs will be able to be prepared such that duplication of national and regional policy does not need to occur in a DPD for it to be referred to in a SPD.

We do not anticipate any significant financial saving as a result of this change. The benefits are related to the time in which an SPD can be started in relation to other plans within the LDF, not the time it actually takes to produce an SPD. It can take up to two years to produce a DPD so the potential for time savings is large. However it is our understanding that many authorities are already producing SPDs which do not conform with DPDs. This change will therefore largely formalise existing practice.

Costs:

We do not anticipate that there will be substantial costs incurred as a result of the alterations proposed. By providing local authorities with greater flexibility to produce SPDs it is not anticipated to result in any cost burden upon them.

POLICY CHANGE 4: Changes to regulations to reduce administrative burdens.

What is the problem under consideration? Why is government intervention necessary?

The current regulations impose a number of burdens on local authorities that require them to publish various DPD matters and documents which impose a significant burden on local authorities with limited tangible benefits.

What are the policy objectives and the intended effects?

The objective of these revisions is to ensure that the plan making system does not impose unnecessary burdens on authorities with little noticeable benefit. Revisions are proposed to reduce these burdens at the same time ensuring that the new system retains its integrity. The policy will outline the need to no longer 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. Those members of the public and consultation bodies who submitted a representation will be notified that should they want a hard copy they can request one from the respective local authority who can supply the material to those individuals and groups at a nominal cost. Alternative ways of viewing the hard copy of the materials will be highlighted and they include accessing them at public libraries or via the local authority website.

Background

At present the local authority must supply hard copies of the DPD to all specific consultation bodies and to those to every member of the public who engaged in the process. The LPA must also send four hard copies of the submission material to the Secretary Of State when submitting the plan for examination.

This results in a substantial cost for the LPA to produce a number of large documents to be sent out to a large number of people.

What policy options have been considered? Please justify any preferred option.

- A) Do Nothing
- B) Amend Regulation 27 & 31 to allow for the supply of copies of the DPD to only be sent to specific consultation bodies.

Sectors and groups affected

- Public sector (particularly local authorities).
- The public and stakeholders involved in DPD production or involved in the consultation and examination process.

Costs and Benefits: Option A (the Status Quo)

The status quo is used here as a benchmark against which costs and benefits of the proposal can be measured.

Costs

Under this option, the current process would be maintained. No new or additional costs or benefits have been identified under this option. Local Planning Authorities and the Inspectorate would be required to carry out the process as it currently occurs.

Benefits

None, however any potential for savings would be missed under this option.

Costs and benefits: Option B Changes to Regulations 27 and 31 to reduce administrative burdens**Benefits**

Altering the requirements to send hard copies to all members of the public who participated in the plan making process, and the four hard copies required to be sent to the Secretary of State will save the authority money on producing multiple hard copies of the plan.

For those who participated in the plans the authority can advise on the various alternative means that the plan can be obtained and viewed, such as the internet, or viewed at public libraries. Should someone wish to purchase the DPD they will still be able to do this for an appropriate cost from the local authority concerned.

We envisage environmental benefits through reduction in paper usage.

Costs

Potential risk to adequate provision of information. Bodies previously entitled to a free hard copy may feel this is not as inclusive as the current process.

POLICY CHANGE 5: Changes to the policy on producing Local Development Frameworks (PPS12).

What is the problem under consideration? Why is government intervention necessary?

The production of Local Development Frameworks (LDFs) is running behind schedule and around 25% of plans have not been of sufficient quality.

In order to address this deficiency, the government proposes to replace the existing PPS 12 with a new PPS 12.

What are the policy objectives and the intended effects?

The policy objective is to update policy for the preparation of local development frameworks. This should assist in correcting problems of poor quality and late plans.

The new PPS will also be significantly shorter, and more focussed on policy.

What policy options have been considered? Please justify any preferred option.

The following options have been considered:

- A) Do nothing (retain existing PPS12);
- B) Replace the existing PPS12 with one which sets out a number of policy changes with regard to LDFs.

Sectors and groups affected

- Public sector (particularly local authorities).
- Developers and infrastructure providers.

Costs and Benefits: Option A (the Status Quo)

The status quo is used here as a benchmark against which costs and benefits of the proposal can be measured.

Costs

Under this option, the current policy would be maintained. Local Planning Authorities might continue to take too long to produce DPDs and the failure rate for DPDs might continue at 25%.

Benefits

Limited – only benefit is that authorities do not need to take time to absorb the changes.

Option B: Amend the Planning Policy Statement to clarify government's intentions with regard to plan making. In particular to:

- I. Streamline PPS12 to be pure policy document, with guidance to be published separately;
- II. Provide local authorities with greater flexibility to allocate sites in the Core Strategy;
- III. Provide local authorities with greater flexibility regarding which DPDs they prepare and reduce the number and complexity of DPDs;
- IV. Increase the timespan of the Core Strategy to 15 years; and
- V. Strengthen the role of the Core Strategy in relation to infrastructure provision

Benefits

I. Remove the guidance from PPS12 to be published separately

Removing the guidance from the policy contained in PPS12 shortens and simplifies the document. This will ensure greater clarity for LPAs which has the potential to speed up the process and improve the quality of plans.

II. Provide local authorities with greater flexibility to allocate sites in the Core Strategy

Site allocations in core strategies will mean that strategic site allocations can be made sooner than having to wait for a later DPD and will also assist in ensuring that the core strategy is underpinned with good evidence of delivery. Contacting a selection of councils in 2007 gave a minimum cost per site allocation plans of £97,000. Our knowledge of the LDF process leads us to believe that around a fifth of LPAs will no longer have to produce site allocation plans. Assuming 362 LPAs the total saving can be calculated:

$$(362/5)*97,000 = £35,114,000$$

Assuming these site allocation plans would have been produced every 10 years the annual saving can be calculated as follows:

$$£35,114,000/10 = £3,511,400$$

Rounded this gives an annual figure of £3.5 million.

III. Provide local authorities with greater flexibility regarding which DPDs they prepare and reduce the number and complexity of DPDs

Flexibility in which DPDs to prepare and a reduction in the numbers of DPDs should reduce costs to local authorities. It can cost between £100,000 and £1,000,000 to produce a DPD.

IV. Increase the timespan of the Core Strategy to 15 years

Increasing the time span of core strategies to 15 years will ensure compatibility with government policy on planning for housing (PPS3) and also that better account is taken of the long term. This does not restrict core strategies from being produced more frequently when necessary but will ensure that they consider a 15 year timespan.

V. Strengthen the role of the Core Strategy in relation to infrastructure provision

Consideration of proper infrastructure delivery planning will also assist in ensuring the plan's deliverability and in ensuring that vital infrastructure is provided at the right place and at the right time.

Costs

We do not anticipate that there will be substantial costs incurred as a result of the alterations proposed. Providing local authorities with greater flexibility to allocate sites in the Core Strategy and in determining which DPDs to produce is not anticipated to result in any cost. There may on the other hand be cost savings in not having to produce so many DPDs.

Strengthening the role of the Core Strategy in relation to infrastructure provision may result in a financial cost to the plan making authority from having to put resources into effective discussions with infrastructure providers. We propose elsewhere however to reduce the resources local authorities will have to expend on formal public consultations.

Some might argue that the greater flexibility in allocating sites and the greater flexibility in which DPDs are produced may result in a reduction in the overall number of plans produced and subsequent lessening of public involvement. However where a DPD such as the core strategy takes on a role such as allocating sites, it will be necessary under the Regulations for the authority to undertake appropriate consultation regarding those sites as if it were a Site Allocation DPD.

Specific Impact Tests**Competition assessment**

There is not considered to be an impact on competition from this proposal.

Small Firms' Impact Test

There is no evidence to date that there will be an impact on small firms. Small Firms will be consulted on this proposal in parallel with the wider public consultation.

Legal Aid Impact test

There will be no legal aid impact from this proposal.

Sustainable Development, Carbon Assessment, other Environment

This proposal will not have negative economic, environmental or social impacts and will not have a negative impact on future generations.

This proposal will not result in increased carbon and other green house gas emissions, or have a negative impact on the Environment.

Health Impact Assessment

There are no detrimental health impacts arising from this proposal

Race, Disability, Gender and Other Equality

Equalities issues will continue to be considered. We anticipate that the benefits of these proposals, as presented in Option B will significantly outweigh any differential or adverse impacts on equalities groups. It should also be noted that we propose to produce a detailed Planning Manual which will cover local authorities' responsibilities regarding equality. Opportunities to contribute and involve will be reduced, though the quality will hopefully be improved.

Human Rights

This proposal will not have a negative impact on human rights. The proposals are in accordance with the Human Rights Legislation.

Rural Proofing

We believe this measure will not have a negative impact on rural areas. Relevant stakeholders will be consulted in the wider consultation process.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annex 4: The consultation criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

- 1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**
- 6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.**

The full consultation code may be viewed at www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact

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 or by e-mail to:
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