

Report by the Planning Policy Manager

Streamlining Local Development Frameworks: Consultation Draft

1.0 Summary

- 1.1 The Government is proposing to streamline Local Development Framework (LDF) production through introducing a number of changes to the current planning regulations and policy guidance. A consultation document has been produced and comments and views on this are invited by the 19th of February, 2008. The main areas of change relate to improved consultation arrangements, revisions to the process of plan making and how Supplementary Planning Documents are produced. The recommended Council responses are broadly supportive of the proposed changes in that they address a number of problems experienced to date with the progress of the Adur Core Strategy.

2.0 Recommendation

- 2.1 That the Committee approve the response in section 4 of this report on the consultation draft 'Streamlining Local Government Frameworks' for submission to Communities and Local Government.

3.0 Background

- 3.1 The Government is proposing to streamline LDF production through introducing a number of changes to the current planning regulations and policy guidance. A consultation document has been produced and comments and views on this are invited by the 19th of February, 2008.

4.0 Main Proposed Changes

The main proposed changes to the current LDF system are as follows:

To replace the two statutory current consultation stages (issues and options, and preferred options) with a single stage

- 4.1 The intention is not to restrict consultation but to allow local authorities to decide what is the best way to do it and in a proportionate manner. Currently, a two stage consultation process is happening regardless of the scale of the Development Plan Document (DPD) and regardless of other consultations that the local authority as a whole had recently carried out e.g. for the community strategy. The proposed change would not prevent an authority undertaking a 2 stage consultation if it deems this desirable (but it would not be a statutory requirement).

The question is asked: Do you support the proposal to remove the requirement to have a stage of consultation in the middle of the process?

Response

The proposed change which removes a consultation stage as a statutory requirement is welcomed since this may not always be necessary if, for example, the DPD is small scale. Furthermore, considerable costs can be incurred with a second and what may be an unnecessary consultation stage. It can also mean that overall it can take longer to achieve an adopted DPD. The option for a local authority to decide how it wishes to consult on its DPD still remains to ensure that it is sound when eventually published. As such, a 2 stage consultation process can still be undertaken if this is considered necessary (e.g. for a Core Strategy).

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

- 4.2 The proposal is to move the period for formal representations on the plan to before submission of the plan for independent examination. Currently, this 6 week period happens after the plan has been submitted to the Secretary of State and the Inspector has to wait several weeks before all the representations have been analysed by the local authority and forwarded on to him or her. If the formal representation stage is moved forward before submission, this will lead to a quicker examination process and there will also be less chance of new issues being raised post submission. It is also proposed to allow more than the standard 6 weeks for consultation if deemed appropriate by local authorities.

The question is asked: Do you agree that the period for formal representations on the plan should be brought forward before submission?

Response

It is sensible to move the period forward since this will lead to a quicker examination process and prevent new issues arising after submission. However, it may not reduce the overall time for producing a DPD and could cancel out the time benefits to be gained through removing the requirement for a preferred options stage. It could lead to a new stage of consultation if, for example, representations are made which warrant changes to the plan and further formal consultation (see below). Nonetheless, the proposed change is supported since in the light of the experience with the Adur Core Strategy, it would prevent new issues arising (e.g. SEEDA's representations for increasing the housing levels at Shoreham Harbour) which cannot be taken on board. It will also allow time to bring together all the representations made and to analyse these outside of the examination process. Also, by shortening the examination process length, there will be a number of cost savings.

Providing an opportunity for change to the DPD after formal representations

- 4.3 In many cases, plans when formally submitted to the Secretary of State have been subject to representations which have caused local authorities to propose fairly substantial changes (which are not usually accepted by an Inspector) or to withdraw the plan and to start again. The changes proposed to the regulations would enable changes to the plan to be made prior to submission 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. The proposed change would enable a plan to be withdrawn, for changes to be made and the plan made available for formal representations.

The question is asked: 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?

Response

Given that the preferred option consultation stage is proposed for deletion, the opportunity to consider the formal representations and to decide if further changes are needed to ensure a sound plan is useful. Requiring this as a specific duty in the regulations would make it a clearer and consistent process to all parties involved. However, the process will in many cases lead to a longer plan preparation time, particularly if major changes are envisaged (e.g. larger scale development at strategic locations) necessitating new evidence gathering and a sustainability appraisal.

Allowing Supplementary Planning Documents (SPDs) to be issued in accordance with policy in documents other than DPDs

- 4.4 At present, SPDs are required to be in conformity with a DPD. The proposed change is to allow SPDs to be prepared which conform directly to either the Regional Spatial Strategy (e.g. the South East Plan) or to national policy provided they do not contravene DPDs in the district. This would mean that where an authority wished to elaborate on the Regional Spatial Strategy or national policy, it would not need to create a DPD policy repeating higher level policy simply to do so. It would also enable an SPD to be prepared more easily for areas larger than a single district such as a design guide for an Area Of Outstanding Beauty. It is also proposed to allow non statutory supplementary guidance to be prepared by a government agency, Regional Planning Body or other body.

The question is asked: Do you agree that Local Planning authorities should be able to produce SPD based directly on national or regional policy?

Response

Agree. Such a change would be useful to help deliver development and change in circumstances where there are no specific policies either in a DPD or a saved plan.

The question is asked: Do you agree that we should draw attention to the possibility that certain key bodies could produce non statutory guidance?

Response

Agree. Bodies such as the South Downs Joint Committee already produce non statutory guidance which is endorsed by the local authorities. Such guidance is useful for large areas covering more than one district.

Reducing administrative burdens

- 4.5 It is proposed to delete the requirement for local authorities to send copies of the DPD itself to any body other than the main specific consultation bodies (such as the Government agencies, utility companies etc). This means that a 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 other consultation bodies (who should be able to access a copy on the internet or pay for it).

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

Response

Agree. This change will help to reduce printing and postage costs. The option to provide free hard copies of the DPD to certain bodies e.g. to charities or to any group deemed appropriate by the local authority still remains. However, this change may necessitate changes to Statements of community Involvement which have already been approved.

Changes to policy guidance on spatial planning (PPS12)

- 4.6 Key new material proposed to be included in Planning Policy Statement 12 consists of the following:
- Stresses the timely completion of DPDs since local planning authorities should have adopted the necessary DPDs by March 2011 in accordance with the Public Service Agreement.
 - LDFs as part of joined-up local authority strategy making. It is important that the Core Strategy is firmly linked into and in turn influences other strategies of the local authority and of the local strategic partnership. The Core Strategy is at the heart of the Council's place shaping role.
 - Greater flexibility for local authorities to determine which DPDs they will produce – the Core Strategy to be the key DPD. The permission of the Government Office is required in order to progress other DPDs.
 - Greater flexibility for local authorities to allocate strategic sites in the Core Strategy – sites which are critical to the overall delivery of the Strategy.

- Making it clear that infrastructure delivery planning to support the Core Strategy needs to be undertaken satisfactorily. 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. Evidence on costs, phasing, funding sources and responsibilities for delivery is needed.
- Expanding the lifespan of the Core Strategy from 10 to 15 years from the point of adoption in order to provide certainty to communities and investors and to plan for housing delivery.

Response

The above proposed changes to policy guidance are supported in that they emphasise the importance of the LDF in place shaping, provide more flexibility to local authorities and gives more prominence to infrastructure planning. If there is to be more caution about progressing other DPDs than the Core Strategy, more guidance is needed on how Core Strategies or other LDF documents can address small site development needs and development control (proposed changes to PPS12 are vague on this issue).

Local Government Act 1972

Background Papers:

Streamlining Local Development Frameworks – consultation draft. CLG No 2007
Planning Policy Statement 12 Local Development Frameworks ODPM 2004

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Appendix

1.0 Council Objective

1.1 The proposed changes to LDFs will help to progress the emerging development plan more quickly and with less costs. As such, it will help to meet the main Council objectives to:

Create a clean, green and safe environment

Revitalise Adur

In particular, the emphasis given to place shaping and delivery will contribute to the implementation of the Sustainable Community Strategy and other partnership initiatives.

2.0 Specific Targets

2.1 The proposed changes to LDFs will help to progress the emerging development and meet a large range of economic, social and environmental targets will be met

3.0 Sustainability Issues

3.1 The proposed changes continues to place much emphasis on sustainable development. All development plan documents and changes made to these must be subject to a formal sustainability appraisal.

4.0 Equality Issues

4.1 The proposed changes to LDFs will help to progress the emerging development plan which aims to ensure that all groups in the district have equal access to the spatial opportunities offered by the new development plan.

5.0 Community Safety issues (Section 17)

5.1 The proposed changes to LDFs will help to progress the emerging development plan which addresses community safety issues.

6.0 Human Rights Issues

6.1 No negative issues have been identified.

7.0 Financial Implications

7.1 The proposed changes should lead to cost savings in that they seek to streamline LDFs.

8.0 Legal Implications

8.1 The proposed Government changes will require a change to the Town and Country Planning (Local Development) (England) Regulations 2004.

9.0 Consultations

9.1 The document is being made available for consultation by the CLG.

10.0 Risk assessment

- 10.1 There is a statutory duty on the Council to produce the development plan and failure to meet the milestones as set out in the Council's Local Development Scheme could impact on a number of this council's priorities including economic and social regeneration as well as the delivery of affordable housing. However, the proposed changes may help to progress the plan more quickly.

11.0 Health & Safety Issues

- 11.1 Matters considered and no issues identified.

12.0 Procurement Strategy

- 12.1 This report complies with the Procurement Strategy.

13.0 Partnership Working

- 13.1 The proposed changes place more emphasis on LDF delivery issues and place making which will depend on partnership working between a range of relevant bodies and agencies.