



Campaign to Protect
Rural England

Streamlining Local Development Frameworks: overview of the Government's proposed changes to planning policy (PPS12)

A CPRE briefing

February 2008

In November the Government published for consultation a draft Planning Policy Statement proposing changes to the way local authorities prepare Local Development Frameworks. This briefing describes some of these changes and their implications for CPRE.

Background

It is more than three years since the Planning and Compulsory Purchase Act 2004 came into force. Among the changes brought about by the Act, was a requirement for local planning authorities to prepare a new type of plan, known as a 'Local Development Framework' (LDF). Henceforth, rather than prepare a single plan, local planning authorities would prepare a suite of local development documents, the most important of these documents being the 'Core Strategy.'

CPRE welcomed some aspects of the new approach, such as the emphasis on having a strong evidence base and locally distinctive plans. We were concerned from the outset, however, by the complexity of the new system, questioning the ability of planners, let alone the public, to understand and use it.

In practice, local authorities have struggled with the new system. Out of 354 planning authorities in England, the majority have yet to adopt their LDF Core Strategy. From September 23 last year Local Plans became invalid except for those adopted under transitional arrangements after the Planning Act came into force. Planning authorities were given the option of applying to the Secretary of State to 'save' policies, to enable them to remain in force for a limited period until the LDF is in place. Most authorities have taken this route and successfully 'saved' some policies. Although we do not know how many policies have been lost, anecdotal evidence suggests in practice old plans, even though technically invalid, still carry weight in decisions. The Government envisages that by March 2011 local planning authorities 'should have adopted the necessary Development Plan Documents, to bring forward developable land for housing in line with PPS3'.

Local plans and policies are vital tools for protecting the countryside. They provide a basis for decisions to be made in the light of local needs and circumstances and for securing consensus over the location, scale and nature of development.

Proposed changes

Proposals for reform are set out in a consultation paper draft PPS12 *Streamlining Local Development Frameworks*. Among changes proposed are:

- replacing the 'preferred option stage' and issues and options stage with a single plan preparation stage on which consultation would be 'proportionate to the scale of the

issues concerned’;

- giving local planning authorities more freedom to decide who and how they consult and what Development Plan Documents (DPDs) they prepare;
- consultation on submission draft DPDs to take place before rather than during the Independent Examination for a minimum of 6 weeks rather than a period of 6 weeks;
- clarification on the LDF ‘soundness’ tests;
- allowing the ‘core strategy’ to contain strategic land allocations;
- a reduction in the number of DPDs;
- closer integration with the local authority’s sustainable community strategy and local area agreement along with a stronger role for local strategic partnerships;
- ending the requirement for Supplementary Planning Documents (SPD) to link to a DPD or be listed in the Local Development Scheme;
- outlining principles for infrastructure delivery in the PPS; and
- extending the lifespan of Core Strategies from 10 to 15 years.

Abolition of the preferred options stage

Under the proposed approach the ‘preferred options’ consultation would be abolished. This would reduce number of stages for preparing plans from the three stages currently to two: plan preparation and submission. CPRE believes that abolishing the preferred option stage makes sense, provided statutory consultation requirements are strengthened. These should ensure that community involvement is, as the draft PPS says it should be, ‘from the outset’, ‘continuous’ and ‘appropriate to the level of planning’ and that Inspectors take this into account in determining whether DPDs are sound.

Making the case for local policy

The draft PPS takes a somewhat dismissive approach to local policy. Consequently, CPRE is concerned that local planning authorities may lack the confidence to draw up policies designed to address local circumstances fearing Inspectors may accuse them of disregarding national policy. Core Strategy policies are likely to be too broad and Area Action Plans too selective in geographic area to substitute for generic development control policies, valuable though these are. We are making a strong case for local policy, drawing on examples of policies cited by Inspectors at appeal that have been instrumental in achieving good planning outcomes.

Consultation arrangements

The abolition of the preferred option stage means that statutory consultation requirements set out in Regulation 26, stipulating six weeks consultation, will no longer apply and that a sustainability appraisal will no longer be required until the DPD is published. The requirement for alternative options to be considered and consulted upon under the Strategic Environmental Assessment Directive remains.

The consultation paper proposes local authorities should be given more flexibility in how and who they consult when preparing plans at the early stages. For example, they would be required to ensure consultation is ‘proportionate to the scale of the issues concerned’ and, apart from statutory agencies, would have discretion over who to consult. While it is good that the Government trusts local authorities’ judgement on how best to consult their communities, the lack of any statutory requirement for a full public consultation on preparing plans concerns us. CPRE is therefore calling for regulations to be strengthened to address this.

Arrangements for receiving and handling site allocation representations are unchanged from

the current regulations (draft Regulations 29 and 30.). The draft PPS notes that some regard this process as burdensome and that the Government may look again at this in future. CPRE believes it is essential that where further sites are being considered for potential allocation these should be subject to a full public consultation. This will enable an assessment of the impact of potential sites in the context of wider plan objectives.

Proposed changes would end the requirement for local planning authorities to send a hard copy of a DPD to everyone who participated in the consultation process. Instead, they would be allowed to charge an appropriate amount for hard copies and make copies available electronically. Hard copies would be sent to statutory consultees only. Local authorities could choose to make available free copies for consultees, should they wish to do this. CPRE believes the PPS should make it clear that LPAs should take steps to ensure all groups have easy access to DPDs and supporting documents. Where individuals or groups do not have the resources to pay for or download documents, hard copies should be made available free or for a nominal cost.

Proposed changes would enable planning authorities to change their submission draft DPDs prior to the Independent Examination. Planning authorities would be required to consult those who have participated on specific changes, but it will be left to their discretion whether to consult the public more widely on changes. CPRE believes all those affected by proposed changes should be consulted and is calling for a full public consultation on substantive changes made after DPDs have been submitted to the secretary of state.

Soundness tests

PPS12 introduced a list of 9 soundness tests which DPDs must meet in order to be deemed 'sound' by an Inspector. While CPRE supported some tests we considered the requirement for those making representations to explain how their objections fit these tests to be onerous, particularly for community groups.

While the soundness tests themselves remain fundamentally unchanged, the draft PPS 'repackages' them stating: 'To be "sound" a core strategy should be justified, effective and consistent with national policy. As now, in order to be justified a DPD must 'be founded on a robust and credible evidence base' and be 'the most appropriate strategy when considered against the reasonable alternatives'. Effective is defined as deliverable, flexible and able to be monitored. The draft PPS explains that the evidence base must include evidence on the views of the local community and others with a stake in the future of the area as well as research and fact finding. It goes on to state that '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'.

CPRE welcomes the clarification given on the soundness tests in the draft PPS.

Allocating land

Under current arrangements, the Core Strategy should not include site allocations; which should be covered in a site allocation DPD. This has delayed the preparation of some Core Strategies, where these depend on particular site allocations being made. Conversely, site allocations DPDs are supposed to conform to the Core Strategy DPD, as the overarching DPD. The approach would allow sites to be allocated in the Core Strategy in outline form with further definition through masterplanning or a SPD.

The draft PPS indicates that should sites be needed that have not been identified in the Core Strategy, a DPD rather than SPD should be used. CPRE agrees that it makes sense for some land allocations to be made in the Core Strategy. It will be essential that where sites have not been allocated in the Core Strategy, a DPD rather than an SPD is used, as the draft PPS states.

The Sustainable Community Strategy

The draft PPS proposes the Sustainable Community Strategy should set priorities in the LDF and a greater role should be given to local strategic partnerships. CPRE has concerns about this, since we do not believe requirements stipulating how SCSs should be prepared or what they may contain are sufficiently robust. In the light of this important role, CPRE is calling for the PPS to make it clear that the SCS must take full account of environmental issues and that planning authorities should review their SCS to assess its fitness for purpose.

Supplementary Planning Documents (SPDs)

The draft PPS clarifies arrangements for preparing SPDs stating that ‘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.’ It goes on to state that ‘Developers and communities should not expect to prepare plans independently from the LPA and then have them adopted as SPD’. Conversely local planning authorities are expected to ‘pay close attention to the contents of non statutory parish and community plans as part of their community involvement’.

CPRE believes that the final PPS should be more encouraging towards community led planning initiatives and recognise the time and effort community groups have put into these and their potential role in strengthening the local planning framework and securing better outcomes. We are calling for the PPS to endorse community-led documents such as parish plans and village design statements and to highlight their potential role as Supplementary Planning Documents (SPD). We believe it is vital that the PPS is supportive towards these and fully recognises their value.

The consultation paper proposes ending the requirement for SPD to be linked to a specific DPD policy. CPRE agrees this may be a useful approach and, as the draft PPS states, should enable a planning authority to elaborate on regional or national policy. We believe this should be accompanied by a requirement for SPD and Supplementary Planning Guidance to be consistent with Development Plan Documents.

Consultation closes on the Government’s proposed changes to planning policy on Local Development Frameworks (PPS12) on 19 February.

CPRE

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