
MOTIONS ON NOTICE RECEIVED PURSUANT TO COUNCIL PROCEDURE RULE 12

1 FROM COUNCILLORS P F A WEBSTER, R A AMNER, MRS L BARBER, T G CUTMORE, P A CAPON, MRS T J CAPON, R G S CHOPPEN, K A GIBBS, T E GOODWIN, J E GREY, A J HUMPHRIES, C C LANGLANDS, MRS M D MCCARTHY, G A MOCKFORD, C G SEAGERS, MRS M A STARKE AND M G B STARKE

The Proper Officer reports that the following Motion has been received from the above named Councillors:-

“Rochford Council condemns the arbitrary decision of Government to build some 200,000 new houses in the South East – with possibly 100,000 being built in Essex. Council believes that the effects of the Government action will mean:

- Planning decisions on where to locate these houses will be taken by unelected officials based, probably, in Cambridge.
- The residents of Rochford District will have no influence or input whatsoever into how many of these houses will be built in this District.
- By riding rough-shod over the views of local people, the Government is destroying local democracy. Residents who vote in local elections have the right to believe that their elected councillors can make a substantive input into planning decisions which impact greatly on people’s lives and homes.
- Already, this District suffers from major infrastructure problems regarding roads, schools and medical facilities. The Government’s decision will force residents to have even worse journeys, even more over crowded schools and even longer waiting lists for doctors and hospitals.
- The detrimental effects of this decision on conservation areas and the green belt of Rochford and other Districts in Essex will be profound – and green fields once concreted over never return to grass.”

Copies of the Office of the Deputy Prime Minister’s reports on Sustainable Communities, Housing and Planning; Sustainable Communities – Delivering through Planning and Making the System Work Better – Planning at Regional and Local Levels are attached as appendices to facilitate the debate.

Sarah Fowler

Head of Administrative and Member Services

Background Papers:

Notice Received

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Office of the Deputy Prime Minister

Sustainable Communities, Housing and Planning

Introduction

Mr. Speaker, I want to make a Statement on this Government's plans for a step change in our policies for building successful, thriving communities.

The Chancellor has been generous. He had given a good settlement for local authorities, RDAs, regeneration, housing and planning.

Today I want to talk about two elements of our settlement - housing and planning - to provide decent, affordable homes for people wherever they live.

And I want the House to join together to make a step change in our approach.

Mr Speaker, anyone looking at the record over past decades will recognise that all governments have failed to meet the housing needs of our people.

There has been a continuing decline in the provision of all houses - social and private.

We in this House should recognise that we have failed to meet the needs of this generation, let alone the needs of our children.

The situation will get worse unless we take radical action now.

In the last thirty years we have seen unprecedented economic growth, rising incomes, smaller households, people living longer.

We have seen an increasing demand for housing, but overall we are building 150,000 fewer homes today than we were 30 years ago.

No wonder house prices are rocketing. No wonder many people can not afford to live where they were born in both urban and rural areas.

There are different problems in different places.

We are failing to adjust to geographic changes in economic activity.

We are failing to tackle abandonment and dereliction.

We are failing to provide homes for teachers and other key workers.

We are placing our public services under pressure because they can not get enough skilled staff.

So today I am announcing a step change in housing policy.

And I propose to do that by promoting sustainable communities, making the best use of our land, increasing development on brownfield sites and protecting and enhancing our greenbelt and valuable countryside.

Housing in the South

Mr. Speaker, the shortage of housing in London and the South East is causing record housing costs which are impacting directly on living standards.

They make it more expensive for companies and public services to recruit and retain staff.

They make it more difficult for young people to get a foot on the housing ladder.

They affect our public services and force more families into bed and breakfast.

Two years ago in Regional Planning Guidance 9 I put in place a "plan, monitor and manage" approach to planning for additional housing in the South East.

I said then that local authorities should provide for new homes at the rate of 23,000 a year in London and 39,000 a year in the wider Southeast.

Today we have to be open and honest and recognise that these targets are not being met. We estimate that over the last two years the shortfall was approximately 10,000 homes.

We can not allow this to continue. I am therefore announcing today a number of measures that will meet the real pressures and challenges that we face.

First, Mr. Speaker, I will insist that all local authorities deliver the housing numbers set out in Regional Planning Guidance.

Tackling housing shortage is a national responsibility and we must all play our part - central and local government alike.

I am therefore putting local authorities on notice that, where they fail to meet their targets, I will take action to intervene.

Secondly, I will accelerate the existing proposals for significant growth in the four growth areas identified in Regional Planning Guidance for the Southeast.

Two years ago, I asked for reports to be prepared on potential growth in the Thames Gateway, Ashford, the Milton Keynes area and the London-Stansted-Cambridge area.

Those studies are complete or nearing completion and show how economic development will increase the number of homes we need.

Over the coming months, taking account of these studies, I will work with regional and local partners in each of the four areas to establish where, at what scale, and how quickly growth can be achieved.

Overall we estimate that at least 200,000 new homes could be created in the growth areas.

In the Thames Gateway in particular, I will be putting a renewed emphasis on delivery and in discussion with the Thames Gateway Partnership will establish new means of delivering rapid regeneration.

Third, we need to make better use of land, by improving design, increasing densities and using brownfield sites to the full.

In 1998 I committed the Government to a target that 60% of new homes should be on brownfield land. We have met that target 8 years early but we need to keep up the pressure.

To help with this, I will establish a register of surplus brownfield land held by Government and public bodies.

And I am instructing English Partnerships to use their new role on brownfields to search out and deliver even more land for housing.

I can also announce that we will be proceeding with a further three Millennium Communities, in East Ketley, Milton Keynes and Hastings.

These add to the four we have already agreed in East Manchester, Allerton Bywater, Greenwich and Kings Lynn, bringing the total number of communities to seven and the homes which will be delivered to more than 6000.

But, Mr. Speaker, to produce more sustainable development we must use land more efficiently in order to reduce overall land-take.

To do this I am announcing that I intend to intervene in planning applications for housing that involve a density of less than 30 dwellings per hectare.

I am also setting a new target to protect valuable countryside.

Since 1997, I have increased the greenbelt by 30,000 hectares. Today I can announce, for the first time, a Public Service Agreement target which commits us to protecting the valuable countryside around our towns, our cities and in the greenbelt.

Mr. Speaker, we will not tolerate urban sprawl, and we will not concrete over the South East - as some have speculated in the press - or any other region.

But housing pressures in London and the South East are acute and require ambitious solutions.

My strategy of providing for sustainable, high quality, well-planned communities in the growth areas will benefit everyone.

It will mean that we reduce the pressure elsewhere in the South East and will protect valuable countryside for the benefit and enjoyment of all.

Affordable Housing

Mr. Speaker, there need to be not just more homes, but more homes that people can afford.

We have said schools and hospitals first. That means special attention to helping nurses, teachers and other public service workers getting affordable homes.

Since 1997 this Government has almost doubled funding for affordable housing to £1.2 billion a year and this is now supporting the creation of 20,000 new affordable homes every year.

Subject to further detailed consideration about how best to use the new money available, we will now be able to increase that funding to provide additional homes for key workers and new social housing for the homeless and families in bed and breakfast accommodation.

In addition to this new funding, we will be looking for ways to extend our existing programmes for affordable housing through greater partnership with employers and public and private landlords.

Low Demand and Abandonment

Mr. Speaker, the problems in the North and the Midlands are different but just as pressing.

Some of our towns and cities are experiencing a renaissance in their economic and cultural fortunes.

But many also have communities where properties are almost worthless, leaving people trapped in negative equity and facing the problems associated with social exclusion.

We are building the wrong kind of houses in the wrong places and failing to tackle urban decay.

Earlier this year we announced the creation of nine Pathfinder projects to tackle the most acute problems of low demand and abandonment in the North and the Midlands.

I can announce that we will be taking those projects forward to help tackle the blight afflicting properties in the Pathfinder areas.

In addition I can announce that following EU approval, we will be going ahead with our new housing gap-funding scheme which will allow support for housing programmes where the market price is less than the cost of development.

Housing Conditions

Mr. Speaker, we will also reinforce our efforts to improve the overall condition of our housing and ensure that everyone has the opportunity of a decent home.

In 1997 we released £5bn of capital receipts to target the backlog of repairs to council homes. Over the last five years we have trebled council funding for housing to £2.4 billion a year, and in 2000 we set ourselves the challenging target of making all social housing decent by 2010.

These actions have allowed us to make good progress on housing conditions.

Overall, 1.7 million improvements have been made to council homes, and we are well on track to meet our interim target of bringing a third of the worst social housing - that's 550,000 homes - up to a decent standard by 2004.

Mr Speaker, we will work towards that target by:

- devoting even more resources to refurbishment,
- by allowing all local authority arms length housing companies receiving either a "good" or "excellent" rating to apply for this additional funding; and
- by reviewing all policies that contribute to our 2010 decent homes target to ensure they are as effective as possible and provide value for money.

Mr. Speaker, it isn't just social housing that needs attention. People in the private sector suffer some of our worst housing conditions.

All too often housing benefit is funding the provision of unfit housing to the detriment of the tenant and the benefit of the landlord.

This is unacceptable.

As soon as Parliamentary time allows, we will legislate to tackle the minority of unscrupulous landlords and boost our drive against poor conditions.

Over the last five years we have provided funding to local authorities to help improve 30,000 private homes a year.

I can announce today that we are setting a new objective to help improve more non-decent private sector homes occupied by vulnerable households.

Mr. Speaker, we are investing large sums of money in improving all housing. So we must have an inspection regime that drives up standards across the board and ensures reform.

I am announcing today that I will establish a single housing inspectorate, building on the excellent work of the Audit Commission and Housing Corporation.

I am also announcing that we will establish strong regional bodies, going with the grain of our proposals for regional governance.

These will bring housing investment together into a single regional pot. And they will link that investment with planning, infrastructure and economic growth strategies.

I will announce further details later in the year when I have discussed with key stakeholders. And I will put the new arrangements in place as soon as possible.

Planning Reform

Mr. Speaker, in order to achieve a step change we need to increase resources for the planning system and bring about much needed reform.

We are therefore providing an extra £350 million for the planning system over the next three years.

This must be targeted where it will improve performance the most. And I give notice that if poor performance doesn't improve, I will intervene.

The extra money will be linked to reform and I am publishing today three documents - our response to the recent Planning Green paper consultation; and supporting papers on compulsory purchase and on regional and local plans. Copies are in the Library.

These put in place extensive reform, and I would like to summarise some of the key points.

- Firstly, we will give counties a new statutory role in underpinning the new regional planning system, but we will abolish county structure plans themselves;
- Secondly, we will introduce Business Planning Zones to deliver growth, jobs and productivity without sacrificing quality of development.
- Thirdly, I will speed up the planning of major infrastructure projects by: setting out the Government's objectives in clear policy statements and changing inquiry processes to make them more efficient. I have accepted the Select Committee's arguments that Parliamentary Procedures for major infrastructure projects are not the best way forward;
- Finally, I will not change the right for objectors to make their case to the Inspector at inquiries into plans. But I will take action to speed up the inquiry process.

Conclusion

Mr. Speaker, the proposals I have announced today focus on creating sustainable communities which meet the needs of all, regardless of where they live or the size of their pocket.

But they are just the start. I will return to the House by the end of the year with a comprehensive long term programme of action.

This will meet the different needs of both the North and the South.

Whether it is key workers in need of affordable accommodation or families trapped by negative equity, we must work together to find solutions to their problems.

Our long term programme will link policies on housing, planning, transport, education, health and regeneration.

It will demand a new standard in how we build houses and communities, seeking improvements in density, design, environmental standards and construction techniques.

And it will protect and help to revitalise the countryside both for those that live in it and those that seek their leisure there.

Mr. Speaker, this is a strategy for the long term.

We know the problems.

We have the commitment.

We have the resources.

And we must recognise in the country and on both sides of this House that we have not done enough.

We need more homes where people want to live, near where they work, in the North and in the South, at a price people can afford and in a way that protects the countryside.

Mr Speaker, this is a challenge to us all. But I believe the strategy I have put to the House today will rise to that challenge.

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Office of the Deputy Prime Minister

Sustainable Communities - Delivering through Planning

Our aims

1. An effective planning system is essential to delivering the step changes we need to tackle the challenges of ensuring that everyone has the opportunities of a decent home, and the quality of life that goes with that. An effective planning system is essential to delivering our objectives for living communities; for urban and rural regeneration; for improving the country's infrastructure; and for achieving truly sustainable development. Without an effective planning system we risk constraining the economy, at a cost to everyone in the UK.

2. This paper sets out the Government's plans for transforming the planning system so that it is faster, fairer and more predictable and will contribute to the delivery of the Government's objectives.

3. The planning system should:

- deliver in a sustainable way key Government objectives such as housing, economic development, transport infrastructure and rural regeneration whilst protecting the environment;
- create and sustain mixed and inclusive communities;
- be transparent so that the right decisions are taken more quickly, with a set of rules that everyone can understand;
- enable local communities to be involved much more positively than before; and
- deliver a higher quality and better respected public service.

4. We are making wide-ranging, comprehensive changes to the planning system. In doing so, we will build on the fundamentals of the planning system which have been built up over many years: the philosophy of the 'plan led' system; applying the principles of good regulation - consistency, proportionality, targeting, transparency and accountability; and promoting and facilitating effective public participation.

5. We agree that the success of the package of reforms in delivering a step change in the operation of the planning system is dependent on proper resourcing. The Government has therefore provided a significant injection of extra resources into local authority planning services in the recently announced Spending Review. An extra £365 million is being put into the planning system over the next three years.

6. The key themes of our reforms are:

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- setting out a clear understanding of what we are planning for;
 - making the system work better at national level by improving national planning policy; speeding up the overall process for dealing with major infrastructure projects; and improving the Government's own performance in processing called-in applications;
 - making the system for plan making work better at regional and local level;
 - making the system work better at local level by overcoming obstacles to land assembly; encouraging high quality development; and improving the processes for dealing with planning applications and planning appeals;
 - promoting a culture change in planning. Too often the culture of planning is reactive and defensive. We want a culture which promotes planning as a positive tool: a culture which grasps the opportunities to improve the experience of planning, for those affected by its decisions, whether businesses, community groups, individual members of the community or planning professionals;
 - improving the process by which development adds value to communities through better design; and
 - better community involvement which takes into account the needs of all those with a stake in the system.

Where are we now

7. In December 2001, we issued a Green Paper Planning; delivering a fundamental change. We also issued consultation documents on new procedures for Major Infrastructure Projects; reforming planning obligations; changes to the Use Classes Order; and on compulsory purchase and compensation.

8. We received over 16,000 responses to the Green Paper - a measure of the importance of the issues. The conclusions in this policy paper follow careful consideration of the thoughtful and constructive contributions received. We intend to continue this dialogue with stakeholders.

9. The Transport, Local Government and Regions Select Committee has recently reported on the Green Paper. We welcome the Committee's contribution. A number of the points which the Committee raised are addressed in this paper but the Government will be publishing a full response to the report in due course.

10. The Royal Commission on Environmental Pollution issued a report on Environmental Planning in March. This paper covers a number of the points made in the report but again the Government will be issuing a full response in due course.

What happens next

11. We are launching into a comprehensive programme of change. We will be making a series of further announcements about specific elements of the package. We will be developing a major programme of action which is prioritised and scheduled.

12. We will be seeking the earliest possible opportunity to legislate where this is needed. We will also bring forward new regulations where they are needed, and are developing a programme for revising and updating national policy guidance.

13. The rest of this paper sets out the key decisions we have made on the way forward.

Planning for a purpose

14. We want planning to rediscover its purpose, to be a strategic, proactive force for economic prosperity, social cohesion and environmental protection. A number of respondents to the Green Paper suggested that to achieve this outcome there should be a statutory purpose for planning. A statutory purpose would give a clear focus for the development and implementation of planning policy.

15. We propose to include a statutory purpose for planning in any proposals for legislation that are brought forward, subject to ensuring that this is done in a way that does not create additional complications for the way that the system operates. Any statement of purpose would need to be short, clear and understandable, placing specific duties on those who operate the system. It would need careful consideration of all the legal issues. One approach might be to require all those carrying out functions under the Planning Acts to have regard to the need to achieve sustainable development. How this might be done would be the subject of national planning policy guidance.

Making the system work better at the national level

16. We want to concentrate national planning policy on the important policy issues that need to be resolved at national level and leave to regional or local level those matters that can better be expressed at those levels.

17. We have decided on a range of measures to improve the way in which central Government performs its own role in the planning system.

Improving national planning policy

18. We will make improvements to national planning policy statements (PPSs), which will, over time, replace the existing Planning Policy Guidance notes (PPGs). We will seek to reduce the volume of guidance and increase its clarity. We will prescribe less policy at the national level and ensure that PPSs are more concise, clearer and better focussed on implementation of policy objectives.

19. We intend to review existing policy guidance over the course of the next three years. The aim of the review is not to change the existing balance of economic, social and environmental objectives in national policy.

Improving Government performance

20. The Government needs to improve its performance in handling 'called in' cases and recovered appeals. We have set up new management arrangements for handling cases. And we have set ourselves the challenging target of cutting in half by March 2004 the average time taken from the close of a public inquiry into a called in planning application or a recovered appeal. The benchmark for improvement is performance at October 2001, when 80% of cases were decided in 32 weeks from close of inquiry to decision. Our target is, by March 2004, for at least 80% of cases to be decided within 16 weeks from close of inquiry to decision.

21. We believe that setting statutory timetables would help to underpin our work to deliver performance improvements, and **we will therefore seek an enabling power in primary legislation for the Secretary of State to prescribe a timetable for called in and recovered appeal decisions.**

Major Infrastructure Projects

22. We announced last year a package of measures to speed up the processing of major infrastructure projects, such as airports and port development. The package outlined proposals for a Parliamentary procedure which would take decisions on the principle of, need for, and broad location of a major infrastructure project in the context of clear statements of national policy. A public inquiry would then be held to consider the detail of the proposal.

23. The TLR Select Committee and the House of Commons Procedure Committee have both been considering how the Parliamentary procedure would work. The Select Committee accepted that the time taken from the initial proposal to the final decision on proposed major infrastructure projects is too long. The Committee were strongly supportive of the introduction of national policy statements, and the proposals for making public enquiries more efficient. They expressed strong doubts however about whether a Parliamentary procedure, which could last for a session, would in fact lead to a speeding up of the process. We recognise their concerns about the commitment on MP's time, the supporting resources needed by Parliament and the principle of Parliament being involved in the detail of a development proposal. **We do not intend therefore to pursue this element of the package.**

24. We are committed to speeding up the processes for dealing with major infrastructure projects. We need to do this in an effective way. We can achieve this by pressing ahead with the other elements of the reform package. **We will issue clear statements of national policy** about the need for specific investment as this will help reduce decision times. In addition to the recently published Major Infrastructure Project Inquiries Procedure Rules ([see endnote 1](#)) **we are considering further ways to make public inquiries more efficient.** One way that this might be achieved is by allowing the consideration

of issues concurrently rather than sequentially. Initial findings suggest that this could save inquiry time of up to a third. This means that the inquiry would not have to wait for each issue to be dealt with in turn, when two or more issues can be dealt with quite adequately at the same time, thereby saving time. In considering this we recognise the need to ensure that the changes do not erode the ability of the public to participate as appropriate. **We propose to bring forward the necessary legislation when Parliamentary time permits, and to introduce new Rules as necessary.**

Making the system work better - planning at regional and local level

25. We want a simpler, clearer, more user-friendly structure of strategic planning at the regional level and detailed planning at the local level. We want to plan for development in a way which is better integrated with other planning processes. We want procedures for putting plans in place which are open and transparent, that enable the community to be fully engaged but which are more efficient and effective than we have now.

26. We will be publishing separately a more detailed paper setting out the proposed arrangements at both the regional and local levels. The main points are summarised below.

Regional Spatial Strategies

27. In May 2002 we published the White Paper "Your Region, Your Choice". This announced that in regions where elected assemblies are established the assemblies would take over responsibility for regional planning. In the meantime the Regional Chambers, provided they meet criteria to be specified in regulations made by the Secretary of State, will have responsibility for producing draft regional strategies, to be finally approved by the Secretary of State.

28. As proposed in the Green paper, **Regional Planning Guidance will be replaced by a statutory Regional Spatial Strategy.** This will be given comparable status to the local development plan as regards the matters to be taken into account in taking decisions on proposals for development (s54A of the Town and Country Planning Act). The broad procedures for the preparation of the Regional Spatial Strategy, and for testing it at a public examination before an independent panel, will remain as set out in PPG11 for Regional Planning Guidance.

29. The Regional Spatial Strategy will provide the strategic spatial framework within which Local Development Frameworks and Local Transport Plans can be prepared. They will be more focused than Regional Planning Guidance, will reflect regional diversity and specific regional needs and will be better integrated with other regional strategies. The new type of local development plan, to be known as Local Development Frameworks, will have to be in general conformity with the Regional Spatial Strategy (Spatial Development Strategy in London).

30. We intend to proceed with the Green Paper proposal to abolish structure plans. However, the consultation response indicated a strong

concern that county councils, in addition to their continuing roles in relation to planning for minerals and waste, and in preparing Local Transport Plans, should continue to have a role in the planning system more generally.

31. Rather than perpetuate a separate tier of sub-regional planning outside the metropolitan areas, **we consider that sub-regional issues should be fully integrated into the regional strategy making process.** So the Regional Spatial Strategy will have strong sub-regional elements. In preparing both the strategy for the region as a whole, and any sub-regional aspects, the regional planning body (Regional Chamber) will need to rely on advice and guidance from the local authorities, including county councils, in their area. **We intend to make provision for the counties to act as agents of the regional planning bodies** in providing technical expertise on issues and/or leading on sub regional parts of the strategy (distribution of housing etc) for example. Through their representation on the Chamber the county councils will be able to play a part in the decision making processes.

Local Development Frameworks

32. We are committed to the main principles set out in the Planning Green Paper for reform of the plan making system at the local level. However, we have given careful consideration to the many comments made in response to our specific proposals. The key elements of the arrangements we now intend to introduce are set out below.

33. There will be a single tier of Local Development Frameworks (LDFs), in place of structure/local plans and unitary development plans. The Unitary or District local planning authority will be responsible for their preparation. Where districts wish to work together to produce a joint LDF (for good planning reasons or to pool resources) and/or to produce their LDF jointly with the county council concerned, they will be able to do so. County Councils will retain responsibility for minerals and waste planning, and will prepare minerals and waste development frameworks on these topics for their areas, but, again, with the ability to agree to prepare these jointly with other authorities.

34. The Local Development Framework will comprise a folder of documents for delivering the spatial strategy for the area, consisting of:

- **a core strategy:** the core policies for delivering the spatial strategy and vision for the area. The policies should be location specific rather than site specific and may need to be illustrated by a key diagram;
- **a proposals section, with a proposals map:** this will cover site specific policies and proposals which cannot be covered in area action plans and should be shown on a proposals map. The map will show existing and revised designations for areas of land, such as conservation areas, defining sites for particular developments or land uses and the areas to which specified policies apply;
- **area action plans for key areas of change or conservation:** containing detailed site-specific policies, proposals or guidance for

areas of change or conservation. Many of these will be statutory and subject to independent testing. Others might be non-statutory such as site development briefs.

35. The three elements of the LDF can be prepared together or separately.

We fully intend that there should be flexibility about the review and updating of parts of the LDF, with area action plans in particular being produced as and when needed. Similarly, local authorities will be able, where appropriate, to change and up-date aspects of the core strategy or proposals section as needed, without waiting to change everything together. We will require the local planning authority to prepare a three year project plan, or **Local Development Framework Scheme**, setting out the documents they propose to prepare for the LDF and the timetable for preparing each one. Adherence to the scheme will form part of the Best Value assessment indicators against which the performance of the local planning authority will be measured.

36. In order to ensure that the community is more effectively engaged in the planning process, the core strategy will contain a **Statement of Community Involvement** which will set out benchmarks for community participation in the preparation of LDF documents and significant planning applications. Consultants are carrying out research to determine the precise manner in which these matters should be expressed. The research is due to be completed in November.

37. We propose to substantially **improve the process whereby plans are considered and adopted**. Better engagement at earlier stages in the process will help reduce objections at later stages. But we also intend to:

- abolish the "two-stage" deposit process;
- promote mediation over objections to plans;
- require time-tabling of the inquiry process;
- give Inspectors more control over the procedures to be used, including through consideration of written representations, an examination conducted on a round table basis or a hearing. The hearing would be non-adversarial and inquisitorial with no right of formal advocacy and cross-examination unless the Inspector or Panel decides it is necessary; and
- make the Inspector's recommendations binding on the authority.

38. Statutory LDF documents will be subject to testing by an independent Inspector or Panel. However, we recognise the concerns raised by many about the Green Paper proposal to limit the right to be heard. **We have therefore decided not to remove the right of objectors to be heard.** However, the presumption will be that this will take place in informal hearings (as outlined above), which are much more user-friendly. We will also change the focus of the Inspector's or Panel's examination to consider the soundness of the plan as a whole (i.e. not restricting it to those matters that have been objected to, as is the case currently).

39. The separate document on plans will set out the proposals in more detail. We will consult on the draft regulations needed to implement our proposals on LDFs.

40. In the meantime we expect local planning authorities to progress their reviews of development plans under the existing arrangements as quickly as they can. We will be introducing a new Best Value indicator to cover this for 2003/04.

Making the system work better at local level: improved implementation

41. As well as having better arrangements for deciding what it is we want to achieve, we must improve the way plans are implemented on the ground. Planning must deliver a higher quality service to its users, both local residents and the business community. Business, like the local community, must know better what to expect from the planning system. But business also must play its part by consulting communities on planning applications before they are made, to clarify and resolve issues before the formal processes start

Overcoming the obstacles to land assembly

42. Our proposals for reform of the compulsory purchase and compensation (CPO) system aimed to make the assembly of land for major projects, including vital infrastructure, and for the regeneration of our towns and cities, simpler, fairer and quicker. These proposals were widely supported.

43. We will:

- **strengthen powers** by replacing section 226 of the Town and Country Planning Act by a new, more clearly defined power for a planning authority to acquire land for the purpose of carrying out development, redevelopment or improvement which it considers will be for the economic, social and/or environmental benefit of its area;
- **improve compensation** arrangements for those whose property is to be acquired by introducing additional "loss payments" for those who own or occupy such land. These payments will be run in parallel with the current home-loss payment arrangements, but will replace the existing farm-loss payments. We will consult soon on a significant uprating of home loss payments.
- **speed up the procedures** for confirming and implementing compulsory purchase orders. These changes will include provisions for allowing acquiring authorities to confirm their own orders where these are uncontested, and for the consideration of objections by written representations.

44. Our proposal for introducing a mechanism under which the owner of a property affected by a compulsory purchase order could serve a "reverse" notice to treat on the acquiring authority proved to be more controversial. It would also have resulted in more complex, rather than simpler, legislation. We have therefore decided that it would be preferable to reduce the overall period during which the authority has to complete the compulsory purchase process,

coupled with improved arrangements for notifying the owner as to the timetable for possession of the property to be taken.

45. We are publishing a separate document which will set out the changes to the CPO system in more detail. We will be consulting on a revised Circular to provide updated advice on operating the current compulsory purchase system to best effect. The Law Commission will also be publishing a consultative report on the law on compensation.

Encourage high quality development in the right places to meet local needs

46. We intend to proceed with the proposals in the Planning Green Paper for Business Planning Zones (BPZs).

47. There is scope for more than one type of BPZ. Some high tech companies working on the leading edge of technologies operate in an environment that is extremely fast moving and where businesses start up and either expand or fail quickly. We want to enable such companies to operate in an equally flexible planning regime. Similarly, we want areas of low growth or high unemployment to be able to stimulate new jobs with improved planning for business. BPZs will need to be planned in the regional strategic interest but will be designated by individual local authorities

48. We will require that development within Business Planning Zones should be of high quality and should be of low environmental impact, and we will set the parameters of development tightly to ensure that good quality environments are created. This is not only for the protection of those in the vicinity of the new BPZs but to enable companies operating within the zones to be guaranteed that they will have good neighbours. An environmental impact assessment will be required before a BPZ can be designated. We will be issuing guidelines on how the new Zones will work.

Give greater certainty over what development may be permitted

49. The Planning Green Paper set out a number of proposals for improving development control processes. We intend to proceed as follows:

- We will take forward the proposal to introduce a certificate, which we are calling a **statement of development principles**, which might eventually replace outline planning permission. Outline Planning Permission will, however, only be removed once the statement of development principles has been proven to work.
- we have decided to **reduce the period of validity of a planning permission** to 3 years with the caveat that local authorities should have the discretion to agree longer permissions where this would be appropriate. This may be, for example, where projects have long lead times.
- Our intention to **update the General Permitted Development Order (GPDO)** and make it more comprehensible met with widespread support. We are taking that forward, in the first instance through a

research project which will review existing permitted development rights to see if they are still appropriate. The research report is expected to be published early next year.

- We have also decided to allow local planning authorities to **introduce local development orders**, but only for the purpose of implementing policies in a development plan document which forms part of the local development framework. We would retain a power to specify in secondary legislation areas and classes of development in respect of which local development orders should not be made.
- We have decided to enable local authorities to **refuse repeat applications** where the local planning authority have refused a similar application, and there has been no appeal against that refusal to the Secretary of State. We have also decided to extend the powers to decline to determine repeat applications to applications for prior approval under the GPDO and for listed building and conservation area consent.
- We have decided to take powers to **enable a local planning authority to refuse to accept a substantially similar application if a previous one has not been finally determined ('twin tracking')**. We will bring these powers into effect when we are satisfied that substantive improvements are being made in dealing with planning applications. The Secretary of State will prescribe, by Order, classes of development to which, or circumstances in which, these provisions would not apply. We have decided to extend these powers to applications for listed building and conservation area consents.

50. In January we issued a consultation paper on possible options for change to the **Use Classes Order and Temporary Uses** provisions. We received some 2,500 responses. We are carefully considering these and will make further announcements about how we intend to proceed as soon as practicable.

51. The Planning Green Paper explained that we would move quickly to **standardise application and administrative procedures** under different consent regimes, and that we would initiate a longer term review of the case for integrating the present array of controls into a single consent regime. We intend to commission a research project very soon to look at the scope and benefits of a single consent regime. In the meantime, we have begun to look at the different administrative procedures which apply to applications for planning permission, listed building consent and conservation area consent to see whether it is possible and sensible to standardise these procedures. We will consult stakeholders on any proposals once our review is completed.

Planning Obligations

52. Our consultation document proposed several options for reforming the system of negotiated planning obligations (also known as s106 agreements). The lead option was to replace the negotiated agreements as far as possible, by a locally set tariff. The aim was to address concerns about the lack of openness

of negotiated agreements, about the delays that they can cause to the planning process and about the lack of certainty for developers.

53. The objectives of our tariff proposal were widely welcomed by a majority of respondents to consultation, subject to seeing the detail. We have decided that many of our objectives can be delivered without legislative change. **We will revise our policy guidance and work with all the relevant stakeholders to create a more streamlined system that will enable the community to share in the benefits arising from development.** We will also carry forward the measures in the consultation paper for making the present system more transparent and predictable. For example, we have already required planning obligations to be entered on the planning register to ensure that they are open to public inspection.

More efficient processing of planning applications

54. We must make sure that applications are processed efficiently so that we make the right decisions more quickly. Decisions on planning applications need to be taken in time-scales that are relevant to the applicant without compromising the need for effective community consultation.

55. Our key decisions are:

- We consider that reaching the highest reasonable rate of **delegation** is a sensible objective for every authority, and that the delegation target should be set at a suitable, and achievable, level. Clearly this does not mean that decisions that are inappropriate to delegate should be delegated. We intend to continue with the target for 2002/03 of delegating 90% of cases to officers, backed up by a Best Value Performance Indicator to measure authorities' achievement of it.
- The proposal for a '**checklist**' was widely welcomed and something which will help applicants put together planning applications and then for authorities to process them. We are working with stakeholders to agree the matters that need to be included in application forms.
- We proposed that **delivery contracts** could be used to match expectations of service delivery by authorities and applicants once an application had been made. We intend to take forward work on the use of such contracts for large applications. We need to make sure, however, that there are the right incentives right for both parties to deliver what is needed to reach a planning decision.

Appeal process improvements

56. The Green Paper identified the need to make the appeal process more efficient. We proposed to allow an Inspector access to the local planning authority's (LPA) case files to avoid the duplication of effort. **We have decided that a better course would be to give the LPA and Inspector dual jurisdiction over a non-determination case for a brief period** (e.g. 2-3 weeks after the 8 week deadline) once the case has gone to appeal. This has the advantage of giving the LPA longer to decide the case (and thus produce a

faster decision than if it went through the appeal process) and the Planning Inspectorate the opportunity to begin processing the appeal.

57. We also intend to pursue the proposal to **reduce the time for an applicant to decide whether to lodge an appeal from 6 to 3 months**.

58. These initiatives complement the progressive tightening of targets set by Ministers and increased resources for the Planning Inspectorate to achieve better performance.

The role of statutory consultees

59. The Planning Green Paper identified statutory consultees as a major potential source of delay in processing planning applications. We have decided therefore:

- to **introduce a statutory deadline of 21 days** for statutory consultees to respond to pre-application requests for advice from developers and to respond to requests for advice from local planning authorities in respect of particular planning applications. If the statutory consultees miss their deadline the local planning authority would be under no obligation to wait for their advice before determining the application in question. The deadline could be extended with the agreement of the relevant parties;
- that **the number of statutory consultees and the types of development for which they should be consulted should be reviewed** but with no presumption that the list should be reduced. We intend to remove references to statutory consultees in primary legislation but to use secondary legislation to set out the circumstances when each consultee should be consulted;
- to take early steps to **make RDAs statutory consultees** subject to criteria which we will finalise after consulting with RDAs and other stakeholders;
- to **encourage the use of standing advice** by statutory consultees in order to help speed up the process further;
- to consider with sponsoring bodies how to **introduce targets and monitoring** for statutory consultees who are sponsored by Government; and
- **to retain the existing right of bodies like parish councils and national amenity societies to be notified of planning applications**.

60. We have decided not to take forward the proposal in the Planning Green Paper to allow statutory consultees to charge potential planning applicants. This proposal was not supported by many of the statutory consultees who felt that by charging a fee, developers could be deterred from seeking advice, and that the administration costs would nullify any financial benefit to the consultee.

Helping Communities

61. The Planning Green Paper also outlined our intention to help individuals and community groups to develop planning advocacy skills and to have better access to quality training and planning advisory services. We intend to take powers to **provide financial assistance to Planning Aid**. We are also looking at ways of using mediation in the planning process.

62. We want to make the processes for handling planning applications more transparent. We will:

- take forward the proposals for local authorities to **give reasons for decisions** to approve planning applications;
- expect local authorities to **give stakeholders the opportunity to address the planning committee**; and
- **ensure that local people have cheap and easy access to applications and other documents** about planning. We are exploring whether we can limit charges but, in the meantime, all authorities will be reminded to act in the interests of all their communities by setting reasonable charges, and to review their methods of publicity and access to documents.

63. We have already introduced secondary legislation to **require copies of planning obligations and other relevant agreements to be placed on the Planning Register**. This came into effect on 1 July.

Enforcement

64. The Planning Green Paper made clear that effective enforcement is central to ensuring that public confidence in the planning system is not undermined. Abuse of the system is not acceptable. Any enforcement approach should be proportionate, targeted, consistent and transparent, and able to achieve its objectives.

65. Enforcement, however, is a complex issue. **We have launched the review which we promised in the Green Paper and a consultation document will be published shortly**. We need to ensure that the enforcement system is effective, as simple and quick as it can be, adequately resourced, and attains a profile and priority which is fully in keeping with its central role. Where there are problems or weaknesses we need to see whether these can be addressed, and if so how.

66. While we await the outcome of the consultation process, **we are improving the arrangements for handling enforcement appeals**. New rules, building on the experience of changes made to the rules for planning appeals introduced in August 2000, are due to be put in place shortly. And, for the first time, we have introduced for 2002/03 Ministerial targets for the handling of enforcement appeals by the Planning Inspectorate. This will reduce the cost and time taken to determine appeals.

The need for culture change

67. We have set out a considerable agenda of change to the structure and process of planning. But to reap the benefits of those changes, we also need to promote a change in the culture of planning. We want to see a system that plans positively for sustainable development and which is at the forefront of creating better quality, more inclusive and sustainable places in which people can live and work.

68. Achieving the culture change requires all involved to play their part. The Government can do a number of things to help:

- we could help articulate a **vision for planning**, through a statutory purpose;
- we can provide adequate resources for the planning system as a whole;
- we can drive improvement by **setting clear and challenging targets** through the Best Value regime;
- we can provide tools to help through improving IT and identifying and promoting **best practice and guidance**; and
- we will work with local authorities, the professional institutions, education institutions and other stakeholders to **improve recruitment** into the planning profession and the **training and education** of planners.

Best Value

69. For 2002/03 we improved the targets we set local authorities for handling planning applications. They are now focussed on the different types of applications that authorities handle and reflect the different expectations of the speed with which cases can be decided.

70. The targets are:

- 60% of major commercial and industrial applications to be determined in 13 weeks;
- 65% of minor commercial and industrial applications to be determined in 8 weeks; and
- 80% of other applications to be determined in 8 weeks.

71. **We will be keeping these targets under review and will strengthen them if we think it is necessary.**

72. In parallel we altered the Best Value Performance Indicators to measure achievement of the new targets. We are reviewing the Performance Indicators for 2003/4.

73. **We will introduce an indicator to cover plan making.** The target for 2003/4 will be a development plan adopted in the last 5 years or in the process

of adoption (with a timetable) within the next 3 years. This will be monitored through the Best Value processes. As the regime changes, the target can be rolled forward to pick up LDF requirements. Also, Best Value Indicators in planning remain process orientated, when the outcome of the system ought to be high quality planning. We will therefore seek a measure of this.

74. In 2002/03 we have also set Performance Standards for 78 poor performing authorities on the back of the standard for 2001/02 which drove a performance uplift in 15 authorities in that year. We are considering further standards for 2003/4. For the future we will look to introduce standards for plan-making. We will be monitoring performance closely.

75. In line with the proposals set out in the Local Government White Paper, **we will use our intervention powers in cases where authorities are unable or unwilling to deliver the service that business and the community has the right to expect.** The ultimate sanction would be to remove the planning function from the local authority.

Tools for the Job

76. The ODPM's **Planning Portal** project is now at an advanced stage. The service is being test-run and will be launched to the general public in the Autumn when the necessary order under the Electronic Communications Act to facilitate the electronic submission of planning applications and appeals comes into force.

77. We also intend to **promote good practice and guidance.** With our financial assistance, the Planning Officers Society is finalising an excellence matrix for development control which provides a source of much good practice guidance. It recognises that an excellent service is one that, among other things, encourages pre-application discussions with prospective applicants, and offers a one-stop shop and development team approach.

78. The Planning Green Paper proposal for a **local planning advisory service** was well received. This could act as a clearing house for new ideas and best practice. We will be working with the Local Government Association and others on developing this service.

Skills

79. We need to change the way planners are trained and educated to meet the challenges set by the reform of the planning system. We need to **re-establish the profile of planning** by underlining the positive role it has to play in delivering economic and social change and shaping the future of our communities. This view was strongly supported by respondents to the consultation on the Planning Green Paper.

80. The Royal Town Planning Institute is taking a lead in developing new ideas for life long learning from the initial education of undergraduates through to continued professional development. Government is working closely with them in this process. The RTPI Education Commission's findings and recommendations are due to be published in the Autumn. We will work closely with the RTPI and other stakeholders to take forward that agenda.

81. The planning system also needs to be responsive to and better reflect the needs of all communities in Britain. We believe that this will not be achieved without greater diversity in the planning profession itself. We will pursue initiatives to make the profession more representative.

82. We also need to **raise the skills of members of planning committees.** Jointly with the RTPI, LGA and IDeA, we published a training prospectus in 1999. We are reviewing it to see whether it is up to the job.

Resources

83. The Government has announced a significant injection of extra resources into local authority planning services in the Spending Review. Our own research indicates that the level of resources which local authorities have put into planning has not kept pace and indeed declined significantly in real terms since 1996. The Spending Review settlement will go a long way towards rectifying this.

84. We propose a new incentive grant worth £350 million between 2003 and 2006. This would give authorities £50 million in 2003/04; £130 million 2004/05 and £170 million in 2005/06. More money must mean a better standard of service, so the extra resources will only go to those authorities that demonstrate their commitment to high quality planning service. Authorities will be awarded grant when their planning performance improves against Best Value Performance Indicators. The money will not be ring fenced, so authorities will be able to spend it as they like. But they will only get it when their planning performance improves and so authorities are now on notice that they will have to sharpen up their performance. Extra resources are also being made available to speed up the handling of called-in cases and appeals.

85. In the Green Paper we said that that local planning authorities have proper fee income for the work that they do. Fees for planning applications were raised by 14% from 1 April this year. This will bring in an extra £20m. On top of the grant described above, if performance improvements justify it, we could also put up fees further. We are undertaking a wide ranging review of fees as promised in the Green Paper which will report early next year. This will include consideration of whether and how local authorities should levy a charge for pre-application discussions.

86. In the interests of transparency, **we will require authorities to prepare separate accounts for their planning services.**

Taking things forward

87. This policy statement sets out a major agenda for change. We will be taking forward the different strands of work in the following ways:

- a number of the proposals require primary legislation. We will be seeking to legislate at the earliest opportunity;
- other proposals require secondary legislation. Some of the necessary regulations can be made using existing powers. Others will be

dependent on new powers which we will have to seek in primary legislation; and

- many of the proposals can be taken forward through administrative action, such as revising our policy and procedural guidance.

Conclusion

88. This paper sets out a wide-ranging and comprehensive agenda to transform planning.

89. Our reforms build on the fundamentals of the planning system, improve where there are good foundations and provide for comprehensive change where it is needed.

90. We will be working with stakeholders to take forward the programme. Where we still have to work up the detail for specific schemes, we will consult on specific proposals. We will report to Parliament and the public on progress at regular intervals.

Endnotes

[1] The Town and Country Planning (Major Infrastructure Project Inquiries Procedure)(England) Rules 2002

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Office of the Deputy Prime Minister
***Making The System Work Better -
Planning At Regional And Local Levels***

Introduction

1. The Planning Policy Statement, *Sustainable Communities - Delivering through Planning*, published on 18 July, sets out the Government's plans for reform of the planning system. This is in the light of responses received to the Green Paper *Planning: delivering a fundamental change*, published in December 2001, including the recommendations of the Transport, Local Government and Regions Select Committee.
2. That statement includes a summary of the key changes to the proposals for reform of the plan making system at regional and local levels. This paper provides some additional detail on those proposals. Many of the proposed changes will require primary legislation. We will be seeking the earliest opportunity to legislate, but the timing of such legislation cannot be anticipated.
3. We propose to create a new structure for plan making, based on two tiers: a tier of strategic plan making, which will be at the regional level; and a tier of local decision making, at the district and unitary council level. This will reduce complexity, ensure greater consistency from the strategic through to the local level, make plan preparation and adoption more understandable and accessible to the community and enable plans to be put in place in a more flexible and timely way. However, in the light of the responses received in the consultation period, we have revised some of the proposed features of these new arrangements.
4. We intend to proceed with the Green Paper proposals to abolish county structure plans. Counties will still be responsible for waste and minerals plans and for Local Transport Plans. Many of those who commented on the Green Paper did not object to the abolition of structure plans as a separate tier of plan making. However, there was concern that the counties should continue to play a role in planning at both the regional and local levels.
5. Our intention is that County Councils should continue to have important strategic planning responsibilities in assisting Regional Planning Bodies with the preparation and review of the new Regional Spatial Strategies and in providing advice and information to districts in preparing the new Local Development Frameworks. Where it is agreed locally, they will also be able to participate as partners in the production of joint Local Development Framework documents.

Regional Spatial Strategies

6. Regional Planning Guidance will be replaced by statutory Regional Spatial Strategies. The main purpose of the RSS will be to provide a spatial

framework within which Local Development Frameworks and Local Transport Plans can be prepared. There should be a two-way relationship with the RSS informing as well as taking account of other strategies, including the RDA's regional economic strategies and those on air quality, energy and climate change. The same should be true of the investment and operational plans of relevant infrastructure and public service providers. The RSS will provide a spatial framework for the region over a fifteen to twenty year period. The aim should be an integrated, strategic approach with regional and sub-regional priorities for housing being formulated together with priorities for environmental protection and improvement, transport, other infrastructure, economic development, agriculture, minerals and waste treatment and disposal.

7. The relationship between the RSS and the RDA's regional strategy, and indeed other strategies, has been a focus of concern including comments by the Select Committee. We made clear in the Green Paper that the RSS should provide the longer term planning framework for the Regional Development Agencies' strategies. It is only through partnership working and co-operation that complementarity between these different types of regional strategies can be achieved.

8. Regional Spatial Strategies will be given statutory status for the purposes of s54A of the Town and Country Planning Act. This is consistent with the enhanced role to be played by the Regional Spatial Strategy and will address a problem with the current arrangements in that in determining a planning application an out-of-date development plan can be given more weight, because of its s54A status, than an up-to-date Regional Planning Guidance. Where there is any conflict between the Regional Spatial Strategy and a Local Development Framework document the most recent will carry the greater weight.

9. Regional Spatial Strategies will be more regionally specific than Regional Planning Guidance and should reflect regional diversity. There will be greater flexibility for RSS to depart from national policy where that is justified by regional circumstances. The RSS will also have more fully developed sub-regional elements as part of the overall regional strategy. A concern expressed by many who commented on the Green Paper, including the Select Committee, was that there needed to be a bridge between the regionally strategic level and the more detailed, local, planning level.

10. In some areas there may be a need for separate sub-regional strategies such as the one for Thames Gateway which cuts across three regions. But in general we see sub-regional issues, including the distribution of housing provision figures down to district level, being dealt with in sub-regional sections of the RSS. In this way it will be possible to deal with issues such as the broad spatial balance between the provision of new housing and economic development as part of a sub-region that makes sense rather than related to historic county boundaries. This sub-regional detail will provide the bridge between the more general regional policies and the Local Development Frameworks. It is in the preparation of the sub-regional elements of the RSS that we see a continuing need for input from the county councils (see below).

Preparing the Regional Spatial Strategy

11. On commencement of the new arrangements following legislation all existing RPGs will be treated as Regional Spatial Strategies. Thereafter, draft reviews of the RSS will be prepared by the Regional Planning Body (RPB). As indicated in the White Paper: *Your Region, Your Choice* this will be the Regional Chamber providing certain criteria to be specified in regulations are met. The RPB will need to be representative; consult widely and work closely with all groups to ensure delivery of the RSS; and be able to take a strategic regional view addressing, where necessary, difficult regional choices.

12. The Regional Chambers will receive direct funding by the Secretary of State. In due time, if regions decide in a referendum to set up an elected Regional Assembly, that body will assume the responsibilities of the Regional Planning Body.

13. The RPB will be expected to consult widely on preparing the revised RSS. It will be expected to have regard to:

- the purpose of planning (see Planning Policy Statement);
- current national policies and guidance;
- current Regional Spatial Strategies for adjoining regions or the Spatial Development Strategy for London if appropriate;
- the resources likely to be available for implementing the Regional Spatial Strategy;
- and any other matters which may be prescribed by the Secretary of State.

The RPB will be required to carry out a sustainability appraisal as an integral part of the process of reviewing and updating the RSS.

14. In providing the new sub-regional detail in the RSS, the RPBs will look to the county and unitary authorities to take the lead in convening the necessary sub-regional working groups with the districts and other stakeholders. RPBs will be able to appoint counties to act as agents in helping them to discharge in whole or in part one or more of their functions. We anticipate that in most regions the Regional Planning Bodies will want to do this in relation to:

- providing technical expertise to assist with the review of the Regional Spatial Strategy, including in the district distribution of housing figures where a county may lead the relevant sub-regional working group;
- taking the lead in the preparation of certain sub-regional strategies specified by the Regional Planning Body;
- assisting the Regional Planning Body on general conformity issues; and

- monitoring and advising district authorities on Local Development Frameworks and planning applications where regional or sub-regional considerations are raised.

15. The testing arrangements for Regional Spatial Strategies will be very similar to that followed for Regional Planning Guidance, which have proved to work well. The Secretary of State may appoint a Panel to hold a Public Examination in to the draft Strategy. As is currently the case, the Panel will select matters and participants for the Examination. The Secretary of State will then consult on changes to the draft in the light of the Panel's recommendations and issue the final version.

16. In addition to their monitoring and review functions, Regional Planning Bodies will advise relevant bodies on the preparation/revision of policies etc relevant to the implementation of the Regional Spatial Strategy and object to the draft policies/programmes of other bodies if they are not in general conformity with the Regional Spatial Strategy.

17. The form and content of the RSS and monitoring reports, and the detailed procedures for preparation, consultation and public examination will be set out in secondary legislation.

18. Much of the advice currently included in PPG11 in relation to the form, content and procedures for the preparation and review of Regional Planning Guidance will continue to be applicable to Regional Spatial Strategies. PPG11 will be revised once legislation to introduce RSSs is enacted.

Local Development Frameworks

19. The Planning Green Paper described the various problems that exist with the operation of the current development plans system. We have a complex and confusing hierarchy of plans. Plans take too long to prepare and rarely conform in hierarchical terms. They are often far too detailed and fail to effectively engage the community in their preparation or to integrate with other local strategies and plans. We therefore remain committed to the main principles set out in the Planning Green Paper for reform of the development plans system. However, we have made several important changes to our proposals in the light of the comments received.

20. We will be seeking an early opportunity to legislate to introduce a single tier of Local Development Frameworks. These will replace local plans and unitary development plans and, along with the RSS, replace structure plans. Responsibility for preparing those plans will lie with the Unitary or District local planning authority. However, where districts wish to combine together to produce a joint LDF (for good planning reasons or to pool resources) and/or to produce their LDF jointly with the county council concerned, they will be able to do so. County Councils will retain responsibility for minerals and waste planning, and will prepare Minerals and Waste Development Frameworks for their areas, but, again, with the ability to agree to prepare these jointly with other authorities.

Nature of the Local Development Frameworks

21. Central to our reforms are the principles that we need positive plans which effectively promote, guide and control development and which reflect the needs of the whole community (including business). We also need plans that provide certainty, but which are also responsive to changing circumstances.

22. There was a wide welcome for the proposals in the Green Paper to forge a stronger link between the development plan and the broader Community Strategy for the authority. The Community Strategy (prepared under the Local Government Act 2000) will set out the broad vision for the future of a local authority's area, and proposals for delivering that vision. The Local Development Framework should be a key component of that delivery plan, setting out the spatial aspects of the local authority's policies. Together with the LGA it is proposed to commission research into the relationship between the Community Strategy and the LDF to provide the basis for future guidance.

23. To facilitate this we will broaden the scope of the development plans system to enable policies to be included which reflect that broader spatial approach. Ultimately the policies and proposals in a spatial plan must be linked to the achievement of social, economic and environmental objectives concerning the use and development of land. However, the policies may not all be entirely or directly expressed in land use terms. Research has been commissioned (being carried out by ROOM) into the spatial planning approach which will inform future guidance on the operation of the LDF system.

24. The Local Development Framework will comprise a folder of documents for delivering the spatial strategy for the area consistent with the community strategy and in general conformity with the RSS. Some of these documents will be subject to statutory requirements as to consultation and formal testing through an independent procedure. The policies in such documents will be given primacy when decisions are taken on planning applications (ie Section 54a will apply). However, there will also be scope for the preparation of less formal non-statutory documents similar to the existing supplementary planning guidance. These should also go into the Local Development Framework folder. These might be generic design statement for a particular topic (ie plan area wide) or less formal area action plans, site development briefs etc for a small local area or large development site. These non-statutory documents will be adopted by shorter, simpler procedures, but will be afforded less weight in the consideration of particular proposals for development (they will be capable of being a material consideration). It will be for the local planning authority to satisfy itself that these documents are in conformity with the statutory parts of the LDF, and with the Regional Spatial Strategy (or Spatial Development Strategy in London).

25. There will be a statutory requirement for the LDF to have a contents page setting out the different documents which comprise the LDF and their status. Certain elements of the Local Development Framework will be required to achieve s54A status and we will specify these in regulations.

26. It would be open to a local authority to integrate the various elements of the LDF into one document prepared at one time if it wishes, though this may reduce some of the flexibility we are seeking to create. The main components of the LDF will be:

(i) the core strategy

This will be a written statement of the core policies for delivering the spatial strategy and vision for the area, supported by a reasoned justification, and including a statement of community involvement (see below). The policies should be location specific rather than site specific and for this reason may be more appropriately illustrated by a key diagram although authorities may choose to illustrate them on the Ordnance Survey based proposals map referred to below. Some of them may need to be expressed as criteria based policies. As the key Local Development Framework document this would be a statutory document and will go through an independent testing process.

(ii) a proposals section, with a proposals map

We propose that this section should set out details of any site-specific policies outside of the area action plans (below). We recognise that a key concern of respondents to the consultation exercise, including the Select Committee, was that the Green Paper proposals for "topic action plans" would have resulted in an unacceptable fragmentation of the plan into different components, with no comprehensive map-based element showing the main policies and proposals for the area of the plan as a whole. We propose that there should be, as now, a proposals map which would show existing and revised designations of areas of land such as conservation areas and green belt. It would also define the sites for particular future land uses or developments and the areas to which specific policies applied. The map should also show the locations of any proposed or actual area action plans. These might need to be defined in more detail on separate inset maps which would show all the proposals for the area covered by the inset. The map should be on an Ordnance Survey base and should be a statutory part of the Local Development Framework. This part of the LDF would also be subject to independent testing.

(iii) area action plans for key areas of change or conservation

However, we still consider it desirable to produce more detailed action area plans, in particular for areas where there is a concentration of proposals for change. Such area action planning, whether in part of an otherwise extensive urban area, a town centre plan, or a plan for a small town or village where change is anticipated, presents an important opportunity for community engagement through "planning for real" and other community based planning techniques. It also presents scope for greater integration and joining-up with other economic, social and environmental initiatives. All site-specific area action plans which are designed to carry weight in taking decisions in the planning system (ie to which s54a applies) should be statutory and

be subject to independent testing. However, as indicated above, there will also be scope for less formal non-statutory plans to be produced.

27. Local planning authorities will be required to carry out a sustainability appraisal as an intrinsic part of preparing any statutory Local Development Framework document.

The Local Development Framework Scheme

28. We intend to require, in advance of preparing the initial set of Local Development Framework documents, that the local planning authority should prepare a three-year project plan or Local Development Framework Scheme. This scheme should thereafter be kept under review and up-dated as necessary. It would set out:

- what LDF documents the local planning authority proposes to prepare and what they will cover;
- which of these the local planning authority proposes should be subject to statutory procedures and which not;
- in the transitional period, which sections of the old Local Plan or Unitary Development Plan these documents will replace;
- whether any of these documents are to be prepared on a joint basis with another planning authority or authorities; and
- the planned timetable for preparing these documents.

Adherence to the scheme will form part of the Best Value assessment indicators against which the performance of the local planning authority will be measured. We also intend to provide that the Secretary of State will be able to direct changes to the scheme and could use the performance indicators revealed in the annual report as a measure for determining grant.

29. Local planning authorities will be required to have an LDF in place within 3 years of commencement of the new legislation. They will be required to produce an annual report on progress in preparing LDF documents against performance in the Local Development Framework Scheme and submit it to the Secretary of State.

The Statement of Community Involvement

30. It is a fundamental principle of our proposals that effective public engagement should be at the heart of development plans. Our proposals for community involvement set out in the Green Paper were widely welcomed. Effective public engagement must be at the heart of development plans. We want to empower local people to feel that they can participate in a system that is really interested in their views. We want to change the culture of planning from one of objecting, to one of constructive participation.

31. We propose that LDFs must include a Statement of Community Involvement, either as part of the statement of core policies or accompanying it, clearly setting out:

- the arrangements, and standards to be achieved, in involving the community in the continuing review of all parts of the LDF and in significant development control decisions;
- the standards for good practice in engaging those with an interest in proposed development;
- simple and clear guidelines that will enable the community to know with confidence when and how it will be consulted, by the developer at pre-application stage and the LPA in relation to planning applications; and
- a benchmark for applicants for planning permission about what is expected of them.

We are currently engaged in research (being carried out by Llewelyn-Davies) to determine the benchmarks for community participation which we will prescribe in regulations.

Preparing Local Development Frameworks

32. In preparing Local Development Framework documents, local planning authorities will be expected to have regard to the community strategy and will be under a statutory duty to also have regard to:

- the purpose of planning as defined in the Act;
- current national policies and guidance issued by the Secretary of State;
- the immediate, and where relevant, adjoining Regional Spatial Strategy or Strategies (or Spatial Development Strategy) as appropriate;
- the resources likely to be available for implementing the strategy, policies and proposals of the Local Development Framework;
- the Local Development Framework Scheme, outlined below; and
- other matters which may be prescribed by the Secretary of State.

33. Much of the advice in "Making Plans - a practical guide" published by ODPM on 9 July will be useful in preparing Local Development Frameworks. The guide contains advice and examples about how to make plans that can be in place sooner and do their job better. There are no examples in the guide of policy wording, but guidance on deciding what should be in the plan, where to get help and co-operation on what to do and say, and how to go about programming the work and writing the plan. The main parts of the guide are on managing the project of making the plan, and on practical ways to get the most from the process that making a plan involves. For advice on framing LDF policies ODPM will produce a joint guide with the Planning Officers

Society which will be published in due course. This is an update of the Planning Officers Society guide on 'Better Local Plans' published in October 1997.

Testing Local Development Frameworks

34. In the consultation on the Planning Green Paper, there was strong criticism of the option put forward to proceed straight from consultation to adoption without any independent testing. We now propose that all statutory LDF documents should be subject to such testing. However, we propose to change the focus of the Inspector's or Panel's examination of the plan to the soundness of the plan as a whole and not restricting it to those matters that have been objected to, as is the case currently.

35. Many of the responses to the Green Paper and the Select Committee were also critical of the option put forward that where testing is retained the right to be heard in person by the Inspector might be curtailed. We have concluded that there should continue to be a right to appear before an Inspector or Panel in connection with objections to a statutory Local Development Framework document.

36. However, we do need to find more effective ways of conducting the testing process into the Local Development Framework. Better engagement at earlier stages in the process will help reduce objections at later stages. But we also intend to abolish the "two-stage" deposit process and promote mediation over objections to plans.

37. Where objections are maintained it is expected, as now, that the majority of objections will be considered through written representations. This is perfectly adequate for the majority of objections and representations on plans. Even where more complex issues are involved, we do not believe that the traditional adversarial Inquiry format is necessarily the most effective method for assessing them. Over recent years local inquiries into development plans have made much greater use of informal hearings and round table sessions, where there are no lawyers or formal cross examination. These have proved both popular with objectors and effective for testing the evidence.

38. Where the continuing right to be heard is exercised, it is intended that it should normally be the case that this will be through an examination or an informal hearing. The hearing would be non-adversarial and inquisitorial with no right of formal advocacy and cross-examination unless the Inspector or Panel decides it is necessary. Exceptionally, where the Inspector or Panel consider that the issues or objections warrant it, a formal inquiry format may be used. The latter is likely to be where there are particularly contentious matters, where the objector's and Council's evidence is entirely at odds with each other or where there are major legal issues raised. The precise procedure to be followed will be determined by the inspector on a case-by-case basis.

39. We will introduce arrangements for the inspector to be able to timetable the inquiry process.

Adopting Local Development Frameworks

40. There can be little justification for all the parties going to the time and expense of examining the adequacy of the draft Local Development Framework, only for the recommendations arising out of that process not to be taken forward. Therefore, we propose to implement the proposal in the Green Paper that Inspector's or Panel's reports will be binding on local planning authorities subject to a power for the Secretary of State to direct otherwise. Also, a local planning authority will not be permitted to withdraw a Local Development Framework document once the independent testing process has started. The only exceptions to this are if the inspector's recommendation is that the LDF should be withdrawn or if the Secretary of State subsequently directs withdrawal.

41. We intend to provide in primary legislation that the Secretary of State will have the power to call-in a Local Development Framework document for his approval.

Monitoring and review of Local Development Frameworks

42. Local planning authorities will be required to submit an annual monitoring report on the implementation of the Local Development Framework policies and proposals to the Secretary of State, and come forward with revised proposals and an adjusted LDF scheme as appropriate. In the light of the criticisms made the new arrangements are based on alterations being made to the LDF as when and necessary rather than a fixed cycle that throws everything open every few years. The Secretary of State will be able to direct that reviews should happen if necessary.

Minerals and Waste Development Frameworks

43. Minerals and waste local plans will be replaced by Minerals and Waste Development Frameworks. These will operate in those non-metropolitan areas where there are county councils and National Park authorities who will prepare these frameworks. They will follow the same procedures as outlined for LDFs above. In all other cases relevant minerals and waste policies will be contained in the LDF.

Transitional arrangements

44. It is vitally important that development plan preparation, including structure plans, should continue between now and commencement of the new legislation which we hope to introduce. Many of the principles that will underpin LDF can be acted upon under the current system. These include taking greater account of the vision set out in the local authority's Community Strategy, clear expression of a core strategy, more use of criteria based policies as a framework of development control and succinctness. Similarly in the case of the RSSs the key principles are already set out in PPG11 and should be reflected in RPG reviews.

45. We will be issuing guidance in the autumn on how LPAs can incorporate LDF principles in their draft plans prior to the commencement of any new legislation. We will also be issuing guidance on how regional planning bodies

can prepare for the introduction of RSSs and what this means for reviews of RPG in the meantime. In addition we will put in place transitional arrangements that will allow for plan policies and proposals prepared in light of the new principles, but under the existing arrangements, to be incorporated into LDFs and RSSs as appropriate. Therefore, work undertaken now will not be wasted. Detailed guidance on such matters as saved plans on commencement of any new legislation will also be issued.

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