

PLANNING AND COMPULSORY PURCHASE BILL – IMPLICATIONS FOR DEVELOPMENT PLANS AND REGIONAL PLANNING GUIDANCE

1 SUMMARY

- 1.1 This report provides Members with information about the transitional arrangements and the implications for Rochford for the move from the current system of development planning to the new system proposed in the Planning and Compulsory Purchase Bill which was introduced to Parliament on 4th December 2002

2 INTRODUCTION

- 2.1 Subject to the Parliamentary process, the government anticipates that the earliest the development plan reforms proposed in the Bill could come into force would be Spring 2004.
- 2.2 The government wants to ensure that local authorities prepare in advance for the introduction of the new arrangements and that the transition from the old to the new system is as smooth as possible.
- 2.3 To that end, the ODPM has written to all local authorities with initial guidance on the implications for regional planning guidance and development plans of the new Bill between now and the commencement of the Act.

3 KEY ISSUES

- 3.1 The government considers that plan preparation and review must not stop in the period between now and the commencement of the new Planning Act. Timetable issues are discussed later in the report.
- 3.2 The Bill proposes that Regional Planning Guidance will be replaced by statutory Regional Spatial Strategies (RSS) which will form part of the development plan. It is intended that the RSS will be more focussed than current guidance, and that it will include sub-regional sections. The government has already announced that Regional Chambers are expected to be the 'Regional Planning Bodies' and that these will be directly funded by the Secretary of State.
- 3.3 Under the government's proposals, structure plans will be abolished and their role in providing strategic guidance will be subsumed into the new RSSs. The other element of the new 'development plan' will be Local Development Frameworks (LDFs), though the Bill does not actually refer to these directly but rather to the component parts, a

Local Development Scheme (LDS) and Local Development Documents (LDDs).

- 3.4 The LDS is intended to set out the details of the LDDs the local authority intends to produce, some of which would have development plan status, and others which would have the status currently referred to as supplementary planning guidance. The LDS will be the key document and will set out the LDDs to be prepared, the timetable for preparing those proposals, and the local plans which will continue under transitional arrangements until replaced.

Transitional arrangements

- 3.5 The aim of the transitional arrangements is to move as quickly as possible from the old to the new system whilst maintaining continuity and minimising costs.
- 3.6 It is most likely that the Rochford District Replacement Local Plan will still be in preparation when the Act becomes law in 2004 (at the earliest). It is expected that the stage will have been reached where the authority is under a duty to hold an inquiry. That being the case, the plan will continue to adoption under the current procedures.
- 3.7 If that is not the case, the plan will still continue under current procedures, but with certain important changes. Under the new LDF, where an inquiry is held, the Inspector's report will be binding on the authority. This will also be the case where an inquiry is held under the old procedures.
- 3.8 In addition, there will be no revised deposit stage as at present, and plans that have not reached that stage will need to be re-deposited in their entirety to allow for objections to be made on the basis that there will be no modifications.
- 3.9 Whatever constitutes the development plan in an area when the Act becomes law will retain development plan status for three years; this three year 'saved' period will apply to draft plans once adopted. During this three year period, authorities will be expected to progressively replace the 'saved' plan, so that by 2007 the new system will be fully operational.
- 3.10 The government is also though encouraging local authorities to format emerging local plans in accordance with the LDF model, though how far this can be achieved will depend on whether a plan has reached 1st deposit stage. The table below identifies the elements, which can be included in a local plan prior to replacement.

LDF Proposal	Local Plan
Core statement of general policies	Can be included
Site specific policies not set out in area action plans	Can be included
Reasoned justification for both of the above	Can be included
Statement of community involvement	No provision
Area action plans	Can be included
Proposals map	Can be included
Reduced number of policies	Can be included
Folder style approach	No provision
Contents page	Can be included
Supplementary planning guidance	SPG can be adopted outside the development plan

4 IMPLICATIONS FOR ROCHFORD

- 4.1 The Rochford District Replacement Local Plan should reach 1st deposit stage in the spring. The application of transitional arrangements will depend on the speed with which a second deposit modifications stage can be achieved coupled with the arrangements for an inquiry. If an inquiry has been arranged by the time the Act becomes law, then the plan will simply continue to adoption. Thereafter, the authority will be required within the three-year transitional period to progressively replace the plan with the LDF. Under the old arrangements, the Inspector's report would not be binding on the authority, though it is likely that the ODPM would require extremely robust reasons as to why the report should not be accepted in its entirety. The anticipated local plan programme is attached as appendix one to this report.
- 4.2 If on the other hand, the Bill reaches enactment as rapidly as the government hopes, and at the same time the local plan takes a little longer to process past the 1st deposit stage, then it would continue to adoption with several key changes. There would be no modifications stage for the plan and any proposed changes following 1st deposit would need to be incorporated and the plan placed again on deposit in its entirety. The outcome of an inquiry would also be different in that the Inspector's report would definitely be binding on the authority.
- 4.3 Turning now to the items in the table in paragraph 3.10 above. It has always been intended to include a core statement of policies in the replacement local plan, together with site specific policies and reasoned justification. Therefore, the plan should in large measure reflect these aspects of the LDF.

- 4.4 The statement of community involvement is not a requirement for the Local Plan. However, there is no reason why a statement cannot be prepared that explains the way in which the authority intends to engage with the community on planning matters. Such an approach makes sense given the government's requirement that authorities engage the community.
- 4.5 In many respects, site specific policies reflect the principles of the 'action area plan' in that they explain how an area will be developed and there is an accompanying proposals map allocation.
- 4.6 One of the aims of preparing the replacement local plan has been to seek to reduce the number of policies. The government intends that the LDF will only include detailed, locally focussed policies avoiding excessively detailed development control policies. Whilst the local plan makes some progress in this direction, there is no doubt that the further slimming of policies will be required in due course. It is considered that the current approach to the replacement local plan continue, but Members will need to be aware that inquiry Inspectors may very well be instructed to delete policies that do not reflect the LDF principles.
- 4.7 The folder style approach to the publication of the local plan is one that was to be proposed to Members, and this reflects the proposals for the LDF.
- 4.8 The Rochford District Local Plan has always included a contents page, index, etc. The replacement plan will also include a bibliography of key documents, and wherever possible the text of these documents will not be repeated unnecessarily in the plan.
- 4.9 Finally, the replacement local plan has been structured around a core document and a series of Local Plan Supplementary Planning Guidance documents. This means that the emerging local plan will reflect the structure of the LDF.
- 4.10 In terms of the broader implications of the new planning framework, Members need to be aware that the abolition of the Structure Plan will mean the need for very different working arrangements between districts and the county, districts and the regional tier and, perhaps most importantly, district to district.
- 4.11 The Planning Bill includes two sections (Section 27 and 28) that deal with joint local development documents and joint committees. The implications of these sections of the Bill could very well be that the preparation of individual district local development documents becomes more difficult, and certainly as far as the joint committees are

concerned, the Secretary of State will have the power to constitute a joint committee, which will include the county council, to be the local planning authority for the area, or in respect of particular matters.

- 4.12 It is not clear what the outcome of these sections will be for Rochford but, for example, it could be that there is a call for a joint development document for the Thames Gateway area in order to look at housing and industrial land provision in a holistic rather than piecemeal way.
- 4.13 At the moment, the county council provides many services (historic buildings advice, landscape and environmental issues, etc.) to local planning authority's at no cost, though of course all services are paid for through the Council Tax. Given though the abolition of the Structure Plan, the reason for maintaining such services disappears and it is not clear that the County will decide to maintain such discretionary services. Officer discussions have commenced to examine these issues and reports will be brought back to Members in due course.
- 4.14 Overall, there is a need for much clarification of the future role for the County Council. Certainly, minerals and waste local plans remain a county responsibility, but it is not clear how the county will interface with the regional tier, which body will provide certificates of conformity for local development documents, and how other strategic documents (local transport plan, economic development strategy, etc.) will interface.
- 4.15 The County Council and Southend Borough Council have launched a consultation document on the next Structure Plan (a report is being prepared for consideration by Members). Given the short timescale to the Planning Bill becoming law in 2004, decisions need to be taken about the future of the Structure Plan. It is considered unlikely that a plan can reasonably be processed to adoption and a more likely scenario is that following a first deposit later in the year, work will become more focussed on providing a sub-regional input into Regional Planning Guidance.

5 RESOURCE IMPLICATIONS

- 5.1 It is clear that just getting to a situation where the new LDF has been prepared and adopted will involve 4-5 years continuous work. Thereafter, the maintenance of an up to date development plan is likely to be more onerous than under the existing system since on-going electronic and annual hard copy updates will be required.
- 5.2 It is not easily possible to quantify the resource implications for dealing with the replacement local plan and the new LDF, but there is no doubt

that even with the current establishment (2.5 FTE) the work will be extremely challenging and further staff resources are likely to be required. As more details emerge on the new process, it is proposed to report further to Members on the growing resource issues.

6 RECOMMENDATION

6.1 It is proposed that the Committee RESOLVES

That, subject to Members comments, the preparation of the replacement Rochford District Local Plan continue as required by current legislation, but that where transitional changes can be accommodated to take account of the new planning framework, such changes be introduced as outlined in the report. (HPS)

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Background Papers: Letter from ODPM dated 5th December 2002.

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LOCAL PLAN PROCESS

