



CABINET – 13th January 2004

DRAFT PLANNING POLICY STATEMENTS -

PPS 11: REGIONAL PLANNING

PPS 12: LOCAL DEVELOPMENT FRAMEWORKS

JOINT REPORT OF THE CHIEF EXECUTIVE

AND DIRECTOR OF COMMUNITY SERVICES

PART A

Purpose

1. To inform Cabinet of draft Planning Policy Statements 11 on Regional Planning (PPS 11) and 12 on Local Development Frameworks (PPS 12) and to recommend an appropriate response to the Office of the Deputy Prime minister (ODPM) before the end of the consultation period on 16 January 2004. Copies of the documents have been placed in the Cabinet Office.

Recommendation

2. It is recommended that the County Council raises the key concerns set out in paragraphs 19 to 30 in Part B of this report and the detailed comments set out in Appendices 1 and 2.

Reason for Recommendation

3. To ensure that the County Council has an input into shaping national planning guidance which will influence the planning policy framework in Leicestershire.

Timetable for Decisions

4. Draft PPS 11 and PPS 12 have been prepared by the ODPM. They are part of a series of documents that include draft regulations, guidance notes on preparing documents and consultation on Planning Obligations (which is the subject of a separate Cabinet report) which set out the detail of the Government's planning reform agenda. In due course they will replace the existing Planning Policy Guidance note 11 (PPG 11) published in Oct 2000, the Regional Spatial Strategies (RSS) Supplementary Guidance to PPG11 issued in February 2003 and Planning Policy Guidance note 12 (PPG12) published in December 1999. Responses are invited by **16 January 2004**.

Policy Framework and Previous Decisions

5. Cabinet has not previously considered the draft planning policy statements. The proposed reforms to the planning system, which form

the back-drop to these planning policy statements, have been considered previously by the County Council. On the 12 March 2002 a report on the Planning Green Paper – ‘Planning: Delivering a Fundamental Change’ was considered by Cabinet, and comments set out in Appendix 1 of the report were forwarded to Department of Transport, Local Government and the Regions. On the 13 May 2003 a report for information on the implications of the Planning and Compulsory Purchase Bill was considered by Cabinet.

Resource Implications

6. Whilst the operation of the new planning policy system is not yet proven, with regard to minerals and waste the consultation documents indicate that the resources required to fulfil the obligations under the Act will be significantly greater than are currently applied to development plan preparation if the time-scales are to be met. Additional resources will need to be secured through reallocation of staff resources within the authority, additional financial resources or the use of external consultants. The Government’s Planning Delivery Grant, specifically aimed at helping authorities meet their planning commitments, which is due to be announced early in 2004 will help fulfil the statutory requirements

Circulation under Sensitive Issues Procedure

7. None.

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PART B

Background

8. Following the publication of the Planning Green Paper in December 2001 the Government has been moving forward its reforms to the planning system through the Planning and Compulsory Purchase Bill, which it hopes to enact in the summer of 2004. Draft PPS 11 on Regional Planning and PPS 12 on Local Development Frameworks and associated documents form part of the consultation on the detail of this planning reform agenda.
9. The LGA and other bodies, such as the County Councils Network, are still working with ODPM at both official and Ministerial level to ensure that county councils have a statutory planning duty and that this should be enshrined on the face of the Bill. As currently drafted the Bill proposes that the role of county councils will be to produce mineral and waste Local Development Frameworks (LDFs); advise district authorities on the preparation of LDFs, if asked by a district; provide technical advice to the Regional Planning Body (RPB) and assist on the sub-regional aspects of the Regional Spatial Strategy (RSS) if the RPB decides it wants such assistance. This role is not statutory and the Bill does not require the RPB or districts to involve the counties.
10. The Second Reading of the Bill is scheduled to commence in the House of Lords on the 6 January 2004. Briefing notes will be prepared for Members as any developments unfold.

Draft Planning Policy Statement 11 on Regional Planning

11. When the Planning and Compulsory Purchase Bill is enacted existing regional planning guidance (RPG) will be replaced by regional spatial strategies (RSS) for each region of England. The Government's aim is to better deliver policy by:
 - giving more weight to RPGs by replacing them with statutory regional spatial strategies;
 - ensuring future changes to RSSs are produced on an inclusive basis of partnership working and community involvement;
 - putting the arrangements for producing revised RSS on a statutory basis;
 - making the RSS more regionally and sub-regionally specific with a focus on implementation; and
 - better integration of the RSS with other regional strategies.
12. Draft PPS 11 sets out the procedural policy on the nature of RSSs and the requirements for revising them. The main points are:
 - RSS will provide a spatial framework to inform the preparation of local development documents (LDDs), local transport plans and regional and sub-regional strategies and programmes that have a bearing on land-use activities;

- RSS will provide a broad development strategy for the region for at least a fifteen year period and, amongst other things, identify the scale and distribution of provision for new housing and priorities for the environment, transport, infrastructure, economic development, agriculture, minerals extraction and waste treatment and disposal;
- sub regions should reflect functional relationships and be based on a clearly recognisable 'strategic policy deficit' which cannot be adequately addressed by general RSS policy or individual or joint development plan documents;
- the emphasis is on partnership working with local planning authorities and county councils to ensure strategy 'buy in';
- the Regional Planning Body (RPB) is to try to enter into appropriate arrangements with "strategic planning authorities" (county councils and unitary authorities) for help, for example, in providing technical expertise, assisting or taking a lead in sub-regional work, providing advice on conformity issues, monitoring and advising district councils on development plan documents and making representations on planning applications, and any other RSS planning function which the RPB may specify. The draft statement emphasises that the strategic planning officers will still be accountable to their Members;
- all authorities are expected to assist RPBs as partners in the preparation of draft revisions as they have done in the past, including through assistance of their staff and other resources.

Draft Planning Policy Statement 12 on Local Development Frameworks

13. Draft PPS 12 provides guidance on the structure and operation of the proposed new planning system which will replace the current system of structure plan and local plans. In the new system the development plan will consist of the following documents:

- **Regional Spatial Strategy (RSS)** – prepared by the regional planning body (in this region the East Midlands Regional Assembly) and approved by the First Secretary of State. (See reference to PPS 11, above);
- **Local Development Scheme (LDS)** – setting out what documents need to be prepared, over what timescale and with what resources. It will need to be submitted to First Secretary of State for approval within 6 months of the commencement date of the 2004 Act;
- **Local Development Framework (LDF)** – a portfolio of local development documents for delivering the planning strategy for the area;
- **Statement of Community Involvement (SCI)** – setting out the methods, programme and standards which the plan-making authority intend to achieve in relation to involving the community, stakeholders, business and other interested parties in the preparation and continuing review of all Development Plan Documents (DPDs) and in significant development

control decisions. The SCI will not be a DPD but will be subject to independent examination;

- **Local Development Documents(LDDs) comprising:**
 - a. **Development Plan Documents (DPD)** – prepared by the relevant plan-making authority. They will be subject to independent examination where those making representation will have a right to be heard. DPDs may form one document covering a range of policy areas or a number of individual documents. Individual DPDs or coherent parts of a single DPD will be able to be reviewed independently. Each DPD will include:
 - i. Core strategy – setting out the long-term vision for the area and the strategic policies and proposals. As well as a set of primary policies, it will indicate broad locations for development;
 - ii. Area action plans (AAP) – will be used to provide a planning framework for areas of change and areas of conservation;
 - iii. Site specific allocations and policies – allocate land to be used for specific uses or use criteria based policies to set framework for unforeseen proposals;
 - iv. Proposals Map – to show all policies and proposals contained in DPD and saved policies;
 - v. Generic development control policies –a suite of criteria-based policies to ensure that all development meets the vision of the core strategy;
 - vi. Saved plans – Structure and Local Plans that have been adopted will be “saved” by the new Act for 3 years after the Act comes into effect whilst those in preparation will be last for 3 years after their adoption.
 - b. **Supplementary Planning Documents (SPD)** –covering a wide range of issues on which the plan-making authority wishes to provide additional policy guidance. They will not form part of the development plan nor be subject to independent examination.
 - c. **Strategic Environmental Assessment and Sustainability Appraisal (SEA)** – a term used to describe environmental assessment as applied to policies, plans and programmes. The European ‘SEA Directive’ (2001/42/EC) requires a formal environmental assessment of plans and programmes, including those in the field of planning and land use.
 - d. **Annual Monitoring Report (AMR)** – planning authorities will be required to monitor how effective their policies have been and will have to prepare and publish an annual monitoring report which will inform decision makers as to what changes would be required to the policies.

Transferring to the New System

14. The objective of the transitional arrangements is to move as quickly as possible to the new system. The key date will be that of commencement

of the 2004 Act. Subject to Royal Assent this is expected to be in June/July 2004.

15. In the transition to the new system structure plans will be saved for up to three years from commencement of the Act or adoption of the Structure Plan, whichever is the later, unless during that time RSS revisions are published to replace structure plan policies or the Secretary of State directs otherwise. Draft PPS 11 says that strategic planning authorities should be encouraged to review plan preparation programmes and reconsider whether it is sensible to redirect resources to RSS.
16. Currently adopted local plans will retain development plan status and will become 'saved plans' for a period of three years from the commencement of the Act. For plans in preparation the three-year period will start from adoption or approval of the draft plan. During the three-year period LPAs will be expected to bring forward LDDs to replace all or parts of the saved plan in accordance with the LDS. Where LPAs can demonstrate that the saved plan or elements of it are fully in line with LDDs it will be possible to seek to extend the three-year period.
17. Where local plans have at least reached first statutory deposit, the position will vary depending on the circumstances:
 - a) If the LPA is not under a duty to hold an inquiry (or alternatively an inspector has been appointed), the proposals will continue under current procedures;
 - b) Otherwise, the proposals will continue under current procedures subject to the following changes:
 - the inspector's report will be binding upon the LPA;
 - there will no longer be a modification stage;
 - there will be no revised deposit stage instead the entire plan will be re-consulted upon (including any changes the LPA wish to make) to allow representations to be made on the basis that there will be no modification stage. This will also apply to draft plans that have reached the later 'revised deposit' stage.
18. Where proposals for the preparation, alteration or replacement of a local plan have not reached first deposit stage on commencement of the Act, the preparation would cease.

Comments on the draft statements and implications for Leicestershire County Council

PPS 11

19. A number of key concerns are set out below, with responses to the specific questions asked in the draft planning policy statements included in Appendices 1 and 2.
20. Under the proposed new system there will be a 'democratic deficit'. The development plan under the new system will consist of the RSS

(approved by the SoS acting on the recommendation of the RPB, made up of a mix of appointed and indirectly elected members), and a local development document, adopted by the district council on the 'binding recommendation' of an Inspector. Consequently, unlike the current system of structure and local plans, key decisions about land-use affecting local communities will not be in the hands of democratically elected bodies. This is not consistent with the stated aims of central government to devolve power and to increase community involvement.

21. Whilst county councils will retain key planning policy roles within the proposed new system in relation to minerals and waste issues, no statutory role is currently provided for county councils in relation to strategic planning policy at regional and sub-regional level. County councils are democratically elected bodies charged with providing community leadership and promoting the economic, environmental and social well-being of their areas. They are also providers of a wide range of services and possess considerable experience and expertise in regional and sub-regional policy issues. Without a statutory role for county councils it is difficult to see how the new system can operate effectively, in particular in relation to the preparation and implementation of sub-regional strategies within the RSS framework.
22. Other areas of work for county councils are suggested in the draft planning policy statements, and include providing advice for the RPB on conformity issues between LDDs and the RSS, and in making recommendations on planning applications where regional or sub-regional issues are raised. The County Council has reservations about the prospect of "enforcing" a development plan that has been prepared with limited democratic input and over which County Council Members will have had and will continue to have limited influence.
23. The practicality of managing workloads will also be an issue. For example, mineral and waste planners are very likely to be called upon to make a technical input into minerals and waste issues on the RSS and the same staff will also need to prepare Mineral Development Documents and Waste Development Documents.
24. There is currently no detailed guidance on the role of Supplementary Planning Guidance (SPG) at the regional level. It is likely that as RSS becomes a more focussed strategic document a number of topics may benefit from more detailed strategic advice, and there is also the need to consider how current SPG linked to structure plans can continue under the proposed system where this is appropriate.

PPS 12

25. In general the proposed new system, particularly with regards to LDFs, appears to be more complex and time consuming than the existing one. This is a concern given the aim to increase speed and efficiency in the planning system and the three years timescale of LDF production. The last third of that time is taken up with submission to the Secretary of State, examination in public and adoption, leaving the local planning authorities the first two years to carry out the preparation processes.

26. Draft PPS 12 suggests that the key to preparing LDFs is the LDS. The Government is urging local planning authorities to give thought to preparing a draft LDS for submission in December 2003, in advance of the Act coming into force, to assist planning authorities in the future.
27. At the current time it is understood that work done following LDF principles is *ultra vires*. This presents a problem because if there is insufficient time to get a local plan adopted under the current system there will be a hiatus, which is likely to lead to more planning by appeal, and greater uncertainty. This situation needs to be resolved so that a hiatus does not occur.
28. Under the new planning system minerals and waste issues will be the County Council's main forward planning roles in addition to its regional and sub regional responsibilities. Leicestershire will need to produce Minerals and Waste LDF's and Development Schemes. Leicestershire's Minerals Local Plan (MLP) was adopted in 1995, and runs to the end of 2006. It is currently being reviewed on a joint basis with Rutland County Council, and a key issues consultation paper was published in May/June of this year, as the initial stage in the review process. It is scheduled to produce the first replacement draft plan in the Spring of next year. This will be the first statutory deposit version of the plan, and if these proposed time scales are met (i.e. it reaches this stage before commencement of the Act), then under the provisions set out above, it will become a 'Saved Plan'. It is considered that it will thereafter follow the procedure outlined in b) above.
29. The Waste Local Plan (WLP) was adopted in September 2002 and also runs to the end of 2006. It is recognised that a review of this plan is urgently required and, based on the recommendation of the Inquiry inspector, the County Council has made a commitment to review this Plan at an early stage in view of the need to provide suitable waste management facilities to meet the needs of Leicestershire. Existing resources will not allow the WLP to proceed with a review in the immediate future. Consequently, the WLP will also become a 'Saved Plan' but as the first statutory deposit stage will not have been reached by the time of commencement of the Act, the replacement WLP will be subject to the new procedures.
30. The new Planning and Compulsory Purchase Act, supported by Best Value requirements (BVPI200) to produce timely and up to date plans, will require the County Council to prepare a LDS and to prepare DPDs and all the processes that that entails.

Background Papers

Draft Consultation Paper on a New Planning Policy Statement 11 (PPS 11) – Regional Planning (ODPM, 2003)

Draft Town and Country Planning (Regional Planning) (England) Regulations

Draft Consultation Paper on a New Planning Policy Statement 11 (PPS 12) – Local Development Frameworks (ODPM, 2003)

Local Development Frameworks – Guide to Procedures and Code of Practice (ODPM, 2003)

Creating Local Development Frameworks - Consultation Draft on the process of preparing Local Development Frameworks (ODPM, 2003)

Appendices

Appendix 1: Responses to questions asked in draft PPS 11

Appendix 2: Responses to questions asked in draft PPS 12

APPENDIX 1: Responses to questions asked in draft PPS 11

The Government has set out a series of questions on which it is encouraging views to be made. The responses to the questions will assist the Government with the preparation of the final document.

i. Paragraphs 1.17 and 1.18 set out the expected format of the regional spatial strategy (RSS). Does this cover the right key points or do you think that there should be changes or additions?

The format of the RSS should also address the sub-regional dimension, as the sub-regional dimension will often form an important element of the RSS.

The discouragement of annexes is not supported because they can provide a useful and important information source for peripheral, background or technical work and avoid supporting documents being overlooked.

On a wider issue of format it is felt that PPS 11 should include a template setting out what a RSS should contain rather than referring to guidance in topic specific Planning Policy Statements (PPSs).

ii. Paragraphs 2.8 to 2.10 discuss the relationship between the RSS and other regional strategies and the need to join these up. Do you have any suggestions about ways of securing better integration or other examples of good practice?

Reference in paragraph 2.9 to the East Midlands Integrated Regional Strategy (IRS) published in 2001 is welcomed. It provides an approach that could be tailored in other regions to meet their specific requirements.

To reflect the current position and to emphasise the continuing relevance of the IRS in the East Midlands region, the current review of the IRS, which aims to refine and strengthen the influence it has on other strategies, should be referred to.

There remains lack of clarity regarding the relative standings of the various regional strategies, including the RSS, the Regional Economic Strategy, Regional Housing Strategy and Regional Cultural Strategy. It remains unclear which would take precedence in cases of conflict.

Paragraph 10 refers to the integration between land use and transport being critical at the regional level this integration is also critical at the sub-regional level where the mechanism for achieving this integration is very weak.

iii. Chapter 2 and annexes D and E stress the importance of community involvement and partnership working in the RSS preparation process. Is the current balance between procedural policy and guidance right at the moment or does this need changing?

In particular:

- a) *Paragraph 2.21 and paragraph 8 of annex D requires the RPB to hold a public conference to seek agreement to the issues identified for the review. Should this requirement be retained?*
- b) *Paragraph 21 of annex D encourages the RPB to establish a formal group, chaired by someone from outside the RPB or local authority and with a membership representative of the community, which is consulted at key milestones on the road to the draft RSS revision. Should this guidance be a requirement?*

There are good examples of community involvement and partnership working in Leicestershire. For example, early in the preparation of the Leicestershire Community Strategy meetings were set up with harder-to-reach groups in locations convenient for people to attend. The Leicestershire Rural Partnership has a broad and effective partnership base that has established a good track record for 'adding value' through enabling, facilitating and helping communities to tackle rural issues. These examples of good practice provide transferable approaches that should be adapted and used in the RSS preparation process.

There is a lack of linkage between the RSS preparation process and the County LSPs which needs to be addressed. This is inconsistent with the treatment of LSPs at the local development framework level.

The requirement for a public conference at the preliminary identification of proposed issues stage should be retained. Without this conference the opportunity to ensure that views are made before the parameters are set for the RSS revision is significantly reduced. It is felt that the public conference should be expanded to also include the 'Statement of Community Involvement' in a similar way to the LDF process.

A formal group, along the lines described in paragraph 21 of Annex D, would help to provide an important 'sounding board' at the key milestones. The effectiveness of such a group will depend on the membership and their active involvement, and will take time to draw together and effectively operate if there is no such group already up and running. Consequently, although there is support in principle for the guidance on establishing a formal group to be a requirement, it is felt that there needs to be recognition of the time this will take.

iv. Paragraph 2.14 refers to the role that it is anticipated strategic planning authorities may play in leading sub-regional studies. Should we include more on how to make these arrangements effective and if so do you have any suggestions?

Reference in paragraph 2.14 to the RPB being 'particularly careful to ensure it works on a partnership basis with local planning authorities and the county councils...' and '...for a county, unitary or National Park or, on occasion, a district council to lead a sub-regional study' is welcomed. However, although county councils will have the right to be consulted they will not be able to insist on being involved in the preparation and revision of RSS, which is likely

to weaken the input county councils make to this area of work. This reiterates the importance of county councils having a clearly defined statutory role in the process.

v. Paragraph 2.17 lists areas of work where RPBs may wish to enter into partnership arrangements with strategic planning authorities. Do these highlight the right areas of work or should there be changes or additions?

In paragraph 2.17 reference is made to 'strategic planning authorities'; if this terminology is to be used for purposes of simplification this should be defined in the Draft Regulations for clarification.

The areas of work listed in paragraph 2.17 broadly cover those areas where we would expect RPBs to wish to enter into partnership arrangements with strategic planning authorities.

vi. Paragraph 2.20 sets out the key features of the project plan for the RSS revision and paragraph 6 of annex D elaborates on this in relation to community involvement. Does the current text adequately describe the features of the project plan or are there others that should be included?

Reference was made in response to question iii to the inclusion of a 'Statement of Community Involvement' in a similar way to the LDF process. This would need to be reflected in Annex D if this suggestion is taken on board.

The move by the County Surveyors Society and County Councils Network to seek an amendment to the face of the Bill in order to reinforce the role of counties is supported. This would entail the need for consultation with strategic planning authorities to be included at the beginning of the process. This would also require an amendment to Figure 2.1.

vii. Figure 2.1, the diagram of the RSS revision process, sets out a timetable from start to finish of thirty-two months. Is this in your view about right, too long or too short? If too long, how might we be able to speed the process up further? If too short, where in the process and on what grounds should we allow more time?

The proposed Examination-in-Public for RSS is likely to be quite different and longer in length in the absence of Structure Plans; this is due to the additional level of detail, such as the distribution of housing provision that the RSS will need to tackle. This factor is not reflected in the draft PPS and additional time should be given to the EiP stage.

The diagram at figure 2.1 needs to separate out the publication of the Panel report and consultation on Proposed Changes, as Proposed Changes are a later part of the process following the publication of the Panel report.

To deliver the RSS revision process in accordance with the timetable it will be important for all key partners, including the Government itself, to agree to

meet the requirements set by the timetable. For example, during the recent RPG review in the West Midlands, the Panel report was published as expected in September 2002 and it was anticipated that the SoS would publish his proposed changes in January 2003; however, there was a delay of eight months and they were not published until September 2003.

viii. There is currently no requirement for the draft RSS to be advertised in newspapers (see paragraph 2.31). Should there be? Do you have other suggestions beyond those in paragraph 28 of annex D about how the RPB can best publicise the draft RSS?

The good practice adopted by counties in relation to publicising structure plans should be adopted by RPBs in relation to publicising RSS. This would include the need to advertise in newspapers.

ix. Paragraph 2.38 sets out the principles that the RPB should consider when determining whether structure plan policies should be saved beyond the normal three year period. Are these the correct ones or should there be any changes or additions?

This section on the implications for RPBs of transitional arrangements for structure plans needs to tighten its links with and cross refer to PPS 12. The intent of paragraph 2.38 and the principles it contains are supported; however, the concern that paragraph 4.4.6 of PPS 12 effectively cuts loose LDFs from structure plans during this period undermines the effectiveness of this approach.

x. Does paragraph 3.2 adequately describe the content of the annual monitoring report or would further guidance be useful in an annex? If more guidance would be useful what should be included?

It is felt that paragraph 3.2. adequately describes the context of the annual monitoring report. The key concern is that the annual monitoring reports in the level of detail required by ODPM will not be deliverable or meaningful in the timescale set. For example, there are often many factors why the number of houses built in a particular year varies, and a longer view is needed to gain a more accurate perspective.

xi. Do chapters 1,2 and 3 provide adequate procedural policy advice or are there other areas where we should set out procedural policy. If so, what are these?

In addition to the comments already made on procedural policy advice in response to other questions it is suggested that proposals to abolish parts of saved structure plans should be required to be discussed at RSS EiP.

xii. Are the main aims of a regional transport strategy set out in annex B between paragraphs 3 and 4 and described in more detail at paragraphs 19 to 37 right? If not, what changes or additions should be made?

Transport - Scheme timescales (22)

Some developments occurring within the timescale of the RSS will require transport improvements that may not need to be implemented within its timescale. This is particularly the case for large developments which may take many years to complete. The Consultation Paper says that proposals should only be included if there is a reasonable prospect of delivery within the RSS timeframe which means that vital longer term improvements could not be safeguarded no matter how important or critical they may be.

Parking (35)

Recent planning guidance has emphasised the importance of establishing maximum parking standards. However, Government research has shown that planning authorities do not always apply or enforce maximum parking standards as they are not mandatory. The introduction of restraint based maximum standards in many areas would give rise to severe road safety and environmental concerns and encourages anti-social behaviour. In many parts of the country there are no satisfactory alternatives to the car and a national core indicator for conformity with parking standards (39) will merely confirm the extent to which standards are not being applied. The provision of parking should be linked to a proper transport assessment of development proposals which would specify the maximum car use and would contain appropriate provisions for ensuring that any additional demand would require the provision and use of suitable alternatives and which could be enforced in the short and longer term.

Managing Traffic Demand (36)

The Consultation Paper suggests that the RTS will have a key role in steering LTPs on where demand management measures might be appropriate. The assumption appears to be that the RTS will be developed with sufficient rigour and in an appropriate timescale to have an influence on LTPs, but this may not be achievable. In order to ensure proper integration of transport and land-use it is vital that all development proposals fully address (and contribute towards minimising) their traffic impact.

Priorities for managing and improving the network (26)

There seems to be little point in highlighting improvements to the network that do not have implications for the spatial strategy and a guaranteed timescale and funding. The strategy should specify the basis upon which improvements would be considered.

Strategic Framework for Public Transport (31)

If the demand for car use is to be managed successfully it will need to be complemented by extensive measures to assist and support the use of public transport, which in most areas means buses. There seems to be an emphasis on regional integration and regional networks but the main demands and problems with public transport are at the local level. It is vital that public transport is planned, and seen to be, a fully integrated system of networks, information, fares and interchanges. It is not sufficient to "encourage through the LTP process an integrated approach to public transport between modes and across local authority boundaries". It is vital that the legislative powers

and funding that would be required to achieve an attractive and effective public transport network should be introduced without delay. Contrary to what the Consultation Paper says any framework should set specific service levels (and networks and fares) to enable decision makers and potential users to have some confidence about future public transport provision and the way it will influence land use planning decisions and travel patterns.

xiii. Does this consultation document, and in particular annex B, place sufficient emphasis on the integration of transport and spatial planning at the regional level? If not, what else should be added?

The important role of counties as transport authorities is not stressed in either the main body of PPS 11 or in annex B. Currently, annex B refers to the 'county council level' only in paragraph 15. Amendments are needed to reflect the important roles counties play as transport authorities.

The tone within PPS 11 and Annex B is that the RPB will 'steer' local transport authorities rather than actively work with the authorities responsible for producing local transport plans. This needs to be adjusted to reflect more equitable partnership working arrangements.

Further amendments are needed within annex B to clarify the relationship with LTPs, to give recognition to the 'bottom up' dimension as well as the 'top down'.

xiv. Is the guidance on the conduct of examinations in public at annex C sufficiently comprehensive or are there areas where further guidance would be helpful? If so, what are these?

Planning authorities, whether strategic or local, are not amongst the specified list of likely participants in the EiP into the RSS. Paragraph 19 of annex C states that 'there may be occasions when a representative or representatives of groups of local authorities may be invited in view of the matters to be discussed'. This needs to be strengthened to reflect the important contribution a grouping of local authorities could make to the debate at the EiP. Very often a grouping of strategic authorities could make a valuable input to the understanding of strategic issues within a region or across boundaries with other regions.

Paragraph 44 of annex C refers to the relevant groups of authorities presenting their differing views to the Panel in exceptional circumstances, if in relation to a selected matter there are issues of contention between member authorities of a RPB. Where such differences exist it would be preferable to see an authority or group of authorities automatically invited to the EiP.

xv. Paragraph 20 of annex D draws attention to the importance of involving harder-to-reach groups and provides advice on how this might be achieved. Views would be welcome on how else these groups might be effectively

involved, including whether any of the procedures set out in this PPS should be refined.

Strategic Planning Authorities have some good experience in engaging with the harder-to-reach groups. For example, reference has already been made in the response to question iii to the meetings set up with harder to reach groups early on in the preparation of the Leicestershire Community Strategy. Other examples from Leicestershire County Council include the Young Persons Citizen's Jury held in November 2002, to be followed shortly by a Disabled Persons Citizen's Jury and a Black and Ethnic Groups Citizen's Jury.

xvi. Should there be any additions to or deletions from the list of bodies at the end of annex D that the RPB may want to consult when preparing an RSS revision?

It is felt that the wording in paragraph 18 of Annex D should be taken across into the draft Regulations (Regional Planning) to provide clarity. Furthermore, it is noted that paragraph 38 and Table 1 are consistent with paragraph 18 but not with the current draft Regulations.

We would support the request for the County Surveyors' Society to be added to the list of bodies in annex D.

xvii. Do you have examples of best practice in partnership working or advice on the principles which should be followed, relevant to annex E?

The guidance on partnership working in the RSS process, which highlights the pivotal role that local authorities will play in developing and implementing the RSS, is welcome. Local Authorities are different from other consultees and partners because their views have democratic legitimacy, and this point needs to be emphasised within the PPS.

The two key examples from the East Midlands region have been included within annex E, and it would be preferable to include a range of examples from different regions in this annex.

xviii. Is the list of proposed national core indicators at annex F correct or should there be any changes or additions?

There should not be an approach of 'one size fits all'. It is important to recognise that all regions are different, and that priorities in one region may not necessarily be reflected in RSS elsewhere. Where it is helpful to produce information for all regions, comparisons can only be made where indicator definitions are clear and consistent. The present guidance does not always enable this, for example there are problems with output indicator definitions 2c on housing density, 3 on car parking and 4b on town centre development.

Furthermore, it needs to be recognised that resources are limited in many agencies for data collection, classification and analysis; and District Councils

are struggling to dedicate resources to monitoring, which can only be exacerbated by the requirements in the Planning and Compulsory Purchase Bill.

The proposed list of national core indicators currently excludes an indicator for affordable housing. An affordable housing indicator needs to be included, particularly given the weight Government is giving to the delivery of the Sustainable Communities Plan.

xix. Are there any other comments you would like to make that cannot be accommodated as answers to the questions above?

The key role assigned to counties in the PPS is in assisting the RPB in the sub-regional elements of the RSS. However, it is clear that the sub-regions will not always be based on county boundaries, and that not all areas in a region will be addressed in the sub-regional dimension. Further guidance is required on the sub-regional dimension; as it currently stands it is in sketch form only and requires greater clarity to fully understand what is envisaged and to assess how to approach this work with partners.

There is the potential for a transitional policy hiatus to exist at the sub-regional level. It will be necessary to say which structure plan policies are still valid in the transitional arrangements to ensure that a hiatus doesn't exist.

Paragraph 2.16 in PPS 11 recognises that a particularly important aspect of the revisions will be the distribution of housing down to district level, and reference is made to the RPBs co-ordinating this work, and in doing so effectively involving county, unitary, National Park and district authorities and other stakeholders. Leicestershire County Council supports the County Surveyors Society in its view that the distribution of housing down to district level is crucial and an important aspect of the success of the Local Development Documents; it is disappointing, therefore, that paragraph 2.16 does not go further to provide guidance on how the process of distributing housing figures will operate in practice.

APPENDIX 2: Responses to questions asked in draft PPS 12

The Government has set out a series of questions on which it is encouraging views to be made. The responses to the questions will assist the Government with the preparation of the final document.

1. We propose that local planning authorities should adopt a spatial planning approach to local development frameworks (Chapter 1). Do you agree?

Yes. It is particularly appropriate that spatial aspects of other strategies and programmes including the community strategy are addressed.

1a. Would you like to see any other information on the scope of local development documents?

For the County Council as the mineral and waste planning authority it would be helpful if guidance explained how spatial matters relating minerals and waste will be incorporated into the LDFs. For example, to what extent should mineral and waste planning authorities take into account the economic status and future prospects of the mineral and waste industry; how far should cultural and fiscal measures designed to reduce the waste producing habits of society be catered for? In terms of minerals, what weight should be given to the national economic need for minerals, who should make that judgement and how is the local environmental cost balanced against the national need? What overlap will there be the economic and social issues being considered at the district level?

2. Chapter 2 sets out the main elements of local development documents – the core strategy; site specific allocations; area action plans; proposals map, and supplementary planning documents. Do you agree with the principles set out for each? If you consider that any of these principles give rise to particular problems in preparing local development frameworks, please make suggestions to deal with them.

2a. The core strategy

Para 2.2.4 refers to a key diagram, which appears to serve the same function of the current structure plan key diagram. It is doubtful whether this would add anything to the proposals map which would cover the same area, and could lead to confusion between the two.

The guidance sets out what is envisaged for the core strategy in terms of minerals and waste although it would be helpful if there was more specific guidance on the concept of BPEO (Best Practical Environmental Option) and whether it applied to all waste streams together, to individual waste streams or individual proposals.

2b. Site specific allocations

It is not clear whether each site allocation should be set out in an individual document or whether all land allocations should be together in one document.

2c. Area action plans

No comment.

2d. Proposals map

There are timing and necessity issues with **para 2.217**. It is not clear whether the district councils will have to wait until the mineral and waste LDF has made its allocations before they can be included in their district proposals map. Also why is there a need to do that when the development plan for the area will include the mineral and waste LDDs and therefore there is no need to repeat them in other documents, rather the LDDs for that area will need to be read in the round.

2e. Supplementary planning documents

There should be a mechanism for saving existing supplementary planning guidance where it is still relevant. This would avoid duplication of effort. Clarification of the status of existing SPG, which supplements policies in a 'saved' plan should be provided.

It is not clear what status or practical purpose SPDs would serve or weight they would be given in development control decisions.

3. Chapter 3 sets out the process leading to the preparation of local development documents.

3a. Are the requirements for the statement of community involvement reasonable? Should any requirements be added or removed?

The principle of a SCI is sound but it would be helpful if some indication was given as to what methods the Government envisage local authorities would use to fully engage the community in the planning process. A worked example would be useful. Also, if the SCI fails to meet the scrutiny requirements and is "withdrawn" what does this mean for the SCI and the LDDs? Does the whole process come to a standstill or does the engagement process start again? Clearly there is a significant resources implication in carrying out this aspect and it would be helpful to know whether there was a minimum acceptable level of community engagement.

3b. Are the requirements for community involvement in respect of avoiding discrimination (paragraph 3.1.10) sufficiently addressed? If not, what alterations would you suggest?

No comment.

3c. Does the statement of principles for the local development scheme provide the right level of prescription to enable a firm programme to be prepared for the preparation and adoption of local development documents?

Yes it does, as a general overview of the list of documents required, but what is more difficult is to gauge the resources required to undertake the tasks and so programming become difficult. There should be a reference to the need to reflect the policies and strategies of county councils.

4. Chapter 4 presents the requirements for the preparation of development plan documents and supplementary planning documents. Are the stages set out with sufficient clarity?

If this is what the Government want then it is clear in that respect.

If not,

4a. What additional requirements need to be considered for development plan documents?

Para 4.2.2 should clarify the arrangements that will enable county councils to continue to make the matters listed available to local planning authorities. Whilst it is reassuring that county councils will be responsible for keeping under review the majority of the information required and will be responsible for making this available to districts, it is questionable how realistic this will continue to be under the new planning system. It does not appear that county councils will be required to fulfil this function by the regulations proposed to be brought into force, but would be brought about by an agreement between counties and districts.

Paras 4.3.6 and 4.3.7 are generally very clear. Whilst the 6-week period for public consultation is the statutory period under the current planning system, it is not unusual for consultees to have difficulty responding within this time period.

If the housing figures are to be set by the RSS on a district basis, presumably the housing capacity and community's housing needs referred to in **para 4.3.8** relate to sub-district areas.

If LDFs will no longer need to be in conformity with the structure plan from commencement of the Act (**para 4.4.6**), until relevant structure plan policies are saved as part of the RSS, there will effectively be a gap, during which there is only the requirement for structure plans to be treated as a material consideration.

4b. What additional requirements need to be considered for supplementary planning documents?

Clear guidance as to what weight these supplementary documents will carry in development control decisions.

4c. Are the criteria for the assessment of soundness of the plan (paragraph 4.4.8) comprehensive? Should any considerations be added or removed?

The criteria for assessing soundness appears to set out what is required but only time will tell through public examination whether the concept stands up to scrutiny.

4d. Are the sections on monitoring and review (4.8) comprehensive and clear? If not, what alterations would you suggest?

The concept of plan, monitor and manage is accepted but it does not seem to apply to minerals planning where the Government has set out in national guidance (for aggregates) what is required (predicted) and seeks mineral planning authorities to provide the required level of mineral development.

5. Chapter 5 deals with transitional arrangements. Is this clear? If not, what other information should be provided?

See comment relating to conformity under Question 4a.

6. Annex A provides definitions. Do you wish to suggest any amendments?

No comment.

6a. Is the list of suggested components of the proposals map set at the right level? Do you wish to suggest any amendments?

It seems adequate although it is not clear whether there will be an overlap between minerals development plan documents and district LDDs since it appears that matters contained in the minerals proposals map will be repeated in the District wide LDDs.

7. Annex B provides advice on other subjects with which local development frameworks will need to relate. Do you have any comments on the content of sections on:

7a. The community strategy?

Whilst the principle behind the relationship of LDFs and community strategies is supported, in practice there are a number of weaknesses inherent in this approach.

If the LDF is expected to express those elements of the community strategy that relate to the use and development of land, this assumes that local strategic partnerships preparing the community strategy are representative of the community as a whole. Community strategies are still in the early stages of their development and this may not always be the case.

Whereas the LDF is required to be in conformity with national planning guidance, regional and strategic guidance, the content of the community strategy is not subject to independent scrutiny so may not provide the right basis on which to take forward land-use proposals. It is not clear which should

take precedence if there is a clear conflict between the aspirations of the community strategy and planning policy.

7b. Resources?

It seems that there will additional resources required to meet the establishment of the new system but no clear guidance as to how those resources are to be met.

7c. Infrastructure provision and utilities infrastructure?

No comment.

7d. Transport?

The reference to the need for consistency between local development documents and local transport plans is supported. The preparation process of LDFs and LTPs should ideally run in parallel.

7e. Hazardous substances and air quality?

No comment.

7f. Are there any omissions to the subjects on which policy needs to be provided in this statement?

The context of the national waste strategy needs to be referred to as case law has now deemed it to be an objective of national policy that has to be met when considering development decisions. Within the concept of BPEO (Best Practical Environmental Option) is a critical element. It would be helpful if the operation of BPEO was more clearly set out.

8. Annex C provides a list of suggested consultees. Do you have any amendments to suggest?

It is not clear whether the consultees listed are statutory or voluntary. There are no mineral or waste trade associations included in the consultation list given that there will be MDFs and WDFs.

9. Are there any other matters in relation to the preparation and content of local development frameworks that you would like to see in this statement?

No

10. Do you have any other comments on this statement?

The County Council considers that the inspector's or panel's report should not be binding upon local authorities but subject to local determination. The County Council is concerned that this proposal will undermine local democracy and accountability.

In the absence of further detail on the government's proposals for business planning zones, the County Council is concerned about the need for, and purpose of, BPZs and doubts that they will speed up the planning process, strengthen accountability and public confidence in planning, secure development in the areas where it is needed, or deliver the high quality development that is required to meet the government's urban renaissance agenda.

Please also see the general comments in the attached Cabinet report.