

Report of: Head of City Development

To: Executive Board 4th February 2008

Item No:

Title of Report : Consultation response to Draft PPS12: Streamlining Local Development Frameworks

Summary and Recommendations

Purpose of report: To approve the City Council's response to the responses to the Government's consultation on Draft PPS12: Streamlining Local Development Frameworks

Key decision: No

Portfolio Holder: Cllr John Goddard

Scrutiny Responsibility: Environment

Ward(s) affected: All

Report Approved by

Portfolio Holder: John Goddard

Legal: Jeremy Thomas

Finance: Christopher Kaye

Strategic Director:

Policy Framework: N/A

Recommendation(s):

That Executive:

1. approve the attached response to Draft PPS12: Streamlining Local Development Frameworks for submission to the Secretary of State; and
2. authorise the Planning Policy Manager to make any necessary editorial corrections to the City Council's response.

Summary

The purpose of this report is to consider the City Council's response to the Government's consultation on Draft PPS12: Streamlining Local Development Frameworks: Consultation. Streamlining LDFs is a consultation document that includes a series of questions relating to new proposals for the planning policy system. The response will be submitted as the formal comments of Oxford City Council.

2. Executive Board are asked to approve the attached response for submission to the Secretary of State.

Streamlining LDFs

3. The Government published Streamlining LDFs in November 2007. The intention of Streamlining LDFs is to consult on proposed changes to the Planning and Compulsory Purchase Act 2004 and to PPS12. The changes are suggested following consultation on the White Paper: Planning for a sustainable future. Executive Board approved Officer's consultation response on the White Paper on 13 Aug 2007.
4. A number of alterations are proposed to the local development framework (LDF) system with the intention of 'ironing-out' some problems. It is proposed that one early consultation phase will be removed from the production process for DPDs, and the consultation on a submission DPD will be brought forward to enable public comment on text of the DPD before submission of the document to the Secretary of State (rather than on submission as is currently the case).
5. Supplementary planning documents will be able to be produced based on national and regional guidance and will not always require a Sustainability Appraisal.
6. The current systems states that DPDs must conform with nine Tests of Soundness. These Tests are proposed to be re-written to focus more upon producing plans that are 'justified' and 'effective' rather than focusing on procedural and legal elements although these will still be relevant.
7. It is also proposed that the lifespan of a Core Strategy will be extended from 10 to 15 years to ensure consistency with PPS3 (Housing) and enable longer term planning of housing delivery.

The response to Streamlining LDFs

8. Most of the proposed changes are supported as they address some of the issues raised in the City Council's response to the White Paper in August. There are no changes that we strongly disagree with but there are a few where there are concerns which we have noted in our response.
9. In particular, we are concerned that the importance of the Core Strategy is far outweighing other DPDs and that this might make it more difficult to justify the production of a particular DPD in future. This could cause difficulty/problems because it is likely that we would want to produce topic based DPDs in the future without procedural matters hampering this.
10. We are also concerned that this importance placed upon the delivery of housing in pure numerical terms, and insufficient emphasis placed on building communities as a whole, is a flaw with PPS3 which should not be replicated in PPS12.
11. Other concerns are minor procedural issues.

The timetable

12. Once approved by Executive Board, the response to Streamlining Local Development Frameworks will be submitted to the Secretary of State by 19 February 2008.

Appendices

Appendix 1: Oxford City Council response to Streaming Local Development Frameworks

Name and contact details of author:

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Background papers: **Streamlining Local Development Frameworks: Consultation (Nov 2007) CLG**

STREAMLINING LOCAL DEVELOPMENT FRAMEWORKS (LDFs) CONSULTATION RESPONSE FORM

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B: Draft Local Development Amendment Regulations		
B1: Improved Consultation Arrangements		
<i>Do you support the proposal to remove the requirement to have a stage of consultation in the middle of the process (i.e. regulation 26 Preferred Options)?</i>	Yes	✓
	No	
<p>Explanation/comment: We support the reduction in the number of consultations during the preparatory stages as this reduces the likelihood of consultation fatigue. But we have concern that at such an early stage as Issues and Options, consultation may not be as successful or useful as if it were at the Preferred Options stage. It is not easy for everyone to come up with Issues and Options. For many people, it is easier to form an opinion and an interest where there are some genuine options suggests.</p> <p>We support the suggestion that the SA would only be required to be published upon publication of the Plan. The SA is mainly used in-house to ensure that the LPA has considered all options and decides upon the most appropriate policy approach for their area; and this is something that the public rarely seem interested in reading, not least because of the length of the SAs. This is demonstrated by the lack of representations made on them.</p>		
B2: Bringing forward the time for making formal representations on the plan before the point of submission to the Secretary of State.		
<i>Do you agree that the period for formal representations on the plan should be brought forward before submission?</i>	Yes	✓
	No	
<p>Explanation/comment: This would help to resolve one of the unintended negative effects of the LDF system. Under the current system, the first time the draft Plan is made public and consulted on it has already been submitted for examination. The LPA has no chance to change the Plan. Although consultation takes place on Preferred Options, that is a consultation document and does not give the full picture of the shape of the final document. One of the key difficulties with engaging people in the new system, and one of the reasons that many Plans have failed at examination, is that there is no opportunity to consult on a draft Plan and to make amendments. One feature that has been lost from the old Local Plan system, but which had many benefits, was the opportunity to consult on a draft Plan, and respond to objections with an explanation or proposed change.</p>		
<i>Do you think that the process for handling Site Allocations Representations is unnecessarily burdensome?</i>	Yes	
	No	
<p>Explanation/comment: We have not yet begun work on our Site Allocations DPD so are unable to comment on how it works in practice.</p>		

B3. Opportunity for change after formal representations in exceptional circumstances		
<i>Do you think we should require (by regulation) Local Planning Authorities to be under a separate and specific duty to consider the representations at this stage, or should this be left to their discretion?</i>	Yes	✓
	No	
<p>Explanation/comment: With regards to producing a changed Plan, the document refers to making these changes being a 'relatively straight forward exercise' and that it should only take a 'matter of weeks'. Physically editing a document <i>would</i> only take a few weeks but this fails to take account of the committee process that an LPA must go through in order to approve a document for public consultation. Not only must decisions be made on what changes are to take place, and these changes agreed internally which can take weeks in itself, they also have to go to one or two council meetings. The changed Plan must be submitted to these a week or two in advance. Plus these council meetings may only meet up once every few months and the final changed Plan would need to co-ordinate with their time frames. Whilst we support the notion of a changed Plan we would hope the revised guidance will be more realistic with its timescales not least to also allow to time to carefully consider and respond to objector's comments.</p> <p>It would seem sensible that it should be left to the discretion of the LPA whether or not to consult on the changed Plan. However, if new circumstances arose that required the Plan to be 'withdrawn' this suggests that changes would be significant and warrant re-consultation anyway.</p>		
B4. Allowing Supplementary Planning Documents to be issued in accordance with policy in documents other than Development Plan Documents		
<i>Do you agree that Local Planning Authorities should be able to produce Supplementary Planning Documents based directly on national or regional policy rather than on local policy, provided it does not contravene their Development Planning Documents?</i>	Yes	✓
	No	
<p>Explanation/comment: We support the suggestion that LPAs could produce SPDs based upon national or regional guidance. This removes the need to produce a DPD solely for the purpose of delivering an SPD. It should also allow an LPA to delete existing Local Plan policies from their saved policies list instead of hanging onto them for the sake of a DPD.</p>		
<i>Do you agree that we should draw attention to the possibility that certain key bodies could produce non statutory guidance?</i>	Yes	✓
	No	
<p>Explanation/comment: Non-statutory guidance could be helpful to provide clarity of issues. It could also help with cross boundary issues provided that it did accord with the LPAs DPDs. There is a concern that producing even more DPDs could create difficulties for Development Control teams.</p>		
B5. Changes to Regulations to reduce administrative burdens		
<i>Do you agree that only specific consultation bodies must be sent copies of the Development Plan Document?</i>	Yes	✓
	No	
<p>Explanation/comment: We support the suggestion that hard copies should only be sent to the minimum number of consultees as it reduces paper consumption.</p>		

C Changes to PPS12		
C3. Greater flexibility for local authorities to determine which Development Plan Documents they will produce		
<i>Do you agree that the criteria listed in Planning Policy Statement 12 are useful and cover all aspects needed? What else should be included or changed?</i>	Yes	
	No	
<p>Explanation/comment: We have concern that emphasising the Core Strategy more than other DPDs will increase the size, complexity and scope of the Core Strategy. What is vital is having clear guidance on what a Core Strategy is expected to cover. Since the introduction of LDFs, advice has varied on what the content of a Core Strategy should be and the so far adopted Core Strategies across the country prove this.</p> <p>Fewer DPDs and more emphasis on Core Strategies would require the amount of background studies and evidence to be weighted on the Core Strategy rather than spread over a number of DPDs. This has a cost and timing issue for LPAs.</p> <p>There is a concern that if Core Strategies, which contain the overarching policies for a local area, are the focus of planning for an area, the very locally specific detailed policies (not suitable for a Core Strategy) will be sidelined and discouraged from being brought forward in a DPD by the criteria in Draft PPS12 para 5.1.</p> <p>The criteria focuses heavily on delivery. We consider that this takes the emphasis for the need for a DPD away from creating communities towards delivering housing. Whilst delivering housing is important, we should consider the need for DPDs based upon the most appropriate method for building mixed and balanced communities, which includes housing delivery.</p>		
C Changes to PPS12		
C5. Reduction in complexity and number of DPDs		
<p>We support the re-emphasis of these points but perhaps it should be suggested that the Inspector will remove such policies from the Plan if they think it is a duplication or national or regional policy. This should discourage inclusion in the first place or at least ensure LPAs demonstrate that the policy is adapted to meet specific local needs</p>		
C6 Re-presenting the tests of soundness in a way which avoids duplication with legal processes and makes it clear why testing for soundness matters		
<i>Do you agree that the proposal to focus on justification and effectiveness will make the tests clearer, and the process of examining plans more transparent?</i>	Yes	✓
	No	
<p>Explanation/comment: We support the re-representing of the tests of soundness.</p>		
C8 Extending the lifespan of the Core Strategy to 15 years		
<i>Do you agree with the proposal to extend the lifespan of the Core Strategy to 15 years?</i>	Yes	✓
	No	
<p>Explanation/comment: We generally support the extension of the Core Strategy to 15 years. However, the intention of the DPD system was that they could be easily updated to cope with changing policies, background evidence and local indicators. Extension of the Core Strategy time frame might discourage the updating of Core Strategies and if other DPDs are now considered less important and would need to be fully justified before they can be produced (Draft PPS12 para 5.1), there may be a danger that LDFs will become out of date.</p>		