

## **AGENDA NO**

## **PLANNING COMMITTEE**

**14<sup>th</sup> July 2010**

## **REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES**

### **BRIEFING NOTE ON THE IMPLICATIONS OF THE ABOLITION OF THE REGIONAL SPATIAL STRATEGY AND THE COALITION GOVERNMENT'S PROPOSALS FOR A NEW DEVELOPMENT PLANS SYSTEM.**

#### **SUMMARY**

This report summarises the latest position with regard to development planning following Eric Pickles' announcement that Regional Strategies (RS) are revoked with immediate effect (6th July 2010). It goes on to describe the Conservative Party's proposals to "re-boot" the development plans process as outlined in their green paper "Open Source Planning," which gives some indication of how the preparation of planning policy documents may change in the future.

#### **RECOMMENDATION**

That the Planning Committee;

1. Notes the contents of the report.

#### **BACKGROUND**

##### Introduction

1. In a Parliamentary Written Statement on 6<sup>th</sup> July 2010, the Secretary of State announced that Regional Strategies are revoked with immediate effect under section 79(6) of the Local Democracy Economic Development and Construction Act 2009 so that it no longer forms part of the development plan for purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004. He also announced that the legal basis for abolition will be through the "Localism Bill" to be introduced in the current Parliamentary session, which will also introduce new ways for local authorities to address strategic planning and infrastructure issues based on cooperation.
2. The Chief Planner at the Department for Communities and Local Government (DCLG) has issued advice to local planning authorities (LPAs) on immediate issues that may arise from the announcement. The guidance covers the period from the revocation of RS and the legislation to

abolish them altogether and should be considered a material by LPAs and the Planning Inspectorate in their decisions.

### Determining Planning Applications

3. In determining planning applications the statutory plan for an area will be:

- Adopted Development Plan Documents (DPDs),
- Saved Policies,
- Any old style plans that have not lapsed.

For Stockton this means the Core Strategy and saved policies from the Local Plan 1997 and Alteration Number 1. LPAs should also have regard to other material planning considerations including national policy. Evidence from revoked RS may also be a material consideration. Planning Policy Statement (PPS) 11 on Regional Strategies has been cancelled but all other PPSs continue to apply until replaced by the National Planning Framework (NPF).

4. The Guidance advises that work should continue on the preparation of Local Development Framework (LDF) documents, although LPAs may wish to review plans in the light of the abolition of RS and this should be done as quickly as possible. However there is no need to review the whole LDF, only those issues which the LPA wishes to revisit. Any review would be subject to the same requirements for consultation, sustainability appraisal and robustness of the evidence base and would be tested at independent examination to test the soundness of the plan. The data and research gathered by the Regional Local Authority Leaders' Boards will be made available to LPAs for plan preparation work.

### Housing Numbers

5. LPAs are now responsible for establishing the right level of local housing provision in their area and identifying the long-term supply of housing land. There is no requirement for LPAs to review their housing targets and they can retain those set in the revoked RS. If a LPA decides to review their housing targets, the government expects this to be signalled quickly so that communities and landowners know where they stand. However any change in the housing targets must be fully justified by supporting evidence that will stand up to scrutiny in the LDF examination process. LPAs will also still have to provide a five year land supply of deliverable sites and should continue to use plans to identify sites and broad areas to deliver their housing ambitions for at least 15 years from the date the plan is adopted.

### Sites for Gypsies, Travellers and Travelling Showpeople

6. Local authorities will be responsible for determining the right level of provision for their area and for bringing it forward in DPDs in line with current policy. Whilst all local authorities have undertaken Gypsy and Traveller Accommodation Assessments (GTAAs), they are not bound by

them. The relevant regulation and guidance will be reviewed in due course.

#### Minerals and Aggregates Supply

7. Minerals Planning Authorities (MPAs) will continue to have responsibility to plan for an adequate and steady supply of minerals to support economic growth and this should continue to be done within the framework of the Regional Aggregates Working Parties. Authorities may depart from this where they have new or different information and a robust evidence base. The government will work with the minerals industry and local government to agree how minerals planning arrangements will operate in the longer term.

#### Waste Management Targets

8. The Guidance advises LPAs to press ahead with waste plans and site allocations to support the sustainable management of waste using the data and information gathered by the Regional Technical Advisory Bodies on Waste. The government intends that this function will be transferred to local authorities in due course.

#### Town Centre Hierarchy

9. The abolition of the hierarchy of strategic town centres does not affect the hierarchy of centres within the Borough. In assessing any planning applications for unplanned out of centre shopping centres, particularly those over 50,000 square metres of retail floorspace, LPAs should take into account the potential impacts of the proposal on centres on the catchment area of the proposal.

#### Flooding, Coastal Change

10. Local authorities are advised to continue to work together across boundaries to address these issues. Local authorities already have a duty to cooperate under the Floods and Water Management Act and the Environment Agency will continue to work with local authorities on these issues either individually or jointly. The Coalition agreement is clear that unnecessary building in areas of high flood risk should be prevented.

#### Renewable and Low Carbon Energy

11. Local authorities should continue to contribute to the move to a low carbon economy, cut greenhouse emissions and help secure more renewable and low carbon energy to meet national targets and to adapt to climate change impacts.

## Transport

12. Local authorities should continue to ensure that land use and local transport plans are mutually consistent and deliver the most effective and sustainable development for their area and should work with each other businesses and communities to consider strategic transport priorities and cross boundary issues.

## Implications for the Core Strategy

13. The Spatial Planning Team are currently analysing the implications of the revocation of RS and other recent government announcements on the Core Strategy and other LDF documents, in particular the Regeneration DPD and will present a future report to Planning Committee on this issue. Under the Local Development Framework system, Core Strategies and other DPDs had to be in general conformity with RS and, indeed, the Regional Planning Body had to issue a letter confirming that this was the case before any DPD could be examined. It was also the case that the contents of RS was not to be repeated in lower level documents such as Core Strategies, as the two documents were to be read together. Thus RSS policies are interwoven with Stockton's own policies, which are designed to deliver RS targets.
14. Whilst the Chief Planner's Guidance has provided clarity on certain issues, there remain significant areas of uncertainty and various interpretations on what the consequences of abolition will be.
15. The Guidance is clear that the development plan for an area now only consists of adopted DPDs and saved policies of previous development plans but some commentators have stated that, depending on the time of the DPDs' adoption, this may give effect to RS policies. The Royal Town Planning Institute (RTPI) has stated that LPAs should be permitted to retain relevant regional policies, similar to the "saving" procedure for old local plan policies. Further clarification on this point is required.
16. A more pessimistic scenario is that the abolition of RS leaves a significant vacuum in the Core Strategy and that it is questionable whether the remaining sections are adequate or fit for purpose. The Council may therefore need to start again.
17. If the second scenario happens to be the case, the Council would have to decide if it is content to retain existing RS targets or if there would be an advantage in determining new housing targets. For example, if it decides the latter, in relation to housing, the Council would need to decide:
  - Would Stockton do this independently or enter into a voluntary sub regional agreement? And what weight would the targets have, bearing in mind that RS was subject to an Independent Examination with binding recommendations?
  - How would targets be set?

- Calculations would need to be robust enough to withstand scrutiny at independent examination and planning appeals.
  - Would the Council content with its current locational strategy or might it decide a change is required to bring easier to develop sites on stream or to fill vacuums left by the cancellation of schemes such as Building Schools for the Future (BSF) and the hospital development at Wynyard?
18. Issues may also emerge if the Council decides that it needs to or wishes to maximise the financial incentives for house building and house builders are resistant to developing the brownfield sites in the Core Area. There may be pressure to release greenfield land to take advantage of the financial incentives which will allow Councils to retain Council tax from new houses for a period of six years and to earn 125% Council tax for every affordable house built.
19. In addition the Council would have to develop other local targets, such as for renewable energy and employment land. So a lot of groundwork would have to begin again.
20. However the guidance states that although RS no longer exists, the evidence base put together by Regional Local Authority Leaders Boards will be made available for LPAs to use, until they make their own arrangements for the collection and analysis of evidence. However some of that evidence may already be out-of-date.
21. Whilst the guidance issued by the Chief Planner advises LPAs to continue to prepare plans for their areas, Eric Pickles statement does appear to indicate support for the continuation of LDF Core Strategies and DPDs, it does go on to mention future reform in relation to development plan preparation to make it easier for local councils to working with their communities to agree and amend local plans in a way that maximises the involvement of neighbourhoods. Therefore the following section summarises the proposals put forward by the conservative party prior to the general election in its green paper "Open Source Planning." As the Coalition government has already taken action to implement certain of these proposals (new definition of brownfield land and the abolition of RS) it looks likely that it will implement many of these changes. However it is worth noting that the RTPI and the Planning Officers' Society (POS) are lobbying the Coalition Government hard to try to prevent wholesale change to the development plan system after the upheaval following the introduction of the Local Development Framework system in 2004. So some of these proposals may be implemented and others may not, or may be watered down. A formal announcement is awaited.

## The Shape of Development Planning to Come?

### Open Source Planning Green Paper

22. “Open Source Planning” is the Conservative Party’s discussion paper on the future of planning and calls for a radical “re-boot” of the English planning system, which it considers to be broken. However it does acknowledge that planning is vital for a strong economy, an attractive and sustainable environment and a successful democracy. The intention is to simplify the system and release resources for enforcement and to allow planning officers to return to their original role of designing and implementing visionary plans for their areas. The solution is an approach called Open Source planning where there is a basic national framework of planning priorities and policies within which local people and their accountable local governments produce their own distinctive local policies to create communities that are sustainable attractive and good to live in.
23. Plans will be based on neighbourhoods within which local people will be able to specify the kind of development and land use they want. In this way it is hoped that local communities will be engaged in the plan preparation process and this will foster a spirit of innovation and entrepreneurship. The main principles of this approach are:
- Decentralise and streamline the planning system;
  - Make it simpler, quicker, cheaper and less bureaucratic;
  - Introduction of a simple consolidated national planning framework;
  - Reduced number of simplified guidance notes;
  - Maintain designations such as green belt, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and other environmental designations;
  - Abolition of regional planning, national and regional house building targets;
  - Introduction of flexible zoning;
  - Abolish the power of the planning inspector to re-write local plans;
  - Using a “collaborative democracy” approach to the preparation of local plans to develop plans from the bottom up, starting with the aspirations of neighbourhoods;
  - Encourage the compilation of Infrastructure Plans;
  - A presumption in favour of sustainable development;
  - Duty to collaborate for all local authorities and other public authorities;
  - Tariff system as compensation for loss of amenity and the cost of additional infrastructure.

### A New Approach to Local Plan Preparation

24. The green paper states that new local plans will have to conform to national environmental, architectural, economic and social standards and constraints but within this national framework local plans will be developed from the bottom up so that they genuinely reflect the will of the people and

help communities to come together to solve their collective problems together. The main elements of these plans will be:

- Evolution of the plan starting at “ground level” with every single resident of the neighbourhood approached to take part;
- Provision of good data to electors in the neighbourhood so they can develop their vision on a well-informed basis;
- Full involvement of democratic representatives at all levels; parish and town councils, ward councillors, accountable residents’ associations and other elected representatives;
- A presumption that the modules of the local plan provided by each neighbourhood will be incorporated in the final plan unless there are strong grounds for modifying them;
- Role for the planning authority in helping neighbourhoods to develop their visions and brokering a rational and coherent plan for the area as a whole on the basis of negotiation with each of the neighbourhoods and with all the relevant public agencies responsible for infrastructure planning and the environment;
- As an incentive, all neighbourhoods will receive a proportion of the local tariff raised from all development;
- New local plans to be prepared within a reasonable timescale prescribed by the government, if the local authority does not achieve this then it will be assumed to have an entirely permissive planning approach and all planning applications will be accepted automatically if they conform to national planning guidance.

25. Transitional arrangements will be put in place whilst current local plan policies remain in place but LPAs will be able to review them and undo any unwanted policies imposed by Regional Strategies.

26. Under the new system housing need, both market and affordable, will be determined locally and land identified to accommodate housing to meet that need. The 5-year housing land supply is considered a good place to start. Best practice guidance will be issued and the calculations will need to be robust to withstand legal challenge. The Council tax incentive scheme will be used to encourage housing development with an enhanced rate available for affordable housing. Local authorities will be expected to set out architectural and design standards in local plans.

#### Provision for Travellers

27. The green paper reaffirms that local authorities have a role to ensure the provision of suitable authorised sites to tackle genuine local need in consultation with local communities and that recent UK case law has clarified that councils need to provide authorised sites locally if they are able to take effective action against unauthorised sites. Where this has been done enforcement powers will be strengthened to deal with unauthorised development and illegal trespass and a new criminal offence of intentional trespass will be introduced. The system of funding for traveller sites will also be reformed so that councils are properly compensated for new sites and that travellers make a contribution to the costs of services on

authorised sites. A new British Bill of Rights will replace the Human Rights Act. As part of the abolition of regional planning, RS targets for the provision of traveller camps will be scrapped as will John Prescott's controversial guidance on travellers (Circular1/06 Planning for Gypsy and Traveller Caravan Sites February 2006). Retrospective planning permissions will be limited and a legal framework will be introduced similar to that existing in the Irish Republic, which will enable unauthorised dwellings to be removed.

28. The work on the need for Gypsy and Traveller pitches in the Tees Valley was undertaken sub regionally and whilst targets were included in RS, they were superseded by this more locally produced piece of research.

#### Retail Planning

29. The green paper states that the needs test will be reintroduced and councils will be able to take competition issues into account when formulating local plans.

#### Parking Standards

30. These are to be made a matter for local discretion and more off-street parking provision will be encouraged.

#### Minerals and Waste

31. As with housing, targets for mineral extraction are set centrally then disaggregated via RS to individual minerals planning authorities (MPAs). The green paper states that, except for nationally strategic minerals deposits, where the decision would remain with the Secretary of State, MPAs would set their own targets subject to national environmental standards.

#### Rural Planning

32. Rules are to be introduced to prevent the development of the most fertile farmland in all but exceptional circumstances and the designation of brownfield land will be extended to include land previously occupied by agricultural buildings (erected before a specified date) to facilitate the development of disused buildings for other purposes. Although the definition of brownfield land has been amended in the latest version of PPS3, issued in June 2010, to exclude residential land, agricultural land has not yet been included in the definition of brownfield land.



## Conclusions

33. The Parliamentary Statement revoking RS and the Chief Planner's Guidance for LPAs has provided some clarification on how certain matters resulting from the revocation and ultimate abolition of RS will impact on development planning. It has also emphasised that LPAs need to continue to make progress on plan preparation in the form of Core Strategies and DPDs. However considerable areas of uncertainty remain some of which will only be resolved by further government announcements and guidance and others which require the Council to carefully examine the impact of the revocation on adopted policy documents and those under preparation. In the meantime, Spatial Planning continues to press forward with its current programme of work as contained in the Local Development Scheme (LDS), whilst carefully assessing the potential impacts of the revocation of RS on the Core Strategy and other DPDs, in particular, the Regeneration DPD.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer: Rosemary Young**  
**Telephone Number: 01642 526054**

34. **Financial Implications** – Any minor incremental changes will be dealt with under existing budgetary provision.
35. **Environmental Implications** – N/A
36. **Legal Implications** – The abolition of Regional Spatial Strategy will need to be the subject either of an executive decision by the Secretary of State or amending legislation before it can be fully implemented, although Mr Pickles' letter is a material planning consideration with regard to housing targets. Transitional arrangements will also need to be enacted before the full implications of the abolition are understood.
37. **Community Safety Implications** – N/A
38. **Human Rights Implications** – The provisions of the European Convention on Human Rights 1950 have been taken into account in the preparation of this report.
39. **Background Papers** –  
  
Open Source Planning Green Paper.  
Eric Pickles' Letter to Chief Planning Officers dated 27th May 2010.  
Planning Inspectorate Advice for its Inspectors dated 10th June 2010.
40. **Ward**  
The contents of the report are applicable borough wide.