

LONDON BOROUGH OF BRENT

PLANNING COMMITTEE

28th January 2004

REPORT NO : 3/04 FROM THE DIRECTOR OF PLANNING

FOR ACTION

NAME OF WARD ALL

LOCAL DEVELOPMENT FRAMEWORKS - THE NEW DEVELOPMENT PLAN SYSTEM

1.0 SUMMARY

- 1.1 The Government have recently carried out a wide-ranging consultation on their proposals for the new system of development plan preparation which will come into effect this summer after the Planning and Compulsory Purchase Bill receives Royal assent. This report provides a summary of the content of the main documents being consulted upon and seeks Committee approval for the proposed response on behalf of the Council.

2.0 RECOMMENDATION

- 2.1 That Members agree the responses set out in Appendices 2 and 3 as Brent Council's formal response to the Government consultation.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are potential resource implications for Planning in the new process being proposed by Government for preparing Local Development Frameworks. The proposed Council response highlights these as a concern.

4.0 STAFFING IMPLICATIONS

- 4.1 The implementation of the new system is likely to require additional staff within the Planning Service to deal with the additional workload arising from new requirement being placed on local planning authorities. Any increase in staffing costs arising from the implementation of the new legislation will be met initially from the Planning Delivery Grant.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 In addition to a Sustainability Appraisal of the Plan there will be a requirement to carry out a Strategic Environmental Assessment of the LDF in accordance with an EU directive. The changes are being proposed by Government to speed up the process of plan-making whilst delivering key government objectives in a sustainable way.

6.0 LEGAL IMPLICATIONS

- 6.1 The Planning and Compulsory Purchase Bill when enacted will change the statutory basis for drawing up development plans in England and Wales. The Unitary Development Plan will be replaced by a Local Development Framework. Whilst the LDF is being prepared the replacement UDP will become a 'Saved' plan. This means that it will remain the statutory development plan for the Borough for 3 years from the commencement of the Act, likely to be in the summer of 2004, or until parts or all of the LDF are adopted. The current round of Government consultation deals with the Guidance Notes they are producing (PPS 12), a Guide to Procedures and Code of Practice together with new Regulations. Local planning authorities will be required to follow the procedures and have regard to the guidance set out in these documents when they are finally published.

7.0 DETAIL

Introduction

- 7.1 At Planning Committee on 29th October 2003, Planning Committee considered a report which highlighted the main implications of the proposed new system of development plan preparation, called a Local Development Framework (LDF), which will replace the current UDP process. Subsequently the Government has issued, for consultation, draft Regulations together with draft Planning Guidance (PPS12) and a draft Guide and Code of Practice relating to the new system. The Government's deadline for receiving comments on these documents was 16th January 2004. Your officers have submitted comments to the Office of the Deputy Prime Minister (ODPM) on draft PPS12 and the Guide and Code of Practice. Committee's endorsement of these comments is sought. If your Committee wishes to make amendments to the comments, or make additional ones, then these will be passed on the ODPM.
- 7.2 The draft Guide to Procedure and Code of Practice is available on the ODPM website at:

http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/sectionhomepage/odpm_planning_page.hcsp

The draft PPS12 is available at:

http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index.hcst?n=2513&l=1

Draft Planning Policy Guidance (PPS12)

- 7.3 When the proposals for the new LDF system were reported to Committee in October last year, a summary of the main elements was included in the committee report. This is reproduced as Appendix 1 for your information. Essentially the main elements remain much as before apart from the introduction of a requirement to produce an additional section or document described as Generic Development Control Policies. The original proposals as set out in the Planning Bill required local planning authorities to produce the following documents as part of the development plan:
- Core Strategy;
 - Statement of Community Involvement;
 - Proposals section, with a Proposals Map
 - Area Action Plans for key areas of change or conservation
- 7.4 The draft guidance in PPS 12 deals with the processes and procedures for drawing up the new LDF. It is divided into chapters which deal with:-
- The general form of plans under the new system
 - Plan Content and the level of detail that should be included
 - The development plan process and how the public should be involved
 - The stages that the new development documents will have to go through before they are adopted.
- 7.5 As indicated above, one of the main points that has emerged in the draft Guidance that had not been envisaged when consultation on the Bill was carried out is the requirement to produce a suite of Development Control policies in addition to the Core Strategy. This will go some way towards addressing concerns about there being insufficient detail in the proposed new development documents to provide firm guidance in making DC decisions, but it remains unclear as to how this should be incorporated into the list of documents the guidance says should be prepared.
- 7.6 There are also concerns about the guidance relating to Supplementary Planning Documents. Current practice is to produce planning briefs for sites that become available for development and this normally includes guidance on the land uses that will be acceptable on the site. The new PPS suggests that land should only be allocated through the development plan and not through supplementary guidance (such as site briefs). This presents problems for local planning authorities (LPAs) in that it will no longer be possible to provide full and appropriate guidance for individual sites that have not been allocated already in a development plan document. A recent example in Brent was the planning brief for the Queens Park station area where an important section of the brief was the identification of appropriate uses for the land.

- 7.7 Concerns have also been raised about the guidance on how consultation will be undertaken and the local community involved in the process. It is proposed in the guidance that the local community should be involved at an early stage and that the LPA must prepare a Statement of Community Involvement. This will be examined by the Inspector who will also assess whether the LPA has complied with it. The intention is to ensure that LPAs involve the local community in drawing up the plan. The Examination process is unlikely to be as rigorous as the Public Inquiry process which had to be held to hear objections to the UDP. The purpose of the examination is to consider the 'soundness of the plan' and will comprise of a mixture of local hearing, round-table discussion or public inquiry as considered appropriate by the Inspector. The concern is that too much of the Examination will be dealing with issues about consultation rather than the planning issues themselves.
- 7.8 A likely implication of implementing the new system of plan-making is the need for additional staff resources within the Planning Service, particularly as a result of the increased community involvement in the process, the introduction of a statutory requirement to produce an annual monitoring report, the flexibility which allows for different development plan documents to be at different stages of the process and the requirement to produce a Local Development Framework within 3 years. Concerns about the resource implications have been expressed in the response.

Draft Guide to Procedures and Code of Practice

- 7.9 The Guide to Procedures and Code of Practice will replace the current green guide called 'Local Plans and Unitary Development Plans - A Guide to Procedures'. It is intended that this will be a document for public use and therefore it explains the process of preparing Local Development Frameworks, providing detailed information about how the preparation process should be carried out, and explains what information will be contained within the various documents that make up a Local Development Framework. The responses to the consultation are set out in Appendix 3 and have been made to specific questions that are asked as part of the consultation. The responses generally seek greater clarification of particular aspects of the process and the documentation.

Conclusions

- 7.10 The new system, when it is introduced during the summer, will be a significant change from the current system of preparing a UDP. In introducing greater flexibility into the timetabling of different parts of the plan preparation process, it has inevitably resulted in an increase in the number of separate documents that can be produced and a consequential increase in the potential for confusion and misunderstanding. It is important therefore that where the new system gives rise to concerns that these are raised with central Government.

8.0 BACKGROUND INFORMATION

Details of Documents:

- 8.1 Consultation draft – Local Development Frameworks – Guide to Procedures and Code of Practice.
- 8.2 Draft Planning Policy Statement 12 – Local Development Frameworks
- 8.3 Any person wishing to inspect the above papers should contact Ken Hullock, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5309

Chris Walker
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Appendix 1 Summary of Proposed LDF system

Under the Government's proposals, structure plans will be abolished and local plans and Unitary Development Plans replaced by Local Development Frameworks (LDFs). LDFs will comprise a series of Local Development Documents (LDD), some of which would have development plan status (as with the UDP), and be subject to independent examination, and others the status of supplementary planning guidance.

The new LDFs will differ from the UDP in that LDFs are intended to:

1. set out a clear strategic vision for their area;
2. include more succinct text and policies;
3. cut out unnecessary or repetitive policies;
4. focus on strategy rather than detailed development control policies;
5. move towards the separate publication of supporting material (removing numerous or lengthy extracts of text from other documents, e.g. Planning Policy Guidance Notes);
6. provide greater local focus in policies;
7. take a more spatial approach (the statement of core policies will need to take full account of the land-use consequences of other policies and programmes relevant to the Community Strategy, including education, health, waste, recycling and environmental protection and consider how it can assist in the delivery of these and other economic, environmental and social objectives.);
8. have a loose leaf folder style format (allowing easier updating of the documents without reprinting or rebinding other non-affected parts of the plan)
9. include increased use of electronic format access;
10. speed up the statutory process. Modifications to the processes by which plans are prepared and examined are proposed, the report of the Inspector will be binding on the local planning authority; and
11. achieve effective community participation in developing policies.

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

1. **Core Strategy:** the core policies for delivering the spatial strategy and vision for the area. It would contain criteria-based policies to shape development and deliver the strategy. These would form the basis for development control. The policies would need to cover key issues, such as housing, business development, planning obligations, transport, waste disposal and recycling, and the historic environment. The policies should be location specific rather than site specific and may need to be illustrated by a key diagram;
2. **Statement of Community Involvement (SCI):** Local Development Frameworks must include a SCI. The SCI must set out the following: arrangements and standards for involving the community in continuing review of the LDF and significant development control decisions; standards of good practice for engaging those with an interest in a proposed development; guidelines that will enable the community to know when and how it will be consulted; and a benchmark for applicants for planning permission about what is expected of them. The SCI will be

underpinned by requirements in regulations and the draft SCI will go through independent examination with binding Inspector's recommendations.

3. **Proposals section, with a Proposals Map:** this will cover site specific policies and proposals which cannot be covered in area action plans and should be shown on a proposals map. The map will show existing and revised designations for areas of land, such as conservation areas, defining sites for particular developments or land uses and the areas to which specified policies apply;
4. **Action Plans for key areas of change or conservation:** containing detailed site-specific policies, proposals or guidance for areas of change or conservation. Many of these will be statutory and subject to independent testing. Others might be non-statutory such as site development briefs. They should deliver planned growth areas, stimulate regeneration and protect areas sensitive to change. A key feature of area action plans will be the focus on implementation.

A further requirement of the new LDF system will be the need for every local planning authority to prepare, and submit to Government, an annual monitoring report. This will monitor the effectiveness of the policies in the LDF.

Links to Community Plan

One of the main considerations to be taken into account is the need to ensure that the LDF links to other policies and programmes that the Council may have, e.g. for education or health. It is intended that the LDF should be firmly founded in the aspirations of the community, therefore it is especially important that there are clear links between the LDF and the Community Plan. In effect the LDF will provide the spatial expression of those elements of the Community Plan concerned with the development and use of land. It is clear, therefore, that the drawing up of the LDF should be seen as a major corporate exercise and should involve a broad spectrum of interests across the Council as well as the wider Brent community.

Appendix 2 Response to Consultation on PPS12

The proposed Council response is set out as answers to individual questions posed by the ODPM in the consultation draft document.

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

If spatial planning will result in plans that give clear locational guidance then this is to be welcomed. However, there is nothing within the draft guidance note which explains what spatial planning is and a major concern is that, because it is intended that LDFs will comprise slimmer, more focussed documents than existing development plans, then the result will be insufficiently detailed policies leading to greater inconsistency in decision making.

With less detailed guidance at a local level there is also a concern that regional spatial strategies, and especially the spatial development strategy prepared by the Mayor of London, will include more detailed policies than an LDF. It will be necessary for central Government to ensure that an inappropriately high level of detail is not included in regional spatial strategies.

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

Some guidance which explains how a spatial planning approach differs from current development plan approaches would be very useful.

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.

Paragraph 2.2.1 lists the range of development plan documents that must be prepared, and this is repeated in paragraph 1.1.6 of Annex 1. However, paragraph 2.5 and 1.1.7 of Annex 1 refer to the need to also produce a suite of generic development control policies as part of the development plan documentation. The proposal to include a suite of development control policies is welcomed but it is not clear where within the documentation this is required to be produced and what form it should take. It is suggested that it would be most appropriate if it formed part of the Core Strategy.

2a. The core strategy

This should include the suite of development control policies, perhaps as a distinct section from other elements.

2b. Site specific allocations

If site specific allocations can only be made in development plan documents, as required by paragraph 2.2.10, then this is likely to mean that there will be uncertainty about the future of sites that come forward for development during the plan period which have not been previously allocated. Current practice, which has worked well, has allowed for individual site briefs to be prepared for key sites that have come forward for development on a windfall basis. These briefs can currently be

adopted as Supplementary Planning Guidance after public consultation, thus providing clear guidance for individual sites as to appropriate use of the land. It appears that this option will no longer be available under the new system.

2c. Area action plans

The extent to which detailed topic or area-based policies may be included within Action Plans is not clear and, if they are to be included, what weight they would be given in the development control process. A reference to the need for specific area based policies to be included in Area Action Plans should be included. It is also not clear whether or not it is acceptable for a single Area Action Plan to cover more than one local area. It would be useful if an Area Action Plan could be prepared which dealt with several conservation areas for example.

2d. Proposals map

It is likely that the Proposals Map will require updating when individual development plan documents are reviewed. If the new system is to provide the flexibility that is intended then this could be on a fairly regular basis leading to substantially increased costs.

2e. Supplementary planning documents

As indicated above, it is appropriate that planning briefs for individual sites should identify appropriate land uses so that there will be some certainty for potential developers as to the appropriate form of development for the site.

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 Statement of Community Involvement, and whether or not a local planning authority has complied with it, is likely to be very contentious and will inevitably lead to significant time and effort being diverted away from the actual planning issues themselves. The proposal that the Statement, and whether the local planning authority (LPA) has complied with it, be independently tested should be re-considered. An alternative may be that the Statement of Community Involvement should be approved by Central Government.

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?

The Council welcomes the inclusion of a paragraph highlighting the duty of LPAs to promote race equality and comply with the Disability Discrimination Act. No further changes are suggested.

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?

No further changes are suggested.

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 not,

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

Some guidance on how local planning authorities should involve the community in drawing up preferred options, and then the process for consulting on these, would be helpful.

Paragraph 4.3.7 states that consensus should be built through continuous community involvement. However, experience of the development plan preparation process in the past has meant that the major concerns with the development plan are only 'flushed out' once a draft plan (or development plan document) has been published. These major objections are likely to be from landowners and the development industry rather than from the local community, who have been largely involved to date. This is likely to give rise to major conflicts if the development plan process is 'front loaded' as required by paragraph 4.3.5, and is likely to place a major burden on the examination process if these conflicts are to be resolved.

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

It may be sensible that for site briefs, the need for which may arise on an ad hoc basis, there should be a general statement in the SCI as to how the community will be involved in their preparation. Some guidance as to how the SCI should deal with supplementary planning documents that may not have been planned when it was first drawn up would be helpful. There is concern, that the requirement to undertake a full Sustainability Appraisal for every SPD is an additional burden with resource implications that need to be taken into account.

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

It will be useful if a criterion is added relating to the inclusion / identification of monitoring points / targets within development plan documents which are to be followed up in the annual monitoring report.

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

The long-term resource implications of the statutory requirement to produce an annual monitoring report should be addressed.

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

No further changes are suggested.

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

Paragraph 1.1.7 provides further information about the form of development plan documents and includes Generic development control policies as a potentially separate document. Some clarification of whether or not this would appropriately form part of the Core strategy document would be helpful.

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

No further changes are suggested.

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?

No further changes are suggested.

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

No further changes are suggested.

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 further changes are suggested.

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

The resource implications of the process of preparing local development frameworks, which require greater resources for consultation and monitoring, particularly if a target of preparing the framework in 3 years is to be achieved, need to be addressed.

Appendix 3 Response to Consultation on the draft Guide and Code of Practice

General questions on this document

Q1. This document is divided into two main sections – the Guide to Procedure and the Code of Practice. The Guide is intended to give an overview of the local development framework system to those who may wish to know about it or get involved in it, and the Code of Practice is intended to give more specific guidance on each element of the system. Is this a helpful format for the document? If not how should it be changed?

This format appears to work adequately. However, in order to find all information on a given area two sections of the document must be referred to. A topic area approach to the grouping of information; containing both procedural guidance and detailed code of practice under one heading, may appear less complicated and therefore be more user friendly.

Q2. Are the diagrams helpful and do they provide enough annotation to guide readers to the appropriate text? If not what changes are needed?

The diagrams do provide a helpful illustration of how the various products and processes mesh together. They are clear and fairly easy to follow given the complicated nature of the subject matter. However, a glossary may be useful to ensure that all phrases used are clearly and universally understood by the reader. This would be particularly useful as not all 'boxes' within the diagrams have pointers to the appropriate text. For example the diagram on page 49 following paragraph F.1 contains the phrase 'Parent DPD' for which the meaning may be unclear to some readers and no text reference is made. Additionally, an index may be useful allowing readers to find all references to a particular subject area. This is particularly useful given the dual approach taken to the presentation of information. Furthermore, a list of abbreviations used would assist the reader where they are not reading the document from cover to cover.

The Guide to Procedures

Q3. Is the explanation of the local development framework system in the Guide to Procedures sufficiently clear and understandable? Are all relevant matters covered? If not what changes are needed?

The explanation offered is fairly clear given the complicated nature of the subject matter. All relevant elements appear to be covered; no changes are suggested. However, certain matters referred to in the Guide to Procedures section do not match the content of the draft *The Town and Country Planning (local Development) (England) Regulations 2004* nor the draft *Planning Policy Statement 12: Local Development Frameworks*. It may however be that the omission lies with the other documents and not the Guide to Procedures. An example of this conflict is found under the heading *The Development Plan* commencing at paragraph 1.6 on page 13. At the final bullet point, last sentence, it states that the policies for the control of development can either be part of the core strategy or be presented as a stand alone development plan document; this stand alone status is not supported by draft PPS12 (section 2.2 page 15) nor the regulations (section 7 page 6). The Guide to Procedures and Code of Practice must reflect the actual content of PPS12 and the regulations.

Q4. Is the format of the Guide to Procedures easy to follow and does it provide adequate cross references to the Code of Practice? If not what changes are needed?

The format of the Guide to Procedures is fairly easy to follow, but may benefit from reformatting as suggested in response to Question 1. The method of cross-referencing within the Guide to Procedures to the Code of Practice is not as helpful as it might be and is inconsistent. For example on

pages 18 and 19 at paragraphs 3.2 and 3.4 the cross-reference is hidden within the bulk of the text however paragraph 3.3 has the cross-reference twice; immediately below the subheading and within the main body of text. Perhaps margin markers might be more helpful / provide greater clarity. Additionally this approach would allow people using the code of practice to refer back to the relevant part of the procedures with ease.

Q5. Paragraph 1.6 explains what the new development plan will comprise. Is this sufficiently comprehensive and clear? If not what is missing and what needs to be explained more clearly?

This section of text is reasonably clear given the complicated nature of the subject matter. Greater clarity might be achieved through the inclusion of further details which would also add to the comprehensiveness of the guidance. In particular, the last bullet point on policies for the control of development doesn't clearly illustrate how this will differ from plans prepared under the current system. A further example is found under the first bullet point on the core strategy; the guidance only lists one of the topic areas which the strategy will cover; more could be added to differentiate it from the policies to be produced for the control of development. (See comments made in response to Question 3.)

The Code of Practice

Q6. Does the format of the Code of Practice make it easy to find the section which sets out the guidance required? If not how should it be improved?

The alphanumeric labelling makes each section and subsection distinct and provides an appropriate structure. Additionally, the contents page is useful for finding the section you are seeking. Cross-references back to the information contained within the Guide to Procedures may also be helpful. Additionally, comments made in response to Question 1 with regard to the format of the overall document apply here.

Q7. Section A of the code sets out what the local development scheme will include, how the LPA will publicise it and what it means to the local community. Does the guidance give sufficient information about the local development scheme? If not what changes are needed?

The guidance given on the local development scheme appears to be sufficiently clear and comprehensive. However, section I which explains the procedures relating to the LPAs annual monitoring report identifies that LPAs may bring forward changes to their local development schemes where deemed necessary as a result of the consideration of the results of the monitoring report. This section would benefit from the identification of the method by which this may be done.

Q8. Section B of the code explains the purpose and content of the statement of community involvement (SCI) and how it will be prepared. Is the guidance on statements of community involvement sufficiently clear and comprehensive? If not what changes are needed?

The guidance on statements of community involvement appears to be sufficiently clear and comprehensive. No changes are suggested.

Q8.A Are the criteria for the soundness of statements of community involvement as set out in paragraph B.13 appropriate? If not what should these be?

In general the criteria for the soundness of statements of community involvement seem to be appropriate. However, I would comment that perhaps the third criterion in relation to the identification of specific local groups, even in general terms, is perhaps too specific. There are concerns in relation to the impact of the one group saying that the LPA 'missed them out' and this rendering the

engagement process inadequate. Additionally, the fifth criterion may prove excessively onerous and would require considerable resources; some guidance on the level of detail required and suggested approaches may assist in alleviating this concern.

Q9. Section C of the code describes the process of preparing a development plan document. Does it make it sufficiently clear how the people and community will be involved with the process? If not what changes need to be made?

It is unclear whether, and if so how and to what extent, people and the community should be involved prior to the drawing up of the preferred options; or is it the case that the preferred options are to be identified solely by the LPA? Additionally, as the preferred options will only discuss matters in general terms when the development plan document is released for consultation and sent to the SoS, this will be the first time that many of the detailed matters will be seen in the public domain. This may well lead to a vast number of responses to which the LPA has no immediate recourse resulting in considerable pressure on the examination process when the LPA may have been able to resolve some issues without the need to involve an inspector if the opportunity had been available.

Q9.A Do you have any views on the approach to be taken to assessing the soundness of the plan, paragraphs C.6 and C.7 on the Government Office role; C.9 to C.11 on the pre-submission consultation and C.15 to C.20 on the making of representations?

At paragraph C.7 it might be useful to add a criterion relating to the inclusion / identification of monitoring points / targets within development plan documents which are to be followed up in the annual monitoring point. No changes are suggested in relation to paragraphs C.9 to C.11 nor paragraphs C.15 to C.20.

Q9.B Is the guidance in paragraphs C.22 to C.24 on advertising alternative sites clear? If not what changes do you suggest?

It is not clear how this will work in practice and it is likely to be confusing to the general public who are being asked to comment upon representations already received. Some detailed guidance on how this should be presented may help. It is also not clear why site allocations are given an apparent higher status over policies.

Q9.C Is the guidance on pre-examination changes at paragraphs C.25 and C.26 clear? If not what changes do you suggest?

The guidance on pre-examination changes appears to be sufficiently clear and comprehensive. However, when the development plan document is released for consultation and sent to the SoS this will be the first time that many of the detailed matters will be seen in the public domain. This may lead to a vast number of responses to which the LPA has no immediate recourse placing a heavy burden on the examination process when the LPA may have been able to resolve some issues without the need to involve an inspector if the opportunity had been available. Is there not a case for allowing the LPA to reconsider key policy areas following objections received prior to the examination? Indeed, why are sites to be afforded an apparent higher status than policy concerns?

Q10. Section D deals with the independent examination. Is the guidance sufficiently comprehensive and clear? If not what changes are required?

The guidance given on the independent examination appears to be sufficiently clear and comprehensive. No changes are suggested.

Q10.A Paragraph D.7 identifies the types of procedure which will be used at the examination. Do you agree that the formal inquiry procedure is unlikely to be necessary in most cases? Are

there any other types of procedure which might be used for examining the soundness of the plan or statement of community involvement?

The emphasis on the attempted avoidance of formal inquiries is beneficial as it will assist in making the system seem less adversarial and encourage more people to be involved. Due to the emphasis to be placed upon early participation you might reasonably assume that there will be less issues outstanding at the examination stage, but perhaps the fact that these matters are unresolved despite the early stages of involvement may suggest that, in effect, written representations and round table discussions have already proved inadequate to resolve the issues in question and so either hearings or formal inquiry sessions may be necessary. It is reasonable to assume that the emphasis on the soundness of the whole plan, and not just the elements objected to, can be addressed by way of round table discussions or written representations. No other methods of examination are suggested.

Q10.B Paragraph D.12 identifies the factors which the inspector will take into account when determining the procedure to adopt at the examination. Are these the right factors to consider? If not what others should be included?

The factors suggested seem to cover all of the key elements; no others are suggested.

Q10.C Does Annex A give sufficiently clear and comprehensive guidance on how the examination process will work? If not what changes are needed?

The guidance given on how the independent examination process will work appears to be sufficiently clear and comprehensive. No changes are suggested.

Q11. Section E gives guidance on the binding report and the adoption procedure. Is this sufficiently clear? If not what changes are needed?

The guidance given on the binding report and adoption procedure appears, generally, to be sufficiently clear and comprehensive. One area which may benefit from further clarification is the process following any further work requested by the Inspector as discussed at paragraph E.1. Does the new or revised development plan document which results from this further work then have to go through a new examination? If not how is the new work to be checked for soundness? Further information is needed on this matter. One matter of concern relating to this area is the omission of any line of recourse (such as a right of appeal to either the Inspectorate, relevant Government Office, or even the Courts) available to the LPA should they have grave concerns about an element of the binding report which they do not feel they should adopt. Any such avenue should be strictly controlled and only used in exceptional circumstances, but we should allow for the possibility that an error of judgement may be made by the Inspector appointed because any such error could have huge implications.

Q12. Section F explains the process for the preparation of supplementary planning documents. Is it sufficiently clear and comprehensive? If not what changes are needed?

The guidance given on the preparation of supplementary planning documents appears to be sufficiently clear and comprehensive.

Q13. Section G explains the intervention roles of the Secretary of State. Is the guidance sufficiently clear and comprehensive? If not what changes are needed?

The guidance given on the intervention roles of the Secretary of State appears to be sufficiently clear and comprehensive. No changes are suggested.

Q14. Is the challenge and complaints procedure set out in Section H sufficiently clear and comprehensive? If not what changes are needed?

The guidance given on the challenge and complaints procedure appears to be sufficiently clear and comprehensive. No changes are suggested.

Q15. Section I explains the procedures relating to the LPAs annual monitoring report. Is the guidance sufficiently clear and comprehensive? If not what changes are needed?

The guidance given on the procedures relating to the monitoring report appears to be sufficiently clear and comprehensive. One area which would benefit from expansion is the identification of the method by which LPAs may bring forward changes to their local development schemes where deemed necessary as a result of the consideration of the results of the monitoring report. This matter is not covered in part A (*The Local Development Scheme*) of the Code of Practice nor paragraphs 2.2-2.3 (*Local Development Scheme*) of the Guide to Procedures and could reasonably be addressed in these sections.