

Planning Policy Guidance 12: Development plans

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Foreword

Planning Policy Guidance (PPG) notes set out the Government's policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This Planning Policy Guidance note is a revision of PPG12 published in February 1992. It has been refocused to provide a more strategic overview of the role and importance of development plans within the planning system. It outlines key issues on plan content and procedures. It does not attempt to summarise the Government's planning policies for particular issues or subjects. These are set out elsewhere in Regional Planning Guidance, other PPGs, mineral planning guidance and circulars. The section in the February 1992 version of PPG12 on Regional Planning Guidance has been expanded and is being published as PPG11.

This PPG:

- re-emphasises the Government's commitment to a planning system which is plan-led;
- stresses the importance that the Government attaches to the need for plans to be prepared, and updated, more quickly and efficiently than has been the case in the past;
- emphasises that plans should be clear, succinct, relevant and easily understood, avoiding over-elaborate and unnecessary detail;
- outlines the new procedures that have been introduced for the preparation of local plans and UDPs;
- stresses the importance of integrating sustainable development and transport and land-use policies in development plans;
- establishes some key procedural issues in the preparation, alteration, and replacement of development plans;
- provides advice on the content of, and level of detail in, plans; and
- identifies sources of best practice on a range of plan preparation issues.

Chapter 1

Development plans in the planning system

Introduction

1.1 PPG1 *General Policy and Principles* (1997) sets out the purposes of the planning system and the role of development plans. It says (paragraph 39):

'The planning system regulates the development and use of land in the public interest. The system as a whole, and the preparation of development plans in particular, is the most effective way of reconciling the demand for development and the protection of the environment. Thus it has a key role to play in contributing to the Government's strategy for sustainable development by helping to provide for necessary development in locations which do not compromise the ability of future generations to meet their needs'.

The Government remains fully committed to the plan-led system, given statutory force by section 54A of the Town and Country Planning Act 1990 ('the 1990 Act'). Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. This provides a framework for rational and consistent decision making. It also provides a system which enables the whole community businesses, other organisations, and the general public to be fully involved in the shaping of planning policies for their area, through public participation processes.

1.2 The plan-led system can only be successful and command public confidence if plans are in place and are kept up to date. Structure plans exist in all areas and are now going through cycles of alteration and replacement. However, progress on achieving coverage of authority wide local plans and unitary plans has been much slower and full coverage across the country will not be achieved until after 2000.

1.3 The Government regards this delay in implementing the plan-led system as unacceptable and expects those local authorities which have not yet adopted their plans to fulfil their statutory responsibility without further delay, and progress their plan to adoption as quickly as possible. It will closely monitor progress. The Government also wishes to ensure that as local plans and UDPs are reviewed, any subsequent alterations or replacements are adopted far more quickly than in the past. Following a review of local plan procedures, the Government is introducing revised arrangements. These are reflected in this guidance and in new regulations (The Town and Country Planning (Development Plan) (England) Regulations 1999).

National and regional planning guidance

1.4 Local planning authorities are required, in formulating the policies in their development plans, to have regard to any regional and strategic planning guidance and to current national policies. Since 1988 the Government has been issuing national guidance in the form of Planning Policy Guidance notes (PPGs), and Minerals Planning Guidance notes (MPGs).

1.5 In addition, Regional Planning Guidance (RPG), which is issued by the Secretary of State, sets out broad strategic policies for land use and development where there are issues which, though not of national scope, apply across regions or parts of regions and need to be considered on a scale wider than the area of a single authority. More details on the purpose, content of and procedures for preparing RPG are set out in PPG11.

The development plan

1.6 Planning decisions on proposals to build on land, or change its use, should not be arbitrary. They must be considered against clearly set out criteria. The statutory development plan provides the primary basis for this consideration, but decisions must also take account of other material considerations, including the Government's national and regional planning guidance and material representations from interested parties. The development plan, therefore, provides an essential framework for planning decisions.

1.7 The development plan is rarely a single document. Once all the plans required by legislation are in place, the development plan for an area may comprise one or more types of plan depending on geographical location. Annex A sets out in more detail the purposes of the different types of plan, and the areas to which they relate. Outside metropolitan areas, and certain non-metropolitan unitary local authority areas, the development plan will comprise:

- **Structure Plans:** produced by county councils, some unitary authorities and National Park authorities (in many cases on a joint basis) which set out key, strategic policies and provide a framework for local plans. Annex A gives further details of the current arrangements for structure planning, including the Government's proposed arrangements for joint working between authorities.
- **Local Plans:** produced by district councils, some unitary and National Park authorities in which more detailed policies are set out to guide development in a particular local authority area. The plans cover the whole of a local authority area and may include detailed proposals for specific sites.
- **Minerals and Waste Local Plans:** produced by county councils, some unitary authorities, and National Park authorities (who are usually the development control authorities for these issues).

1.8 Within metropolitan areas, and in some non-metropolitan unitary authorities, the development plan comprises a single:

- **Unitary Development Plan (UDP):** this contains all the planning policies relevant to those areas. Part I of a UDP consists of a written statement of the local authority's strategic policies for the development and use of land in their area. This then forms the framework for the detailed proposals for the use and development of land in Part II of the UDP. A list of those local authorities who have prepared or are preparing UDPs is included as part of Annex A.

1.9 In London, new arrangements for a directly elected Mayor with responsibilities for the preparation of a 'spatial development strategy' will mean changes to legislative background against which UDPs are prepared. Further guidance on the relationship between the spatial development strategy and UDPs will be provided.

Chapter 2

Improving the process of plan preparation

Better management of the process

2.1 The Government is introducing new local plans and UDP procedures which will, if operated effectively, help local authorities to reduce the time taken in plan adoption. Guidance on these changes is set out below. However, changes to procedures can only *facilitate* improved performance. It is also vital that authorities give adequate priority to plan preparation and review and improve their handling of the plan preparation process through better project management.

Local Plans

2.2 Local authorities should improve the management of the plan preparation process by:

- considering how long a plan will take to reach adoption and the staffing resources and budgets that are needed at various stages in the process. This should be done as soon as a decision is taken to prepare a plan, its alteration, or replacement;
- publicly adopting a timetable leading to the adoption of the plan at the start of the plan preparation process. Such a timetable may need to be indicative until the scale of objections to plan proposals are known;
- using principles of good project management to enable monitoring and review of progress towards adoption against the publicly adopted timetable.

2.3 Setting targets and the measurement of performance against those targets will need to be consistent with the framework of Best Value once the necessary legislation is in place. Best Value will apply to planning services on the same basis as all other services provided by local authorities. The processes of preparation, alteration and replacement of development plans, as well as monitoring and review procedures, will therefore be subject to fundamental performance reviews, with new targets set for economy, efficiency and effectiveness in local performance plans. Local authorities will be expected to justify the way in which they choose to carry out their development plan responsibilities. The Government will be consulting on the performance indicators and targets to be adopted for Best Value later this year.

2.4 The procedures leading to the adoption of plans, including the procedures as revised (see below), have few statutory periods established for stages in the process. A standard prescribed timetable, applicable to all plans across the country, is not appropriate in circumstances where there will be substantial variations in the nature of planning issues being addressed by authorities and where the degree of support or objection to plan proposals will not be known at the start of the plan preparation process. Timetables will also vary depending on whether plans are being altered or replaced.

2.5 However, the Government does consider that local authorities should set out a timetable for the key stages in the plan preparation, alteration or replacement process, and be publicly accountable for any variation from it. That timetable should be prepared in discussion with the Government Office and should be adopted by the local authority through a formal resolution of the Council. The Planning Inspectorate should be consulted in respect of the organisational arrangements and timing of the public inquiry, and local authorities should discuss with them a service level agreement covering the local plan inquiry part of the overall development plan process.

Structure Plans

2.6 The new Development Plan Regulations do not change the procedures that local authorities must go through in the adoption of alterations to, or the replacement of, structure plans.

Nonetheless, the principles of project management which are seen as good practice for local plans (establishing an indicative timetable, the resources required to meet that timetable, and the public adoption of the timetable by the local authority) are equally applicable to structure plans as they are to local plans and UDPs.

New procedures for local plans and udps

2.7 The new procedures for preparing local plans and UDPs come into effect in January 2000. The statutory requirements are contained in the Town and Country Planning (Development Plan) (England) Regulations 1999. There is also a new Code of Practice for local plans and UDPs, which is being published in tandem with this PPG.

2.8 The new procedures include:

- ending the requirement for consultation with statutory consultees prior to finalising local plan proposals. Instead, pre-deposit consultation should be based on a key issues approach which identifies the main matters and choices which need to be resolved by the plan, and which focuses on those local communities, businesses, organisations and individuals relevant to the proposals being put forward. Statutory consultees will however receive copies of the proposals when they are deposited by the local planning authority;
- provision for two separate periods of deposit during which objections can be made, and a period between these two deposit periods to allow local authorities to assess the objections made at the initial deposit and then undertake a period of negotiation with objectors. This should allow the local authority to make formal changes to the plan proposals before the plan reaches inquiry; and
- a requirement for the report by an inspector of a local plan inquiry to be published within 8 weeks of its receipt by the local planning authority.

2.9 The aim of these changes is to formalise the existing arrangements for pre-public inquiry changes to plans, and to reduce the number of issues, and therefore the time spent, during the subsequent public inquiry process. It should also help reduce the number and scope of modifications that are needed after the public inquiry. The Government expects this to result in a shorter overall timescale for the plan to reach adoption. A more detailed outline of the new procedures is given at Annex B and also in the booklet *Local Plans and Unitary Development Plans A Guide to Procedures* which includes the new Code of Practice.

Consultation, negotiation, and public participation

Pre-Deposit Consultation

2.10 Local people and other interested bodies should have the opportunity to express their views on plan proposals before those proposals are finalised. The aim should be to encourage local people to participate actively in the preparation of plans from the earliest stages so that they can be fully involved in decisions about the pattern of development in their area. Consultation with the general public, community groups, conservation and amenity groups, business, development and infrastructure interests helps local planning authorities secure a degree of consensus over the future development and use of land in their area. It can also assist in reducing the time taken for plans to reach adoption by reducing the numbers of formal objections to policies and the time spent in the later stages of the plan preparation process.

2.11 The Development Plan Regulations do not specify how pre-deposit consultation should be undertaken by local authorities. The only requirements are to consider representations made by consultees, and for the preparation of a statement explaining whom the local authority have consulted, the steps taken to publicise their proposals, and how they have provided an opportunity for interested parties to make representations. For structure plans, there remains a list of statutory consultees defined by the regulations. For local plans and UDPs, the new regulations no longer define any statutory consultees. However, it is important for local authorities to ensure that publicity for their proposals and mechanisms established for comment are sufficient to encourage all sectors of the community to be involved. Annex C identifies a wide range of other bodies which local authorities are advised to consult where aspects of a development plan's policies and proposals appear to affect their interests.

2.12 The form of consultation required in particular circumstances is for local authorities to determine. Consultation on a minor alteration to a local plan, for example, will require a less intensive process than for the full replacement of an area-wide local plan. However, the Government is keen to stress to local authorities that it is *not* necessary for them to produce a full draft of a plan for the consultation process. Best practice suggests that consultation based on issues papers concerned with the broad strategy and direction of the plan is a better way of identifying the likely general acceptability of plan policy and proposals during consultation. Some examples of different consultation techniques and advice on best practice are included in *Development Plans A Good Practice Guide* published by the then Department of the Environment in 1992.

2.13 In the case of structure plans, a full consultation draft of a plan may not be the most effective means of engaging the public and key interest groups in the plan process. Where full replacement plans are being prepared, local authorities should aim to consult with a range of key organisations and business interests on the strategic principles that will ultimately underpin the policies in the structure plan. But different forms of consultation may be needed for the public at large. Consultation based on a number of options for particular policy areas (for example the location of new housing within a county) with the advantages and disadvantages of each option explained, may be a more meaningful way of involving the general public in strategic planning issues.

Negotiation with Objectors

2.14 The revised procedures involving a two-stage deposit for local plans and UDPs gives local authorities the opportunity for a period of negotiation between the two deposit stages and allows them to incorporate formal changes to the plan prior to the public inquiry. Local authorities may seek agreement with an objector on a change to a plan (to be made at the revised deposit stage) which would meet, either completely, or in part, their objection. In order to facilitate this process of negotiation, objectors should, wherever possible, state as part of their objection what changes to the plan would meet their objection.

2.15 Local authorities should attempt to identify at an early stage those objections, which raise issues on which it may be prepared to make changes to the plan, and should contact objectors with a view to discussing possible changes. In considering changes to the plan, local authorities should consider carefully the impact of negotiated changes on the overall consistency of the plan and its strategy. Where a number of objections raise issues of a similar nature, a discussion involving all the objectors on those issues may prove useful. In other cases, it may be more appropriate for negotiations to be undertaken with individuals, for example, potential developers of particular sites identified in the plan. In many cases, it may not be possible to resolve an objection in its entirety through negotiated changes to the plan. In these circumstances it is important that the objector and local authority are clear as to what the outstanding matters of disagreement are. This will assist the Inspector at a subsequent local inquiry into the plan. Further advice on such procedural matters is

given in the Department's Code of Practice for local plans, published as the booklet *Local Plans and Unitary Development Plans A Guide to Procedures*.

2.16 Although the new procedures, which allow a formal period of negotiation between two stages of deposit, apply only to local plans and UDPs, local authorities preparing structure plans should also consider the extent to which discussion and negotiation with objectors could resolve matters objected to.

Monitoring, review, and the alteration and replacement of plans

Monitoring Effectiveness

2.17 Local planning authorities are required to keep under review the matters which may be expected to affect the development of their area or the planning of that area. As far as possible, policies and proposals of all development plans should be expressed in a form which will facilitate monitoring and review. The explanatory memorandum or reasoned justification should include an indication of how monitoring and review are to be carried out, emphasising the critical features upon which the plan is based.

2.18 Any system for reaching judgements on the effectiveness of plans needs, like the plans themselves, to be straightforward. Aims, objectives and targets have the added advantage of helping to identify priorities and focusing the plan on major land use issues in the area concerned. As such they provide a consistent basis both for monitoring whether the plan is achieving what it sets out to achieve, and identifying where policies need to be strengthened, maintained, changed in some way, or, in cases where the policy has served no purpose, removed from the plan. Such a system can contribute to monitoring the effectiveness of the planning system locally. Local authorities will then have a clear framework for measuring progress in implementing their plans. This monitoring process can then form part of the decision making process when it comes to making a decision on the need for, and scope of, a plan review.

2.19 Local authorities should publish the results of plan monitoring on a regular basis. A number of local authorities already do this in the form of an annual monitoring report. *Development Plans A Good Practice Guide* includes further examples of good practice in the monitoring and evaluation of plans.

Plan Review

2.20 Plans should be as up-to-date as possible, particularly in view of their status in the determination of planning applications and as a means of encouraging development in appropriate locations. Under Part II of the 1990 Act, local planning authorities are required to keep all matters under review that are expected to affect the development of their area, or the planning of its development. The Act empowers them to institute surveys of their area to examine such matters, and requires them to keep under review:

- the principal physical and economic characteristics of the area;
- the size, composition and distribution of population (whether resident or otherwise) of the area; and
- the communications, transport system and traffic of the area.

Authorities also have to take account of the effects for their areas of similar matters in neighbouring areas in consultation with the authorities concerned. In addition, the Secretary of State may prescribe or direct particular matters to be surveyed.

2.21 Plans should therefore be reviewed regularly. The timing and frequency of review will depend upon local circumstances, but effective monitoring of a plan can provide the necessary information on which a decision to review can be taken. Unforeseen matters or the issue of new or revised national policy guidance will have a significant bearing on the policies or proposals in a plan and make it sensible to review all or part of it. The publication of new RPG may prompt the need for a review of structure plans or UDPs. Similarly, alterations or replacement of a structure plan may prompt the need for a review of local plans for example, proposals for alteration or replacement of a structure plan may have been adopted which render a local plan out of general conformity with the structure plan, thereby prompting the need to prepare proposals for its alteration or replacement.

2.22 Plan reviews should also be the opportunity for local authorities to consider whether the policies and/or proposals in the plan have proved useful in either encouraging development where it was sought or in preventing development in areas where it was not appropriate. The review process offers a positive opportunity to make development plans slimmer and more focused. Evidence that policies or proposals have served no useful purpose may be a trigger for removing them from the plan. Plan review offers the opportunity to replace policies for individual types of development which repeat the same development control criteria with a limited number of carefully framed generic policies which can cover a variety of types of development. It is also the opportunity to re-assess existing site allocations where development has not yet been given planning permission. Account will need to be taken of any revised national policy guidance and the opportunity taken to remove less sustainable site allocations and replacing them with more sustainable ones. It may also be an opportunity to consider the realism of site allocations made and whether alternative uses might now be more appropriate (for example, a site allocated in a plan for employment use, but where the prospects of development seem slim, might be suitable for housing or mixed-use development).

2.23 While there are thus no hard and fast rules on how often a plan should be reviewed, it is expected that, subject to the above, plans should be reviewed in full at least once every 5 years, and partial reviews may be appropriate (eg on particular topic areas) on a more frequent basis.

Alteration and Replacement of Plans

2.24 Whether to replace or alter existing plans will depend upon the local circumstances. Replacement (ie a complete new plan) will be justified where a review has indicated that the existing plan is substantially out-of-date and the scale of alterations therefore needed is fundamental. Alterations to plans are more likely to be appropriate where a partial rolling forward of the plan is needed, or where forecasts and assumptions have changed, or where additional policies are needed to deal with previously unforeseen issues. Within this broad framework, the Government stresses that a rolling programme of alterations following regular review of plans will mean that plans remain up-to-date and will thereby support the objectives of the plan-led system of providing certainty; quicker, rational and consistent decisions; and a reduction in the number of misconceived planning applications and appeals.

2.25 Where alterations are proposed it is helpful to indicate clearly the changes from the existing policies and proposals when the alterations are made available for public inspection. In deciding to make alterations to a plan, local authorities should consider the degree of inter-relationship between policies and the potential effects of changing one policy on others in the plan. Selective alterations which do not consider the implications of connections between different policy areas in the plan may have damaging consequences for the coherence and effectiveness of the plan as a whole. In deciding the structure and content of their development plans, local authorities should consider the extent to which the way in which a plan is set out will facilitate the easy review and alteration of those plans at a subsequent date. For example, it may be possible to undertake selective reviews of

parts of local plans on a geographical basis if the original plan includes separate sections with specific policies and proposals for sub-areas within the plan. This will also provide the flexibility that may be required to deal with issues that arise in a particular area which were not apparent when the plan was originally adopted.

2.26 Where alterations to a plan are being made, the Development Plan Regulations do not allow objectors to make objections on the basis that a local authority has decided not to alter a particular policy. To be duly made, objections must focus on the alterations proposed, including any implications of the alterations for other parts of the plan which are not being altered. To assist in this process, local authorities may choose, when depositing alterations to the plan, to identify those policies in the plan which are not being altered but which they consider to be linked in a direct way to those that are being altered. This will assist objectors in identifying the scope of what will be considered as valid objections to the alterations proposed. It will, however, be for the authority to determine whether a representation about a linked policy is properly to be considered as an objection to the proposals which must be considered at an inquiry.

2.27 Local authorities may find it helpful to discuss the scope of alterations with the Government Office for the Region prior to any consultation or the formal deposit of the proposals. The Secretary of State has powers to direct the preparation, alteration or replacement of plans within specified timescales. The use of these powers will be considered in circumstances where it is thought that local authorities are not taking adequate steps to keep their development plans up-to-date.

Best practice

2.28 The Government considers that many authorities will be able to improve their management of the plan preparation and adoption process by learning from the best practice of others. Good practice advice is already contained in *Development Plans - A Good Practice Guide* published by the Department of the Environment in 1992 (see also paragraph 3.13 for advice on good practice in policy formulation). However, the Department proposes to commission fresh research on best practice on such issues as plan project management, effective consultation techniques, negotiation and monitoring and review.

Chapter 3

Plans content and level of detail

Principles

3.1 The Government is against over-elaborate plan-making. Plans need to be clear, succinct, and easily understood by all who need to know about the planning policies and proposals in the area. A brief and clearly presented explanation of such policies will carry more conviction with local residents, developers and others concerned with development issues. Lengthy, over-detailed plans may also work against effective implementation.

3.2 Development plans should contain the local planning authority's policies and proposals for the development and use of land. The 1990 Act also requires structure, local and unitary development plans to include policies in respect of:

- the conservation of the natural beauty and amenity of the land;
- the improvement of the physical environment; and
- the management of traffic.

Other PPGs provide guidance on the planning policies on specific topics which might be appropriate for inclusion in a development plan in a particular area.

3.3 In drawing up development plans, the Act and Regulations together require authorities to have regard to:

- any regional or strategic guidance given by the Secretary of State;
- current national policies;
- the resources likely to be available; and
- social, economic and environmental considerations.

In preparing plans, **local authorities must have regard to national policies set out in PPGs and MPGs**. However, authorities should not repeat large sections of such documents in plans. The emphasis should be on producing development plan policies which implement national and regional policy at the local level. Where the local authority intends to propose a policy in their plan which departs from guidance provided in a PPG or MPG, they should ensure that they have adequate reasons for doing so. The Secretary of State may intervene in cases where a structure plan, UDP or local plan goes against national policy guidance without justifiable reasons being provided.

3.4 New arrangements for the preparation of Regional Planning Guidance (RPG) have been introduced (PPG11). The objective is to make RPG a more effective policy framework for development plans, resolving those issues which need to be addressed at a regional or sub-regional level. Greater responsibility now rests with the regional planning bodies (made up entirely or largely of local authorities), working with other regional stakeholders, to prepare the draft RPG. Together with the more open and transparent procedures for debating the content of RPG before it is finalised, this should mean that the regional strategy, including priorities and targets, will command greater ownership within the region. The Secretary of State will expect RPG prepared on this basis to be taken fully into account in structure plans and unitary development plans as effective regional planning depends upon consistent implementation by local planning authorities.

RPG will not, however, descend into the level of detail more appropriate for structure plans and unitary development plans.

3.5 Whilst development plans should not contain policies for matters other than the development and use of land (and should not contain policies which duplicate provisions in other legislative regimes, for example in environmental health, building regulation and health and safety legislation) it is important that they have regard to wider sustainable development objectives (see paragraph 4.1 below). To justify and explain the plan it will be necessary to refer to environmental, economic, social, and other relevant considerations in the explanatory memorandum of a structure plan or reasoned justification to a UDP or local plan. It may also be appropriate to include references to other local authority strategies, as well as to strategies of other bodies (eg Regional Development Agencies) where they are relevant in the formulation of a particular land use policy.

3.6 Development plans should not seek to designate, by means of policies or proposals, areas where special facilities or grants will be available, or where special consultation arrangements will apply (although minerals and waste plans may include Mineral Consultation Areas where some special consultation arrangements do exist). All plans should, however, indicate any land use policies to be applied within any areas designated through other regimes.

Structure plans and general policies in part i of udps

3.7 The main function of the structure plan and Part I of a UDP is to state in broad terms the general policies and proposals of strategic importance for the development and use of land in the area, taking account of national and regional policies. Structure plans and Part I of UDPs should avoid over-elaborate or detailed policies and should concentrate on providing a strategic framework within which detailed policies can then be framed in local plans or in Part II of the UDP. They should not include detailed development control policies. While there may be justification for extending the scope of structure plan policies in particular cases, the Secretary of State may use his powers of intervention to delete policies which he considers are not strategic in nature or the level of detail is not justified.

3.8 Structure plans and Part I of UDPs should provide a statement of the overall strategy for development and the use of land in the area. This should be set within the context of sustainable development objectives (as set out in paragraph 4.1 below), and should indicate how development will be served by transport and other infrastructure. Policies should therefore be limited to strategic policies and proposals which provide an appropriate framework for local plans and development control, by:

- setting out the local authority's policies on each of the topics required by legislation (see paragraph 3.2 above) and those listed in the box below, where they are appropriate to the area;
- indicating the scale of provision to be made in the area as a whole, including, for example, figures for housing in each district and, where appropriate, the broad location of major growth areas and preferred locations for specific types of major developments (eg retail, leisure and employment);
- indicating the general location of individual major and strategic developments likely to have a significant effect on the plan area (eg a new settlement); and
- indicating broad areas of restraint on development.

Housing or employment provisions below district level should only be included in structure plans where it is necessary to distinguish between the needs of different areas within a district for

strategic purposes (eg by making housing provision within a given distance of a main employment centre, or in order to assess the general conformity of plans).

3.9 Having regard to the legal requirements listed above, structure plans and Part I of UDPs should include land use policies on the topics in the box below where they are relevant to the particular area covered. Plans should include both the urban and rural dimension of all relevant land use policies and should take particular account of the differing features of rural areas, for example their sparsity of population, small settlements, narrow economic base, accessibility issues, remoteness and peripherality.

3.10 Local authorities should ensure that interactions between policies are fully considered; that the policies formulated under the headings above form an integrated whole (for example, by forming an overall strategy for a coastal area); and that full account is taken of their environmental, economic and social effects.

Subjects for Inclusion in Structure Plans and Part I of UDPs

- housing, including figures for additional housing requirements in each district, and targets for development on previously developed sites;
- green belts;
- the conservation and improvement of the natural and built environment, including through better urban design;
- the economy of area, including major industrial, business, retail and other employment-generating and wealth-creating development;
- a transport and land use strategy and the provision of strategic transport facilities including, highways, railways, and other infrastructure requirements;
- mineral working (including disposal of mineral waste) and protection of mineral resources;
- waste treatment and disposal, land reclamation and reuse;
- tourism, leisure, sport and recreation; and
- energy generation, including renewable energy.

Local plans

3.11 The local plan, or UDP Part II, sets out the local planning authority's detailed policies and specific proposals for the development and use of land which will guide its day-to-day planning decisions. Authorities should bear in mind that lengthy, over-detailed, plans are likely to lead to an increased number of objections and that this may mean that the plan takes longer to reach adoption. There will then be a greater risk that it will not be up-to-date when it is adopted. On adoption, over-elaborate local plan policies can also make development control decisions more complicated and less transparent.

3.12 Policies in local plans may include those which relate to the whole or part of the plan area, setting out the criteria which will be used to judge whether planning applications should be allowed, and those related to individual sites. Site specific proposals in local plans provide a positive lead for development and help create certainty, both for developers and the local

community. By identifying sites for development, an authority can demonstrate in a positive way how the vision and strategy in the plan will be implemented in practical terms. However, too many site specific policies can lead to an inflexible plan which may become outdated and need early replacement or alteration as circumstances change. Properly framed criteria based policies can help simplify plans, and provide flexibility in areas where that is desired. Criteria can be adopted which can be used to judge planning applications in a broad range of circumstances. Care needs to be taken not to include too many criteria based policies, as this can make development control decisions more complicated and may lead to conflicting policies within the plan.

3.13 In framing local plan policies there is considerable potential for local authorities to learn from the experience of other local plans. The Planning Officers Society have produced a guide to good practice (*Better Local Plans A Guide to Writing Effective Policies* 1997). This gives valuable advice covering the fundamental principles behind the drafting of effective plan policies; it also contains a number of examples of policies which can be adapted to local circumstances if appropriate. *Development Plans A Good Practice Guide* published by the Department in 1992, also contains advice on the content of plan policies and proposals.

3.14 As indicated above, policies in development plans should concentrate on those matters which are likely to provide the basis for considering planning applications or for determining conditions to be attached to planning permissions. Excessive detail should be avoided. Local authorities should therefore consider the use of supplementary planning guidance as a means of setting out more detailed guidance on the way in which the policies in the plan will be applied in particular circumstances or areas.

Supplementary planning guidance

3.15 Supplementary planning guidance (SPG) does not form a part of the plan. It can take the form of design guides or area development briefs, or supplement other specific policies in a plan. SPG must itself be consistent with national and regional planning guidance, as well as the policies set out in the adopted development plan. It should be clearly cross-referenced to the relevant plan policy or proposal which it supplements. It should be issued separately from the plan and made publicly available; consultation should be undertaken, and the status of the SPG should be made clear. SPG should be reviewed on a regular basis alongside reviews of the development plan policies or proposals to which it relates.

3.16 While only the policies in the development plan can have the status that Section 54A of the 1990 Act provides in deciding planning applications, SPG may be taken into account as a material consideration. The Secretary of State will give substantial weight in making decisions on matters that come before him to SPG which derives out of and is consistent with the development plan, and has been prepared in the proper manner. SPG should be prepared in consultation with the general public, businesses, and other interested parties and their views should be taken into account before it is finalised. It should then be the subject of a council resolution to adopt it as supplementary guidance. On adoption, a statement of the consultation undertaken, the representations received and the local authorities response to those representations should be made available with each copy of the SPG (either in an annex or in a separate document).

3.17 SPG can play a valuable role in supplementing plan policies and proposals. However, it is emphasised that SPG must not be used to avoid subjecting to public scrutiny, in accordance with the statutory procedures, policies and proposals which should be included in the plan. Plan policies should not attempt to delegate the criteria for decisions on planning applications to SPG or to development briefs.

3.18 Before preparing SPG, local authorities may find it useful to discuss its proposed scope and content with the appropriate Government Office for the Region. Further guidance on good practice, particularly in respect of site specific SPG is contained in *Planning and Development Briefs : A Guide to Better Practice* (DETR, 1998).

Chapter 4 Sustainable development

Introduction

4.1 The Government is committed to sustainable development, and has set out its approach in 'A better quality of life, a strategy for sustainable development in the UK' (1999). The strategy is based on four broad objectives:

- maintenance of high and stable levels of economic growth and employment;
- social progress which recognises the needs of everyone;
- effective protection of the environment; and
- prudent use of natural resources.

The strategy also sets out a range of more detailed objectives, key actions and commitments and a series of indicators to help measure progress towards sustainable development. The planning system, and development plans in particular, can make a major contribution to the achievement of the Government's objectives for sustainable development.

4.2 The Development Plan Regulations require local authorities to have regard to environmental, social, and economic considerations when preparing development plans. However, policies in development plans should implement the land use planning aspects of sustainable development and must be capable of being addressed through the land use planning system. Where non-land use considerations have land use implications or where they explain or give reasons for decisions taken about policies in the plan they may be included in the explanatory memorandum of structure plans or in the reasoned justification of a local plan or UDP.

4.3 Outlined below are some of the issues that may be addressed in plans, either as land use policies or as considerations which influence policies in the plan, and which are linked to the Government's objectives for sustainable development. In all cases, it is necessary to consider the interaction of policies within the plan, so that, for example, the environmental and social implications of policies designed to encourage economic growth are fully considered. Progress towards sustainable development can only be made if the various objectives are considered in an holistic way. Further advice is given in Planning for Sustainable Development: Towards Better Practice (DETR 1998). This draws extensively from work already underway in many authorities to incorporate their work on Agenda 21 into the planning process.

Effective protection of the environment and the prudent use of natural resources

4.4 Development plans should be drawn up in such a way as to take environmental considerations comprehensively and consistently into account (either as policies/proposals or as part of the explanatory memorandum/reasoned justification of plans). Some of these are identified in the box below, together with references to other relevant guidance. In determining whether to include policies or proposals on these issues in their development plans, local authorities should follow the guidance in Chapter 3 of this PPG.

Environmental Considerations for Development Plans

- energy conservation and the efficient use of energy, global climate

change, and reduction in greenhouse gases (PPG22 on renewable energy, PPG13 on transport and reducing the need for travel);

- air quality and pollution (PPG23 on planning and pollution control, DETR *Air Quality and Land Use Planning* guidance note, issued under cover of DETR Circular 15/97);
- noise and light pollution (PPG23);
- the need to sustain the character and diversity of the countryside and undeveloped coasts (PPG7 on the countryside, PPG20 on coastal planning);
- conservation and enhancement of wildlife habitats and species, including the promotion of biodiversity and environmental enhancements to meet biodiversity action plan targets (PPG9 on nature conservation);
- the impact of development on landscape quality (PPG7);
- policies and proposals for the improvement of the physical and natural environment in urban areas, including sustaining the character and vitality of town centres, making provision for tree planting and open spaces and the general re-vitalisation of urban areas (PPG6 on town centres and retail developments, PPG3 on housing);
- the need for better urban design, including the appearance of proposed development and its relationship to its surroundings (PPG1);
- policies which help preserve the built and archaeological heritage (PPG15 on the historic environment, PPG16 on archaeology);
- policies for coastal protection, flood defence, and land drainage issues (PPG20 on coastal protection, DoE Circular 30/92 and advice from Environment Agency on flood protection and land drainage issues);
- the need to protect groundwater resources from contamination or over-exploitation (advice available from Environment Agency);
- the environmental effects of unsustainable or poorly controlled waste management and mineral extraction, processing and tipping operations (PPG10 on waste disposal and management, and Mineral Planning Guidance (MPG) Notes);
- the need to avoid development on unstable land (PPG14); and
- policies designed to secure the conservation and enhancement of the natural beauty and amenity of the land, including tree and hedgerow protection and planting (PPG7).

4.5 The natural resource considerations to be taken into account in the development plan preparation process include:

- water resources both the availability of resources in terms of determining the location of development (see paragraphs 6.19 - 6.21 below) and the need to protect groundwater resources from contamination or over-exploitation (on which advice is available from the Environment Agency);
- land resources covering the need to re-use previously developed sites wherever possible; the protection of the best and most versatile agricultural land (PPG7 provides further guidance); and soils (guidance will be provided in the Government's forthcoming proposals for a soil protection strategy);
- mineral resources covering the need to conserve minerals as far as possible whilst ensuring an adequate supply to meet needs; encouraging the efficient use of minerals, including reserving the use of high grade mineral resources for the most appropriate use wherever possible; the recycling of wastes; and the prevention of unnecessary sterilisation of areas of high quality mineral resources when decisions are taken on the location of development. Further guidance on minerals and planning issues are given in Minerals Planning Guidance Notes.

4.6 Development plans should be subject to environmental appraisal (see paragraphs 4.16 - 4.22 below).

Maintenance of high and stable levels of economic growth and employment

4.7 One of the Government's key objectives is to encourage continued economic development and growth. The Government's White Paper on Competitiveness *Our Competitive Future: Building the Knowledge Driven Economy* (DTI, 1998) sets out the Government's strategy for modernising the economy. The aim is to create conditions in which business can compete freely, develop and exploit new technologies and generate sustainable jobs. The White Paper, and the 1999 Pre-Budget Report, emphasised the importance of promoting the expansion and creation of clusters or networks of knowledge driven companies. Links between businesses, and between business and the science and research base, need to be encouraged if UK business is to compete successfully in world markets.

4.8 Geographic proximity, and the flexible use of space, can be factors in cluster success. Within clusters, incubator units, where new ideas are developed and tested, help foster innovation and competition. Large firms can be the host for such incubator units. Clusters may be concentrated in a particular location, such as technology parks, or linked in 'Innovative Cluster Areas'. ICAs comprise networks of locations with a central research and development base, with incubator units, connected through communication links, both digital and land based, to growth points for specialised production, analysis, testing and services.

4.9 Through the planning system, local authorities can help create the right conditions in which businesses can thrive and prosper. In preparing development plans, local authorities should take account of the need to revitalise and broaden the local economy, the need to stimulate employment opportunities, and the importance of encouraging industrial and commercial development, particularly in the growing knowledge driven sector. They should look to provide a range of suitable sites in their plans for industrial and commercial development which take account of the needs of existing and future businesses.

4.10 Economic considerations that may be relevant to land use policies in development plans include:

- the key themes set out in the Competitiveness White Paper, including facilitating the development of knowledge driven clusters;
- the economic strategies prepared by Regional Development Agencies (RDAs);
- regeneration initiatives, including programmes and projects funded through RDA regeneration programmes, the Single Regeneration Budget and the European Structural Funds;
- developments in communications and information technology; and
- the contribution of rural businesses, including agriculture and forestry, to the economy of rural areas.

4.11 Guidance on planning at the regional level to support the development of clusters will be set out in PPG11 'Regional Planning'. Development plans should have regard to the policies set out in RPG. In particular, structure plans and UDPs (Part I) should contain appropriate policies in support of cluster development and growth, including ones to identify networks of Innovative Cluster Areas as described in paragraph 4.8 and the transport and other policies relating to the creation of the communication infrastructure to support such networks. The allocation of sites for cluster development should be contained in local plans and UDPs (Part II). Good practice guidance is to be prepared on planning proactively and sustainably for cluster development.

4.12 In considering how to facilitate cluster development, and in setting priorities for the types of economic development they hope to see in their area, local authorities should consult the RDA and other stakeholders. The process of consultation should aim to ensure that proposals for economic development, and the allocation of land for that purpose, are realistic. Otherwise there is a danger that land will be sterilised which may be suitable for other urban uses (eg housing).

Social progress which recognises the needs of everyone

4.13 Local planning authorities, in preparing development plans, should consider the relationship of planning policies and proposals to social needs and problems, including their likely impact on different groups in the population, such as ethnic minorities, religious groups, elderly and disabled people, women, single parent families, students, and disadvantaged people living in deprived areas. They should also consider the extent to which they can address issues of social exclusion through land use planning policies.

4.14 Social considerations will be relevant in looking at the need for housing (including the need for affordable housing), at measures for crime prevention (including through better urban design), at sport and recreation provision and the provision of community space for leisure and informal recreation. Plans should also make provision for schools and higher education, health facilities, places of worship, prisons, and other community facilities. As Circular 1/94 (Gypsy Sites and Planning) makes clear, plans should wherever possible identify locations suitable for Gypsy sites, whether local authority or private sites. Where this is not possible, they should set out clear, realistic, criteria for suitable locations as a basis for site provision policies. They should also identify existing sites which have planning permission, whether occupied or not, and should make a quantitative assessment of the amount of accommodation required.

4.15 Local authorities may have wider social considerations in mind in considering the future development of their communities. In that case it is important to use the explanatory memorandum or reasoned justification to make explicit that view and the influence it has had upon the development plan proposals. The underlying approach must be to limit the plan content to social considerations that are relevant to land use policies.

Appraisal of development plans

4.16 Local authorities are expected to carry out a full environmental appraisal of their development plan. However, as indicated above, sustainable development is not limited to environmental concerns. The same methodologies used for environmental appraisal can be developed to encompass economic and social issues. The Department has issued advice on how this might be done in *'Planning for Sustainable Development: Towards Better Practice'* (DETR, 1998), and local authorities are encouraged to consider using this guidance to extend appraisal so that it covers all four sustainable development objectives. The Department has also published research on a methodology for undertaking sustainability appraisals of Regional Planning Guidance (*Proposals for a Good Practice Guide on Sustainability Appraisal of Regional Planning Guidance*, DETR 1999) with the aim of issuing good practice advice. The scope for extending guidance on sustainability appraisal to the development plans process will be considered in the light of the outcome of this research and its application.

4.17 Guidance on the environmental appraisal of development plans is given in *Environmental Appraisal of Development Plans: A good practice guide* (DOE, 1993). This sets out a framework which local authorities can adapt to their own particular circumstances. The appraisal should:

- apply to all types of plan;
- apply to all policies and proposals;
- be part of the plan preparation process; and
- be a process of identifying, quantifying (where appropriate), weighing up and reporting on environmental effects of those policies and proposals.

4.18 The appraisal process should be an important element of every stage of the development plan process. The whole process should be iterative, so that the authority finish the process with a clear set of environmental objectives which inform each part of the development plan. It should be clear from the process how and why policy and proposal options have been chosen. At key stages in development plan preparation (eg prior to the deposit of the plan, and at deposit/revised deposit) the appraisal of the plan should be subject to public consultation, with the responses to consultation then used to inform the next stage of plan preparation. The deposited version of the plan should not include the full environmental appraisal within it, but it should be clear from the reasoned justification/explanatory memorandum of the plan what elements of the appraisal have informed the policies and proposals in the plan.

4.19 To start the appraisal process local authorities will need to be aware of the nature of the environment in the area the plan is to cover. Most local authorities will already have detailed knowledge of this, but it would be worth consulting bodies such as the Environment Agency, English Nature (on the implications for wildlife and on opportunities to foster biodiversity through the development plans process), the Countryside Agency (for landscape and other issues), and English Heritage (for the historic environment) and other relevant bodies for up-to-date information. Environmental capacity studies or environmental stock techniques may be useful tools at this stage. Further guidance on the use of environmental capacity approaches is given in *The Application of Environmental Capacity to Land Use Planning* (DETR, 1997).

4.20 It is important at the beginning of the appraisal process to undertake a scoping study to review the range of issues to be considered and identify the important ones. PPGs and other advice should be used to assist in identifying likely policies and proposals to include in plans. Alternative policies, proposals and locations for development should be evaluated wherever possible. The

appraisal process needs to be drawn up in a way that makes it useful to all those who need to take decisions based on its outcomes. These people include not just planning officers and elected members, but developers and other members of the public. The appraisal process should fit with those of other plans the issues covered by an appraisal of a local plan should be consistent with the issues covered in appraisals in the local plans of neighbouring authorities, and should also be consistent with the issues in the appraisal of the relevant structure plan and RPG. This will ensure that appraisals at one level in the plan hierarchy do not omit key considerations because they have already been dealt with at another level in the hierarchy. Appraisals should be informed by and inform the work of other agencies involved in environmental issues, and involvement of outside bodies in the appraisal process can help to validate the whole appraisal process.

4.21 The appraisal process should continue once development plans have been adopted. Plans should have key environmental and other indicators built into them which are capable of being monitored throughout the lifetime of the plan. These can then inform the review of plans and the need for subsequent alterations to policies, or the replacement of the plan.

4.22 The fact that a plan was subject to environmental appraisal does not take away the requirements for environmental assessment of individual development proposals where they are required by legislation. Even where an environmental appraisal of a plan has been undertaken and a subsequent development is proposed which is in accordance with the plan, an environmental assessment must still be carried out if required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No 293).

Chapter 5

Integration of transport and land use policies

Introduction

5.1 The Government's White Paper on the future of transport *A New Deal for Transport: Better for Everyone* (Cm 3950, 1998) recognises that a vital element of an integrated transport policy is one where transport policies and proposals are fully integrated with land use planning at the national, regional and local level. Better integration is seen as a key element in supporting more sustainable travel choices and in reducing the need to travel.

5.2 Local transport plans are a key component to the new proposals for transport outlined in the Government's White Paper, and will set out (for local authorities outside London) their proposals for delivering integrated transport over a five-year period. Preparation of local transport plans will be the responsibility of highway authorities (ie County Councils and Unitary Authorities). The plans will cover the co-ordination and improvement of all forms of transport and set out proposals for future investment and implementation of specific measures.

The regional transport strategy

5.3 The new arrangements for Regional Planning Guidance described in PPG11 include the preparation of regional transport strategy (RTS) covering all transport modes. The RTS will provide a strategic framework for transport policies and proposals to be included in the development plan and in local transport plans. As part of RPG, local authorities will have to have regard to the RTS when preparing their development plans.

Development plans and local transport plans

5.4 Advice on the content of local transport plans is set out in *Guidance on Provisional Local Transport Plans* (DETR 1999). The transport strategy set out in local transport plans and decisions on priorities for transport investment will have implications for development plans. Similarly, planning decisions on land use (both individual applications and the preparation of development plans) will impact on the strategy in the local transport plan. It is therefore vital that the strategy which supports decisions taken in developing and implementing a local transport plan takes full account of, and complements, the land use strategy in the relevant development plan. Equally, the development plan strategy should underpin the land use issues arising from the implementation of a local transport plan.

5.5 The appropriate development plan for the transport and land use strategy underpinning a local transport plan will generally be the structure plan or Part I of a UDP. However, there may also be occasions where circumstances dictate that elements of the strategy may be more appropriate for inclusion in the local plan (or Part II of a UDP) - either because the level of detail makes the local plan more appropriate, or because the strategy is specific to a single district. In some cases, for example in metropolitan areas, local authorities may decide to prepare joint local transport plans, which follow the arrangements made for joint programmes under the previous system of TPPs. In such situations, the strategy should be incorporated into each of the appropriate plans for the area covered by the local transport plan. In other areas (eg those affected by local government re-organisation) local authorities are already responsible for joint preparation of structure plans and may choose to prepare joint local transport plans. Further details of possible joint working arrangements are given in paragraphs 5.13 - 5.14 below.

5.6 Ideally the development plan and transport plan should be prepared in parallel but this may not be possible in all cases because the latter is not subject to statutory procedures and could be on a faster track (though some stages may be run in tandem, for example, consultation). Despite this, the ultimate aim is to ensure that the overall planning and transport strategies are consistent in terms of objectives and integrated with one another. In all cases, the major land use implications of the local transport plan will need to be addressed as policies and proposals in the development plan (see paragraphs 5.15 - 5.21 below). Any aspects of the strategy or measures in a local transport plan that do not have direct or indirect land use implications should not be included as policies or proposals in development plans.

5.7 It is important that only those policies which are genuinely strategic in nature should appear in the structure plan/UDP Part I. Measures with a degree of site specificity are best dealt with at the local plan level. In many cases, that will mean a hierarchy of policies placed in appropriate plans. For example, where a local transport plan includes measures designed to reduce traffic in town centres and encourage walking and cycling, the explanatory memorandum of the structure plan should cover the general strategy behind this approach, including any non-land use considerations. That might then be supplemented by a specific policy on the land use aspects, identifying the towns where it will apply. However, the precise details of implementation in a particular town centre would need to be outlined in the relevant local plan.

5.8 The importance of consistency between the local transport plan, RPG and development plans is stressed in the White Paper on Transport. Consistency will be a factor taken into account when decisions are made on financial support for local transport plans. This not only means the need for a consistent strategy between the local transport plan and structure plan/UDP Part I, but also, where the local transport plan includes specific proposals within an individual district, consistency between the local transport plan and the local plan or UDP Part II.

Transitional Arrangements

5.9 The need to make changes to existing development plans in response to the land use implications of local transport plans will depend on the nature of the strategy being proposed in the local transport plan. There may be cases where the transport and land use strategy in a development plan is sufficiently well developed to underpin an authority's proposals in its local transport plan as it stands, or will require only minor amendments. In other cases, the potential for radical changes offered by local transport plans will mean that the existing development plan strategy will be inadequate. In that case, the normal course of action would be to make the relevant changes to the development plan through the normal process of alteration or replacement. In the period before the adoption of any alterations or a replacement plan, elements of a local transport plan will be a material consideration in the determination of planning applications by local authorities or in the consideration of appeals. However, given a plan-led system, the Government believes it is important that development plans are brought up to date to reflect any changes in strategy, priorities and policies resulting from the first round of local transport plans. For that reason, transitional arrangements outlined below should be used to ensure that any appropriate changes are identified and made at the earliest opportunity.

5.10 The first round of provisional local transport plans (submitted during 1999), will cover the financial years 2000/01 to 2004/05 (although resources will be allocated for the first year only). These plans will then be rolled forward in July 2000 to cover the five-year period 2001/02 to 2005/06, with resources allocated across the whole period. Given this timing, it is unlikely that any necessary changes to development plans can be progressed through the statutory processes before local transport plans are submitted. Local authorities might choose to start the process of making

the necessary alteration or replacement of the plan, with a view to having an emerging plan in place (ie formally deposited) before the local transport plan is submitted. Alternatively, they may wish to prepare an Interim Transport Planning Statement (ITPS) prior to changes being made to the development plan. The ITPS should identify the main changes to the existing development plan that will need to be brought forward as subsequent alterations to a development plan so that there is an up-to-date planning strategy for the local transport plan to take into account.

5.11 Any ITPS produced should follow the principles outlined in paragraphs 3.15 - 3.18 of this PPG on the preparation of Supplementary Planning Guidance (SPG). However, during this transitional phase, the need for ITPS/SPG to be clearly cross-referenced to a policy or proposal in the plan may not be possible. Given the importance that is attached to having the strategic land use framework for local transport plans set out in a document associated with the development plan, the Government accepts that, exceptionally, the need for cross-referencing will not be required. However, the ITPS must be incorporated into the development plan at the earliest future opportunity.

5.12 All such ITPS produced in consequence of the first local transport plans must be subject to public consultation. There are clear benefits in undertaking consultation on the local transport plan and ITPS at the same time so that local people can consider the documents together.

Joint Working

5.13 There are already a number of areas in the country where joint working arrangements exist for the preparation of development plans. In metropolitan areas, highway authorities will need to work with the Passenger Transport Authority (PTA) to produce a joint local transport plan and it is envisaged that other local authorities may choose to prepare local transport plans on a joint basis also. Where joint plans are prepared it is important that the appropriate arrangements are made to ensure that integration of transport and land use policy is reflected in development plans. The examples in the box illustrate how joint working might be approached.

5.14 In each of the examples outlined, the same principles on incorporation of strategy into the development plan should be used when, for the initial set of local transport plans, ITPS is used as an interim measure. So, in the case of example (iv), ITPS will need to be produced both for Part I of the UDP for the unitary authority and for the structure plan for the residual county.

Joint Working: Examples	
(i) In areas where two or more unitary authorities preparing individual UDPs intend to produce a joint local transport plan.	Each unitary authority should include the transport and land use strategy in Part I of their UDP as well as relevant land use planning policies in Part II of their UDP.
(ii) In areas where two or more unitary authorities preparing a joint structure plan intend to produce a joint local transport plan.	Transport and land use strategy is included in joint structure plan, and relevant policies in either structure plan or local plan.
(iii) In areas where two or more unitary authorities prepare a joint structure plan but decide to produce individual local transport plans.	Individual local transport plans will still need to show how they integrate with those of neighbouring authorities. Joint structure plan should include the transport and land use strategy.

(iv) In an area with a unitary authority preparing a UDP and a residual county preparing a structure plan, where the two authorities decide to produce a joint local transport plan.	The transport and land use strategy should appear in both Part I of the unitary authority's UDP and in the structure plan.
(v) In an area with a joint structure plan prepared by one or more unitary authorities and a residual county, where the intention is to produce a joint local transport plan.	The transport and land use strategy should appear in the joint structure plan.

Transport policies in development plans

5.15 Those elements of a local transport plan which may have land use implications are shown in the box below. This list is not exhaustive. A specific transport proposal that directly involves the development or use of land should appear as a policy or proposal in the appropriate development plan (see paragraphs 5.4 - 5.8 above). Some transport proposals may not directly involve the use of land, but will have implications for land use. In these cases, it is these land use implications that should appear in the appropriate development plan. Particular care should be taken on transport proposals relating to the management of traffic. The 1990 Act requires that local authorities include policies on the management of traffic in development plans. Local authorities should adopt a flexible approach to these policies. They should include any policies in their development plans which are directly related to the management of traffic where there are direct or indirect implications for land use.

5.16 Development plans should include specific policies and proposals on the overall development of the transport network and related services, such as public transport interchange facilities, rail depots, roads, inland waterways, harbours and airports (including safeguarding zones). Policies and proposals relating to the management of traffic may include the co-ordination of public transport services, the movement of freight, the control of car and lorry parking and the provision to be made for buses, cycling and walking. The appropriate tier of the development plans system for such policies will depend on the specific detail of the policy concerned (see paragraphs 5.5 and 5.7 above).

Local Transport Plan issues with possible land use implications

- overall objectives including targets, for example on traffic reduction, increased use of public transport, cycling and walking, and improvements to local air quality;
- how the local transport plan relates to the regional transport strategy, including links to trunk road planning issues, route management, and Railtrack investment plans;
- priorities for 5 year programme of capital investment (but not details of implementation);
- proposals for major road schemes, major public transport schemes, and 'packages';
- traffic management proposals, for example bus priority measures;

- parking management strategy - controls and charges;
- proposals for road user charging and workspace parking charges;
- proposals for public transport interchanges;
- priorities between users and re-allocation of road space;
- strategies for cycling and pedestrians;
- green transport plans and safer routes to schools;
- quality bus partnerships and proposals for quality contracts;
- minimum standards for public transport services;
- quality freight partnerships, including any strategy on lorry routing;
- countryside traffic management strategies;
- surface access to airports and ports (freight and passenger); and
- the implications of airport development.

5.17 All plans should include an indication of the timescale and priorities for proposed transport developments, especially major road and railway projects, and these should reflect the specific priorities and timescale set out in the local transport plan. Authorities should, however, only include proposals in plans which are firm, with a reasonable degree of certainty of proceeding within the plan period and should be identified as such in the local transport plan. Ideally they should be programmed and finance committed. In order to ensure that only policies which are realistically likely to proceed in the plan period are included in the development plan, local authorities are advised to consult with transport infrastructure providers at an early stage in plan preparation.

Assessment of Options

(i) Multi-Modal Appraisal

5.18 In taking decisions about the location of development and related subsequent implications for transport requirements, local authorities should undertake a rigorous examination of alternative options that may be available. Such options may include:

- making better use of the existing road network and demand management measures;
- traffic management measures;
- public transport improvements;
- alternative locations for the development which creates the travel demand;
- the land use implications of not proceeding with the proposal; or
- the building of a new road (although there should be a strong presumption against this option unless all other options can clearly be shown to be impractical).

Advice on undertaking such multi-modal appraisals will be provided shortly.

(ii) The Role of RPG/RTS and Development Plans

5.19 In future, all transport proposals which have a regional or sub-regional significance will be considered in the context of the RTS. This will include consideration of options and priorities for new transport infrastructure. Once the options have been considered and priorities have been established at the regional level, the assessment of alternative options relating to these proposals should not require re-consideration during the examination in public (EIP) of structure plans, at public inquiries into UDPs, or through other statutory regimes. The proposals should however be included in relevant structure plans and the UDPs.

5.20 Any other transport proposals of strategic significance which have not been considered in the context of the regional transport strategy, will need to be specified in structure plans and UDPs. In these circumstances, the assessment of alternative options will be examined at the EIP or public inquiry.

5.21 Local plans and UDP Part IIs should elaborate the detail of transport proposals where a particular preferred proposal has been identified at the regional or strategic level. They should also include proposals of a non-strategic nature as they relate to the development patterns proposed in the plan. Proposals should be limited to those on which work will commence during the lifetime of the plan, especially where land is required to be safeguarded for the proposals. Where the options for meeting particular transport requirements have already been evaluated at the regional or strategic level, consideration in the local plan process should normally be limited to detailed land use issues such as alignment. Any objections to the proposals will be heard at the public local inquiry, although trunk road schemes will continue to be considered under the 1980 Highways Act. If detailed consideration of a scheme at a public inquiry were to reveal that it would cause unacceptable damage to the environment, consideration could be given to its deletion or relocation, together with associated changes in development or alternative solutions. In the case of proposals that have not been examined at the regional or strategic level, local plan procedures or other statutory provisions will provide the means to examine both the options in relation to the transport requirement identified and any subsequent details of the proposal's implementation.

Safeguarding Transport Routes

5.22 Where planning authorities wish to safeguard land for a future transport scheme (eg a new road, rail link or restored canal), they should do so through a proposal in the local plan. When the precise route of a particular proposal is known at the time of preparation of the plan, this should be clearly shown on the proposals map as the route to be safeguarded. Where the precise route is not known but where the proposals are sufficiently advanced, the authority may define on the proposals map the area over which it intends to apply a safeguarding policy. However, in safeguarding land local authorities will need to be realistic about the prospects for the start of the project in the plan period and sensitive to the implications of blight (see paragraphs 6.24 - 6.26). They should consult with appropriate transport infrastructure authorities (eg the Strategic Rail Authority for rail schemes) to ensure the feasibility of a scheme commencing within the lifetime of a plan. For the sake of clarity plans should list any transport schemes which have previously been safeguarded and are now to be abandoned.

5.23 The Government's White Paper on Transport makes it clear that development plans should give better protection to those sites and routes (both existing and potential) which could be critical in developing infrastructure to widen transport choices. Alternative uses related to sustainable transport should be considered first for sites now surplus to transport requirements. Local authorities should therefore consider the potential of disused railway trackbeds and routes for possible future transport schemes, including rail (both passenger and freight), metro and light rail

projects, cycling and walking, and apply appropriate protective policies where justified. Similar protective policies are appropriate for rail and waterway connections to existing or proposed manufacturing, distribution, and warehousing sites adjacent or close to the rail and inland waterway networks and to coastal ports. Local authorities may also wish to safeguard sites for transport related development which might otherwise be lost to other development, such as sites adjoining railway sidings or wharves alongside waterways and ports.

Chapter 6

Other content and procedural issues

Conformity of plans

6.1 A local plan must be in general conformity with the structure plan. Similarly, the proposals in Part II of a UDP are required to be in general conformity with Part I. A local plan cannot be put on initial deposit until the authority has sent a copy to the structure plan authority, who must within 28 days supply the local plan authority with a statement that the plan is or is not in general conformity with the structure plan. A statement of non-conformity must specify in what respects the plan is not in general conformity. Such a statement counts as an objection to the deposited plan. Additionally, before the deposit of a revised deposit version of a plan, the local planning authority must send a copy of the revised plan to the structure plan authority, who must supply a further conformity statement within 28 days. However, as far as possible any issues of non-conformity should be resolved before a local plan reaches inquiry, through discussion between the structure plan authority and the local plan authority between the two deposit periods and through subsequent changes to the plan at revised deposit stage.

6.2 Where the structure plan is being reviewed it may not be sensible to complete local plans in conformity with the existing structure plan. Thus, where proposals to alter or replace a structure plan have been placed on deposit but have not yet been adopted, the assumption may be made for all purposes of plan preparation (including the issue of a statement of conformity or non-conformity and adoption of the local plan in general conformity with the structure plan) that these structure plan proposals (together with any proposed modifications) have been adopted. This assumption must be clearly stated when the local plan proposals are placed on deposit and when copies are sent to the structure plan authority and to the Secretary of State.

6.3 In consequence of local government re-organisation, a number of unitary authorities are now the sole planning authority for their area and are responsible for the preparation of a local plan and a structure plan for their area (often on a joint basis). A unitary authority does not have to supply a statement of conformity in respect of its own local plan proposals. However, it will still need to prepare a re-certification statement in respect of any local plan, mineral and/or waste plan for its area when the structure plan is altered and replaced, and make the statement available for public inspection alongside the plan to which it relates.

6.4 In order to avoid the possibility of having to make significant amendments to local plan proposals later in order to bring them into general conformity with the structure plan proposals as adopted, the procedure outlined in paragraph 6.2 above should be used only where the structure plan proposals are in line with national and regional planning guidance and where the main targets in the structure plan proposals for the area of the local plan concerned are not subject to significant objections. The authority preparing the local plan are advised to liaise with the structure plan authority to ascertain that a statement of general conformity will be forthcoming (or that any statement of non-conformity would raise no fundamental points).

Precedence of plans

6.5 Legislation provides that in the event of conflict between the provisions of a local plan and those of a structure plan the former prevail unless the structure plan authority have stated that the local plan is not in general conformity with the structure plan, and the local plan has not subsequently been altered or replaced. Where a subsequent change to a structure plan is adopted

and renders a local plan out of general conformity the structure plan authority are required to issue a statement to that effect. The local planning authority must place that statement on deposit with the plan and consider whether they need to change their plan.

6.6 Other conflicts between the provisions of different plans are to be resolved in accordance with the Regulations as follows:

- Where there is conflict between the provisions of a minerals local plan or a waste local plan and those of a structure plan the provisions of the minerals or waste local plan prevail unless the structure plan has been altered or replaced, the structure plan authority have issued a statement that the minerals or waste local plan is not in general conformity with the altered or new structure plan and the minerals or waste local plan has not subsequently been altered or replaced.
- Where there is conflict between a local plan and a minerals local plan or a waste local plan the more recently adopted (or approved) provisions prevail.
- In the event of conflict between the provisions of a structure plan and a local plan made by the same authority (for example, in the case of National Park Authorities) the provisions of the local plan prevail unless the structure plan has been altered or replaced, in which case the procedures outlined in the first indent above apply.

Duration of plans

6.7 Structure plans and Part I of UDPs should look to provide a strategic framework for development for a period of at least 15 years from the base date of the plan; for some types of policy (such as green belt protection) a longer period is appropriate. In some cases it will be sensible to adopt an end date to coincide with the end of the period for which housing provision has been considered in RPG.

6.8 In order to ensure that policies and proposals in local plans and Part II of UDPs extend for a reasonable period beyond their adoption, the duration of a local plan and Part II of a UDP should be for a period of 10 years from the plan's forecast adoption date. For many policies - for example, the conservation and safeguarding of minerals, or a phased long-term development or conservation project - a longer or indefinite timescale may be appropriate. Where possible, local plans should be prepared to the same period covered by structure plans. Where a structure plan is in the course of alteration or replacement, it may be more sensible for the local plan to cover the period of the emerging structure plan.

Phasing of new development

6.9 In preparing development plans, authorities should make an overall assessment of development requirements - whether for housing, retail, commercial or industrial developments - over the whole of the plan period. But total provision in structure plans on a county-wide basis over such a period may not provide an adequate basis for development control, even when disaggregated to district level for local plan purposes, or for UDPs. Phasing may therefore be necessary.

6.10 Phasing of development over the period of the plan may be justified by considerations relating to physical or social infrastructure or the adequacy of other services or resources (eg water), which may indicate that a particular area cannot be released for development until a particular stage in the plan period. Where phasing provisions are included in the plan, they should normally take the form of a broad indication of the timescale envisaged for the release of the main areas or identified sites, rather than impose an arbitrary numerical limit on permissions or precise order of release of sites in particular periods. Very precise specification, for example, of the numbers of houses to be provided

on a year-by-year basis, is not appropriate given uncertainty as to when planning permissions will be implemented and the need for orderly site development.

6.11 Authorities are urged to ensure that plans are prepared on the basis of as complete an identification of sources of land supply as is practicable. The National Land Use Database will in the first instance assist local authorities in identifying previously developed sites, but local authorities should undertake capacity studies to ensure that a complete picture of sources of land supply in their areas are obtained. The more comprehensive the local plan is in this respect, the less difficulty there should be in dealing with proposals for the development of previously unidentified sites. Where assumptions are made in the plan about the future availability of small unidentified sites, they should be checked by regular monitoring of planning permission granted and outstanding permissions that have been implemented.

6.12 Phasing policies should recognise the need for possible adjustment to the timing of land release to the extent that the emergence of unidentified sites may exceed or fall short of the assumptions in the plan. Phasing may need to be altered, if necessary through a plan alteration, where land supply falls significantly short of the plan requirement, to bring forward the release of sites. Conversely, the plan may need to make clear that where land supply exceeds expectations, perhaps because of the emergence of large previously unidentified sites, there may be a need to postpone the release of land intended for development later in the plan period.

6.13 In addition to the general provisions outlined above, which are appropriate to all forms of development, the revised PPG3 will provide specific advice on the approach towards new housing development.

Infrastructure provision

6.14 The provision of infrastructure is important in all major new developments. The capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all development plans. 'Infrastructure' here includes services like education and health and other community facilities as well as transport facilities, water supply and sewers. Local authorities must develop a strategic approach to infrastructure provision when preparing development plans.

6.15 It has always been an important purpose of the planning system to co-ordinate new development with the infrastructure it demands. That is one reason why development plans look forward over a reasonable length of time. The bodies that are responsible for infrastructure provision can then plan on the basis of a clear picture of the future shape of the community. And by their contributions to the preparation of development plans they can influence the pattern of new development so that it takes account of likely infrastructure limitations and makes best use of existing infrastructure. When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.

6.16 The emphasis on a plan-led system should ensure that the linkage of infrastructure and development, properly investigated as the plan is drawn up, will be reflected in development control decisions. The plan-led system should make it more likely that development will take place in accordance with the plan, and the infrastructure agencies will have greater certainty as the basis for their own investment programmes. Infrastructure provision will therefore be more intrinsically linked to development foreshadowed in the plan.

6.17 When it comes to considering planning applications for development requiring infrastructure improvements which are not already firmly programmed, developers and local planning authorities

have several options. Planning obligations enable developers to advance infrastructure investment programmes to meet the needs of their site. Where a planning authority expect developers to enter into planning obligations on a regular basis, in relation to similar types of development, they should set out their policy in their local plan. Structure plans should not normally include such policies, which relate entirely to development control decisions, although they may be appropriate in situations where the structure plan identifies a major strategic development (eg a new settlement) where the intention is to use obligations to provide infrastructure - for example improvements to public transport. Full details of the Government's policies on planning obligations (under Section 106 of the 1990 Act) are given in the extant Circular (1/97), though the Government indicated in 'Modernising Planning' its intention to review policy on planning obligations.

Utilities infrastructure

6.18 Development plans provide the utility companies responsible for electricity, gas and water supply, sewerage and telecommunications with essential inputs for their own planning. In preparing plans, authorities should consider the requirements of the utilities for land both in their own and in other authorities' areas to enable them to meet the demands that will be placed upon them. They should also consider the wider environmental effects of increased demand, in terms of both the additional need for basic resources and of the associated emissions to air, land or water, bearing in mind that those effects may extend to other authorities' areas. Consultation with the utility companies and their regulators on such issues at the earliest stage of plan preparation is essential.

6.19 In the case of water supply and sewerage, there may be additional needs for infrastructure such as reservoirs, pipelines or treatment works. There will also be implications for the environment both from such land use and from the additional water abstraction or discharge that may be associated with that infrastructure. Those implications may extend beyond the boundaries of the authority's own area. It is therefore essential that local authorities consult water companies and the Environment Agency at an early stage in the preparation of development plans.

6.20 The availability of water resources will be a factor to be taken into account by Regional Planning Conferences in preparing proposals in RPG for the distribution of development within a region. Those Conferences should give particular consideration to the wider implications of individual authority plans, and should bear in mind that those implications may extend beyond regional boundaries. Local authorities should also consider the availability of water resources when determining the distribution of development between or even within districts in a structure plan. In some areas, the ease and cost of supply and the availability of water resources may also be a factor in determining the location of development within districts. Early consultation with water companies and the Environment Agency will help local authorities ensure that new developments are located in ways that will minimise or eliminate the environmental impact of additional demand for water and sewerage services, thereby contributing to a more sustainable development process.

6.21 The adequacy of existing infrastructure may well influence the timing of development in different parts of a county or district. Provision of completely new infrastructure in some cases might take several years from identification of need to commissioning, so local authorities should discuss the possible phasing of development during their discussions with utility companies. This may be particularly the case if new water resources need to be developed. Water companies are now expected to have Environment Agency-agreed 25-year plans for maintaining water supplies and it will be essential for local authorities to consult with the companies to help ensure that those plans remain appropriate.

Hazardous Substances

6.22 Council Directive 96/82/EC (the Seveso II Directive) which entered into force on 3 February 1999 requires Member States to ensure that the objectives of the Directive - the prevention of major accidents involving hazardous substances and limiting their consequences for man and the environment - are taken into account in their land use policies. This is to be achieved through controls on the location of new establishments at which hazardous substances are present or are likely to be present; controls on modifications at existing establishments where hazardous substances are present, and controls on new developments in the vicinity of existing establishments where hazardous substances are present. It also requires Member States to ensure that their land use policies, and the procedures for implementing them, take account of the need in the long term, to maintain appropriate distances between establishments where hazardous substances are present and residential areas, areas of public use and areas of particular natural sensitivity or interest. These obligations have been implemented by the Control of Major Accident Hazards Regulations 1999.

6.23 In preparing or amending development plans, local authorities will therefore need to ensure that they include a policy or policies relating to the location of establishments where hazardous substances are used or stored, and to the development of land within the vicinity of establishments where hazardous substances are present.

Avoidance of blight

6.24 In preparing their development plans, local authorities should make adequate provision for development and infrastructure provision. However, it is important that the provisions made are realistic and are likely to be implemented during the period of the plan.

6.25 Where there are proposals in a development plan which are no longer likely to be implemented, the local authority should take the necessary action to ensure that this is clear to those using or referring to the plan. This is particularly important in cases such as proposals for major developments or infrastructure projects (eg road proposals) where uncertainty of the likelihood of projects proceeding can lead to perceived blight to property owners in the vicinity.

6.26 The most effective way of removing such proposals from the plan is through a formal alteration to the plan. However, it is recognised that decisions not to proceed with proposals may be taken on a timescale that does not match that for the review of a plan and subsequent decisions on alterations to, or replacement of, the plan. Therefore, where a firm decision has been made not to proceed with a proposal (eg through a formal council resolution), the local authority should ensure that the decision not to do so is made available to the public. This may be most readily done by ensuring that a copy of the resolution (or other appropriate document) is made available with copies of the plan available for public inspection. The local authority should also inform directly those whose land or property may have been affected, and others as they think fit. Local authorities should be aware that taking this approach does not equate to a formal alteration to the plan. In terms of Section 54A of the 1990 Act, the proposals in the plan will remain unaffected. The record of the decision by the local authority that the proposal will not be taken forward will, however, be a material consideration for any planning application or appeal that subsequently arises. The local authority should then ensure that the decision not to proceed with the proposal is incorporated in the next set of alterations to the plan or its subsequent replacement.

Resources

6.27 The 1990 Act requires planning authorities to have regard to the likely availability of resources when preparing the general policies and proposals in structure plans and UDP Part Is.

The plan will not give effective direction unless it is based on realistic assumptions about the resources likely to be available. In order to give consistency to market expectations, plans should take account of national economic policies, the financial policies of the various implementing agencies and the likely availability for use of land, labour and other material resources.

6.28 The explanatory memorandum of a structure plan or the reasoned justification of local plan or UDP should include an indication of the assumptions made about the resources likely to be available for carrying out the policies and proposals formulated, and for the associated infrastructure. It should have particular regard to the conservation of finite or non-renewable resources such as land and energy, the need for more sustainable development, and the implications for public sector capital expenditure. Assumptions should be in broad terms and should not attempt an unrealistic degree of precision.

Involvement of the secretary of state in the plan process

6.29 There are four main circumstances where the Secretary of State may become involved in the development plan process:

- *Consultation:*

Although there are no longer statutory consultees for local plans and UDPs, the Secretary of State remains a statutory consultee for structure plans. Government Offices for the Regions (who undertake the statutory responsibilities of the Secretary of State in respect of development plans) should however be consulted at an early stage of the plan-making process, whatever the type of plan. Ongoing dialogue with the Government Office may prevent the need for more formal interventions to be made later in the plan process.

- *At deposit stage:*

The Government Office may register objections on behalf of the Secretary of State to the deposited plan at either deposit or revised deposit stages.

- *Direction to modify:*

The 1990 Act gives the Secretary of State the power to issue a direction to a local authority to modify their plan in a specified manner before adoption. The Act also gives the Secretary of State powers to direct that a plan shall be altered or replaced.

- *Call-in of plan:*

Where a plan or part of a plan's proposals are called-in for the Secretary of State's own determination.

6.30 Government Offices on behalf of the Secretary of State will continue to scrutinise plans, alterations to plans, and replacement plans to identify whether they are consistent with national and regional guidance and whether there are conflicts with the guidance which do not appear to be justified by local circumstances. The Secretary of State's powers to direct modifications to the plan or to call-in all, or part, of a plan for his own determination will be used sparingly and as a last resort. Further details of the circumstances in which such powers might be used are given in the Department's Codes of Practice on local plans and UDPs and on structure plans.

Late information

6.31 In general, the best interests of the planning system will be served by ensuring that plans are always as up-to-date as they can be at the time of adoption. However, new information will frequently become available during the course of plan preparation which has a direct bearing on the plan's content and should be taken into account in the consideration of the plan proposals. New information may include that which derives from new RPG, altered or replaced structure plans, and new national policies, expressed in a PPG or in a Circular.

6.32 Precisely how the new information is incorporated into the plan will depend on the nature of the new information (and therefore the extent of the changes that may need to be made to the plan) and the stage the plan has reached. Wherever possible, new information should be incorporated into the plan before it is adopted, thereby ensuring the plan is up-to-date at the time of adoption. However, where the plan is very close to adoption when new information becomes available, it may be preferable to adopt the plan and then start an early review of the plan. In general, close to adoption in these circumstances will be where any modifications process has already been completed, and/or where no further modifications to the plan are expected to be made. Where a local authority decides to adopt this approach, they will be expected to bring forward early proposals for alterations to the plan. If necessary, the Secretary of State may use his powers to direct the preparation of the necessary alterations within a specified period.

High court challenges

6.33 Section 287 of the 1990 Act allows any person, to challenge the validity of a development plan or any alteration or replacement plan on the grounds that it is not within the powers conferred by the Part II of the Act, or that requirements in that part of the Act or regulations made under it (eg the Development Plan Regulations) have not been complied with. In such circumstances they may make an application to the High Court to have the plan or part of the plan quashed. Applications must be made within six weeks of the date of the first notice published that the plan has been adopted.

6.34 Where all or part of a plan is quashed as a result of a successful challenge under Section 287, the Courts¹ have determined that the effect is that those policies or proposals quashed are treated as if they had not been included in the plan when it was deposited. Where only part of the plan is quashed, the remaining parts of the plan will retain adopted status, and the local authority will have to bring forward formal alterations to the plan if they wish to re-insert back into the plan the policies and proposals that have been quashed. In the event that the whole plan is quashed by the court, the local authority would need to deposit a complete set of proposals.

¹Charles Church Developments Limited v South Northamptonshire Council, judgment of Hidden J, 19 May 1999, not yet reported.

Annex A

Types and forms of plans

Structure Plans

1. National planning policies and regional guidance, and the provisions of structure plans, set the broad framework for planning at the local level. Structure plans:

- provide the strategic policy framework for planning and development control locally;
- ensure that the provision for development is realistic and consistent with national and regional policy; and
- secure consistency between local plans for neighbouring areas.

This strategic nature is emphasised by the limitation that structure plans are to contain a key diagram rather than a map; these diagrams are not to be reproduced on an Ordnance Survey base.

2. All areas of the country requiring a structure plan have one in place. Following recent local government re-organisation there are now a substantial number of unitary authorities which have a strategic planning function in addition to the counties who have previously exercised this function. National Park authorities are now also the strategic planning authority for their area. In a few cases, new unitary authorities have been granted the powers to prepare a Unitary Development Plan for their area. However, elsewhere the Government has indicated that it wishes to see joint working between unitary authorities, or between unitary authorities, National Park authorities, and county councils, to prepare and maintain a joint structure plan for their area. Appendix 1 gives details of the Government's preferred arrangements for joint working on structure plans.

Local Plans

3. The local plan sets out detailed policies and specific proposals for the development and use of land, and should guide most day-to-day planning decisions. The preparation of local plans gives local communities the opportunity to participate in planning choices about where development should be accommodated in their area. Particularly in areas of development pressure, it is not sufficient for local planning authorities to seek to rely only on national and regional guidance and the provisions of the structure plan. The Government therefore legislated in the 1991 Act to make the preparation of district-wide local plans mandatory for all areas.

4. In providing the detailed framework for the control of development and use of land, local plans need to:

- set out the authority's policies for the control of development; and
- make proposals for the development and use of land and to allocate land for specific purposes.

5. By contrast to structure plans these policies and proposals are to be shown on an Ordnance Survey base map. Plans should not include policies or proposals which are not related to the development and use of land. However, to the extent necessary to understand the plan, the reasoned justification may mention what regard the authority have had to non-land use planning considerations.

6. A local plan may designate any part of the authority's area as an action area (that is, an area which they have selected for the commencement, during a prescribed period, of comprehensive treatment by development, redevelopment or improvement by public authorities or private enterprise). The prescribed period is 10 years from the date on which the plan is deposited. There

are no longer to be separate action area local plans, but authorities may include in their district-wide local plans proposals for action areas which hitherto would have been the subject of separate action area plans.

Unitary Development Plans (UDPs)

7. A UDP has to have two parts. Part I is analogous to the structure plan in non-metropolitan areas. It consists of a written statement of the authority's general policies for the development and use of land in their area. The broad development and land use strategy of Part I provides a framework for the authority's detailed proposals in Part II, which is analogous to the local plan in non-metropolitan areas. Part II contains a written statement of the authority's proposals for the development and use of land; a map showing these proposals on an Ordnance Survey base map; and a reasoned justification of the general policies in Part I and the proposals in Part II of the plan. The proposals in Part II of a plan must be in general conformity with policies in Part I. Action areas (see paragraph 6 above) may also be designated in Part II of a UDP. Appendix 2 lists those authorities who have prepared or are currently preparing UDPs.

Minerals Local Plans

8. These plans should carry forward policies which provide for the supply of minerals and for ensuring the required degree of environmental protection associated with the development. They should indicate, in more detail than is possible in structure plans, those areas where provision is made for mineral working and the disposal of mineral wastes and those areas where mineral resources are to be safeguarded for future working. They can also set out the development control criteria that will be applied in considering applications for mineral working, and requirements for the restoration and aftercare of such sites. These requirements should reflect any district-wide or waste local plan proposals for the after-use of such sites. Mineral planning authorities are required to draw up a minerals local plan covering the whole of their area. Where authorities have not yet already done so, the Government expects them to set work in hand on these plans immediately so complete coverage can be achieved as soon as possible. The absence of such plans is likely to lead to uncertainty and delay in the processing of planning applications. Minerals local plans may also be combined with waste local plans or with National Park local plans. All unitary authorities have the functions of a mineral planning authority. However, there is no power to prepare minerals local plans in areas covered by UDPs, so UDPs must therefore contain minerals policies. In other areas affected by local government re-organisation, non-metropolitan unitary authorities may consider whether they wish to work jointly with another mineral planning authority to prepare a joint minerals local plan. Further details on producing minerals local plans in areas affected by local government re-organisation is given in DoE Circular 4/96, Local Government Change and the Planning System.

9. Full guidance on the preparation of minerals local plans is provided in MPG1 "General Considerations and the Development Plan System" and in other notes in the MPG series.

Waste Local Plans

10. In areas where UDPs are prepared, waste policies should appear in UDPs, and there is no power to prepare separate waste local plans. In all other areas of England, planning applications for development associated with the deposit, treatment, storage, processing and disposal of refuse or waste materials other than mineral waste, are decided by county planning authorities, non-metropolitan unitary authorities, or National Park authorities. These bodies require a development plan framework for deciding those applications. The 1991 Act therefore introduced a requirement for local plan coverage of development involving the depositing of refuse or waste materials (other than mineral waste). Waste planning authorities may either prepare a separate waste local plan, or combine it with their minerals local plan. National Park authorities may choose between a separate waste local plan and including the necessary policies in either the park-wide local plan or the minerals local plan. Circular 4/96 gives further details of the possible arrangements for the

preparation of waste local plans in unitary authorities created as a result of local government re-organisation. Again, the Government looks to local authorities to progress waste local plans through to adoption promptly in order to ensure complete coverage as soon as possible.

11. The plans should set out local authorities' detailed land use policies for the management and disposal of waste, within the broad strategic framework of the structure plan. The Regulations require authorities to draw up waste local plans that have regard to the national waste strategy. The waste local plan should address the need for sites and facilities in particular areas, suitable locations, and planning criteria likely to apply, including geological, hydrological, and other considerations. Further guidance on the preparation of waste local plans is contained in PPG10: *Planning and Waste Management*.

The form of plans

Title

12. All plans must have a title comprising the name of the area of the authority and the type of plan. The status of the document and the date of production should also be made clear. Authorities should, if possible, put these details on every page of the document so that there is no doubt about the status of any extract used at any stage.

Purpose and context

13. The plan should make clear in the introduction what its role and purpose is and briefly explain the planning framework within which it is prepared ie national and regional policies and, where appropriate, structure plans. A *brief* explanation should be included of the plan's relationship with the authority's other policies, programmes and management strategies, and with the planning policies of neighbouring authorities. In the case of a structure plan it is a requirement that this last aspect should be addressed in the explanatory memorandum (see paragraph 21 below).

Vision, strategy, aims, objectives and targets

14. Each plan should also include in the introduction a clear and concise statement of its main aims, objectives and targets, and the strategy for achieving them, having regard to the likely level of resources available, both public and private sector. Taken together, the strategy, aims, objectives and targets should provide a clear vision of what will be achieved by the implementation of the plan, and make clear the authority's priorities at the outset. When consulting at pre-deposit stage it may sometimes be useful to include for discussion alternative policies and proposals together with an assessment of their relative merits. Alternatives should not be put forward in the deposited plan but authorities should indicate in the reasoned justification/explanatory memorandum the range of options considered and the basis on which choices were made.

15. The establishment of clear aims, objectives and targets in the plan, and a clear indication of how the policies and proposals will be implemented, by which agency and over what period, will assist monitoring of both implementation and the effectiveness of policies.

The plan itself, maps, diagrams and written statements

16. All plans should be clear, succinct and easily understood by all those who need to know about the planning policies and proposals which apply in the area. The needs of different groups should be carefully considered in determining the approach and style of the plan. The use of a plan summary and a full index will help to make the plan more accessible. Jargon should be avoided as far as possible. Where it is necessary to use technical terms, these should be explained in a glossary.

17. The **structure plan** must contain a written statement of the authority's general policies and proposals for the development and use of land in the area, illustrated by a key diagram. A UDP Part

I need comprise only a written statement, however, because Part II of the plan must contain a detailed map.

18. The written statement should be clear and concise and should be limited to those policies and proposals which genuinely provide a strategic framework for local plans and development control. Policies and proposals should be clearly and unambiguously expressed, with sufficient precision to enable them readily to be implemented and their performance measured.

19. There should be only one key diagram, but it may include insets to show selected areas to a larger scale. The location of any insets should be clearly identified as blank areas on the key diagram, and an explanation of the notation used and the title of the plan should appear on each inset. Neither the key diagram nor any insets should be on a map base.

20. In the event of a contradiction between the written statement and the key diagram, the written statement prevails.

21. The structure plan written statement and the key diagram should be accompanied by an explanatory memorandum. This should justify each of the authority's policies and proposals and give any information on which they are based and state their relationship to the general planning policies of neighbouring areas which may be expected to affect the plan area. The explanatory memorandum should also contain a statement of the regard the authority have had to certain matters. These matters are specified in the 1990 Act and the Development Plan Regulations, and include:

- any regional or strategic planning guidance given by the Secretary of State;
- current national policies;
- the resources likely to be available;
- social, economic and environmental considerations;
- the objectives of preventing major accidents, limiting their consequences, and the need to maintain appropriate separation between certain land uses; and,
- the national waste strategy.

22. The explanatory memorandum, which may also contain such illustrative material as the authority think appropriate, is not part of the plan, and this distinguishes it from the reasoned justification which is part of a UDP and local plan. But authorities may, if they wish, bind the explanatory memorandum into the same document as the plan so long as its status is clear.

23. **The local plan and UDP Part II** consists of a written statement and a map ('the proposals map'). The written statement should include the authority's policies and proposals for the development and use of land and, in particular, those which will form the basis for deciding planning applications and determining the conditions attached to planning permissions. As with structure plans, policies and proposals should be clearly and unambiguously expressed, with sufficient precision to enable them readily to be implemented and performance measured.

24. The written statement should also include a reasoned justification of the plan's policies and proposals. A brief and clearly presented explanation and justification of such policies and proposals will be appreciated by local residents, developers and all those concerned with development issues. The reasoned justification should only contain an explanation behind the policies and proposals in the plan. It should not contain policies and proposals which will be used in themselves for taking

decisions on planning applications. To avoid any confusion, the policies and proposals in the plan should be readily distinguished from the reasoned justification (for example, by use of a different typeface).

25. The UDP reasoned justification should include a statement of the regard the authority have had in formulating their general policies in Part I and their proposals in Part II to matters set out in the 1990 Act and the Development Plan Regulations (see paragraph 21 above in relation to structure plans). It should also include a statement of the account the authority have taken of any enterprise zone scheme in their area and of the regard the authority have had in formulating their waste policies to any waste disposal plans for their area and the reason for any inconsistencies between such policies and those plans. A statement of the former should be included in the reasoned justification of local plans. A statement of the latter should also appear in the reasoned justification of waste local plans and those local plans which contain waste policies.

26. The proposals map should illustrate each of the detailed policies and proposals in the written statement, defining sites for particular developments or land uses and the areas to which specified development control policies will be applied. Boundaries of locally or nationally designated areas such as heritage coasts, conservation areas, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest should be shown to illustrate that a range of particular development control policies apply there. The map must be on an Ordnance Survey base, with the scale and an explanation of the notations given. It can comprise one or more sheets and may be accompanied by insets on a larger scale where it is necessary to show certain proposals more clearly. Authorities may prepare separate inset maps for important areas, such as the principal town or town centre, but each inset map must illustrate all the proposals for the area covered by the inset. The boundaries of each inset must be shown precisely on the proposals map and the proposals shown on an inset must not appear on the main map.

27. In the event of a contradiction between the written statement and the proposals map, the provisions of the written statement prevail.

28. Parts I and II of a UDP should form separate sections of a single document. Part I should include the introduction, purpose, context and overall aims, objectives, targets and strategy of the plan together with the plan's general policies. Part II should cover the authority's proposals (in general conformity with Part I) and the reasoned justification of all the policies and proposals. As with local plans, the policies and proposals should be readily distinguishable from the rest of the text.

Revised deposit versions of local plans and UDPs

29. The new arrangements for the preparation of local plans and UDPs are set out in Annex B. Where a revised version of the plan is placed on deposit, the regulations require that the plan shall comprise the full text of the plan as revised with a clear indication of any new text included (eg through the use of a different colour print, typeface, or font), as well as any text deleted as part of the revision. There is no requirement to provide a fully revised version of the proposals map, but the local authority must include with the revised plan diagrams or maps sufficient to indicate the changes to the proposals map as a result of the revisions, together with the original proposals map.

Geographic Information Systems (GIS)

30. The development of geographic information systems (GIS) technology allows local planning authorities to make plans, maps and diagrams in plans available in computerised format. Where they choose to do so, it is important that all the information relating to the plan is held together in a single source directory which allows the plan and other data to be correlated and analysed more easily. Use of GIS technology may also assist the local authority when it comes to preparing

revisions of plans. However, irrespective of whether the local authority decide to make the plan available in a GIS format, local authorities must still comply with the requirements of the Regulations to make hard (ie paper) copies of plan proposals and other documents available for inspection during each step leading up to the adoption of the plan.

'Popular' versions

31. Some local planning authorities have produced inexpensive and simplified versions of their local plan on a single sheet map with a summary of the proposals printed on the reverse. These can be very useful but they should include a note stating where the full local plan can be inspected.

Appendix 1

Arrangements for Strategic Planning in England

At publication date, the following arrangements applied for the preparation of structure plans following local government re-organisation and the granting of strategic planning functions to National Park Authorities

Former County Area	Strategic Planning Arrangements Following Re-organisation (UA indicates Unitary Authority, NPA indicates National Park Authority)	
Avon	Bath and N. East Somerset UA South Gloucestershire UA North Somerset UA Bristol UA	Joint Structure Plan
Bedfordshire	Luton UA Bedfordshire	Joint Structure Plan
Berkshire	Bracknell Forest UA West Berkshire (Newbury) UA Reading UA Slough UA Windsor and Maidenhead UA Wokingham UA	Joint Structure Plan
Buckinghamshire	Milton Keynes UA Buckinghamshire	Joint Structure Plan
Cambridgeshire	Peterborough UA Cambridgeshire	Joint Structure Plan
Cheshire	Halton UA Warrington UA Cheshire	Unitary Development Plan Unitary Development Plan Structure Plan
Cleveland	Hartlepool UA Redcar and Cleveland UA Middlesborough UA	Joint Structure Plan (with Darlington UA)

	Stockton-on-Tees UA	
Cornwall	Cornwall (no change)	Structure Plan
Cumbria	Cumbria Lake District National Park	Joint Structure Plan
Derbyshire	Derby UA Derbyshire	Joint Structure Plan
Devon	Plymouth UA Torbay UA Dartmoor NPA Devon	Joint Structure Plan
Dorset	Bournemouth UA Poole UA Dorset	Joint Structure Plan
Durham	Darlington UA Durham	Joint Structure Plan with former Cleveland authorities Structure Plan
East sussex	Brighton and Hove UA East Sussex	Joint Structure Plan
Essex	Thurrock UA Southend-on-Sea UA Essex	Unitary Development Plan Joint Structure Plan
Gloucestershire	Gloucestershire (no change)	Structure Plan
Hampshire	Portsmouth UA Southampton UA Hampshire	Joint Structure Plan
Hereford & Worcester	Herefordshire UA Worcestershire	Unitary Development Plan Structure Plan
Hertfordshire	Hertfordshire (no change)	Structure Plan
Humberside	East Riding of Yorkshire UA Kingston-upon-Hull UA North Lincolnshire UA North East Lincolnshire UA	Joint Structure Plan Joint Structure Plan
Isle of Wight	Isle of Wight	Unitary Development Plan
Kent	Medway Towns UA Kent	Joint Structure Plan

Lancashire	Blackburn with Darwen UA Blackpool UA Lancashire	Joint Structure Plan
Leicestershire	Leicester UA Rutland UA Leicestershire	Joint Structure Plan
Lincolnshire	Lincolnshire (no change)	Structure Plan
Norfolk	Norfolk (no change)	Structure Plan
North Yorkshire	York UA North York Moors NPA Yorkshire Dales NPA North Yorkshire	Joint Structure Plan
Northamptonshire	Northamptonshire (no change)	Structure Plan
Northumberland	Northumberland NPA Northumberland	Joint Structure Plan
Nottinghamshire	Nottingham UA Nottinghamshire	Joint Structure Plan
Oxfordshire	Oxfordshire (no change)	Structure Plan
Shropshire	The Wrekin UA Shropshire	Joint Structure Plan
Somerset	Exmoor NPA Somerset	Joint Structure Plan
Staffordshire	Stoke-on-Trent UA Staffordshire	Joint Structure Plan
Suffolk	Suffolk (no change)	Structure Plan
Surrey	Surrey (no change)	Structure Plan
Warwickshire	Warwickshire (no change)	Structure Plan
West Sussex	West Sussex (no change)	Structure Plan
Wiltshire	Swindon UA Wiltshire	Joint Structure Plan

Appendix 2

Local authorities preparing unitary development plans

London Boroughs:

Barking and Dagenham	Hackney	Merton
Barnet	Hammersmith and Fulham	Newham
Bexley	Haringey	Redbridge
Brent	Harrow	Richmond-upon-Thames
Bromley	Havering	Southwark
Camden	Hillingdon	Sutton
City of London	Hounslow	Tower Hamlets
City of Westminster	Islington	Waltham Forest
Croydon	Kensington and Chelsea	Wandsworth
Ealing	Kingston-upon-Thames	
Enfield	Lambeth	
Greenwich	Lewisham	

Other Metropolitan Authorities:

Gateshead	Knowsley	Birmingham
Newcastle-upon-Tyne	Liverpool	Coventry
North Tyneside	St Helens	Dudley
South Tyneside	Sefton	Sandwell
Sunderland	Wirral	Solihull
		Walsall
Bolton	Barnsley	Wolverhampton
Bury	Doncaster	
Manchester	Rotherham	
Oldham	Sheffield	
Rochdale		
Salford	Bradford	
Stockport	Calderdale	

Tameside

Kirklees

Trafford

Leeds

Wigan

Wakefield

Other Unitary Authorities:

Halton

Herefordshire

Isle of Wight

Thurrock

Warrington

Annex B

New procedures for local plans and UDPs

Introduction

1. The revision of this PPG coincides with the introduction of a new set of procedures to be undertaken by local authorities in taking local plans and UDPs (whether a first local authority-wide plan, a replacement plan or alterations to an existing plan) through to adoption. These new procedures are reflected in new statutory processes outlined in the 1999 Development Plan Regulations and a new Code of Practice for local plans and UDPs. No changes are being made at this stage to the procedures leading to the adoption of structure plans. This annex provides only an outline of the new procedures, and local authorities and others should refer to the Development Plan Regulations and the most recently available version of the Code of Practice for fuller details of the new processes for taking local plans and UDPs through to adoption.

2. The objective of the new procedures is to achieve a restructuring of the plan preparation process to encourage the resolution of issues at an earlier stage, and to make the public inquiry into the plan and Inspector's report the culmination of the process (rather than the mid-point it is at present). This should reduce the number of issues which reach the inquiry stage, reduce the time spent at the inquiry, and lead to fewer modifications having to be made to the plan after the Inspector has reported.

Consultation

3. The start of the development plans process remains some form of consultation process on the proposals being put forward by the local planning authority. The basis on which consultation is undertaken remains for the authority to decide, but section 3 of this PPG emphasises the Government's view that, with a two-stage deposit process, there is no need for consultation to be undertaken on the basis of a full draft plan indeed consultation on a full draft plan may only cause delay and lead to confusion with the stages that follow.

4. However they decide to undertake consultation, local authorities will still need to consider any representations made during the consultation process, and the regulation requiring the preparation of a statement outlining who has been consulted, the steps taken to publicise the plan proposals and the opportunities given to make representations remains. There is, however, no longer a list of pre-deposit statutory consultees. It is for local authorities to decide whom they need to consult on particular issues relating to the plan in the period before deposit. Such decisions will clearly depend on the nature of the plan proposals whether they comprise a minor alteration to an existing plan or a full replacement plan will clearly be one factor to be taken into consideration in reaching a decision on the level of consultation needed in particular circumstances. Annex C of this PPG gives further details of organisations which local authorities may wish to consult on specific issues.

Statement of conformity

5. The need for a statement of whether a local plan is in conformity with the structure plan is required by the 1990 Act and must be sought before the plan is put on deposit. The 28 day prescribed period for the structure plan authority to respond before the plan proposals are first deposited is retained in the Regulations. Any issue of non-conformity will be treated as a duly made objection.

Deposit of plan

6. There are no formal changes to the way in which plan proposals are deposited (ie advertising the deposit of the plan and making it available for inspection). When the proposals are first placed on deposit, copies of the proposals should be sent to those bodies prescribed in regulation 22.

Objections and representations

7. The period for objections and representations on the plan at initial deposit remains six weeks. The revised Code of Practice emphasises the need for objections and representations to be made at this stage as the opportunity for objections and representations at the revised (ie second) deposit stage will be limited. The Code of Practice also strengthens the advice on the format of objections and stresses that the acceptance of late objections by the local authority will only be considered in exceptional circumstances.

8. The Code of Practice also suggests that after the end of the initial deposit period local authorities should make available details of objections that have been received in respect of the proposals deposited. This may take the form of a simple schedule of those objections received, with details of where further information about the objections can be viewed. This not only allows objectors to see whether there are others objecting to similar matters (thereby allowing objectors to consider whether to join together in any subsequent discussions with the local authority), but also allows people the opportunity to see details of objections and any alternative sites proposed by objectors. Local authorities may decide to invite representations on objections made, for example, on those which propose alternative sites.

Handling of objections and negotiations with objectors

9. The period between the two deposit periods allows local authorities to discuss objections with objectors and to consider whether there are changes that can be made to the plan proposals which will satisfy either fully, or at least in part, their concerns. This issue is covered in more detail in paragraphs 2.14 2.16 of this PPG.

10. Where the local authority is prepared to make changes to the plan which fully resolves one or more objections, then the Code of Practice indicates that those objections should be formally withdrawn by the objector when the revised proposals are deposited. If the local authority decides not to make changes, then the objections made will automatically transfer to the revised deposit stage and will be considered by the Inspector as part of the inquiry process (either heard at the inquiry or dealt with through written representations).

11. However, there will also be situations where the local authority agree to make changes to the plan which only partially meet the objector's concerns. These partially resolved objections should be subject to a procedure outlined in the Code of Practice whereby a statement of outstanding matters is produced by the objector and the local authority at the revised deposit stage. This will then allow the Inspector to concentrate only on these outstanding matters when the public inquiry stage is reached.

Revised deposit

12. When the local authority have considered all the objections made at the initial deposit and their response to them, they should then prepare a revised plan for deposit. Before depositing a revised plan, the authority will need to seek a further statement of conformity from the structure plan authority. The revised plan should clearly identify the changes that the local authority have made,

and should include such maps and diagrams necessary to illustrate the effects of those changes on the proposals map. The initial proposals map should also be included with the revised deposit plan. This revised deposit stage will be needed in all cases except for those rare circumstances where no objections were made at the initial deposit, or in those cases where the local authority decide to propose no changes to the plan following their consideration of objections arising from the initial deposited proposals.

13. The Code of Practice emphasises the need for adequate publicity of changes made to the plan. This is essential in order that people content with the plan proposals at initial deposit (but who did not register a formal representation in support of the proposals) are aware that changes have been made to which they now may wish to object.

Scope of objections at revised deposit

14. The period for registering duly made objections at the revised deposit stage is six weeks. The Regulations and the Code of Practice make it clear that objections at this stage can only be made to changes made to the plan by the local authority. New objections cannot be made on those parts of the plan proposals that have not been changed, nor can objections be made on the basis of omissions to the proposals. Those objections should have been made at the initial deposit stage.

15. It is conceivable that changes made to a local plan at revised deposit may have taken the plan out of conformity with the structure plan. Therefore, before a revised deposit plan is deposited, the local planning authority will need to seek a new statement of conformity from the structure planning authority.

Further changes to the plan

16. The local authority is required to consider objections made to the plan at the revised deposit stage and will want to consider their response to them. Normally, this would be expected to be undertaken as part of the public inquiry process. However, there may be occasions where the local authority wishes to respond to one or more objections with proposals for further pre-inquiry changes to the plan. The Code of Practice provides a process by which local authorities may take forward such changes prior to the inquiry. However, it is crucial for local authorities to realise the implications of such changes in terms of the subsequent need for a modifications process. The changes proposed, even if they are advertised and representations are sought, do not constitute formal changes to the plan. Therefore, even if the changes are upheld at inquiry, they will need to be formally incorporated into the plan after the inquiry through a modifications process. Such pre-inquiry changes should therefore only be made in exceptional circumstances.

The public inquiry

17. There are no formal changes to the arrangements for the public inquiry into plan proposals. During the inquiry, the Inspector will consider (either written representations or oral evidence):

- objections made to the initial deposit plan which have not been withdrawn (ie because no changes to the plan were made at revised deposit to meet the objection);
- outstanding issues of objection that were only partially resolved between first and second deposit (these will have been identified by the objector and the local authority);
- objections arising from changes made by the local authority at the revised deposit stage;

- supporting representations (unless the Inspector decides otherwise, these will normally only be considered as written representations).

In all cases, it is important to recognise that the inquiry will only be considering objections and representations in light of the revised plan proposals deposited at the second deposit stage. The initial deposited plan proposals have no formal status once the inquiry is reached, and will not be considered by the Inspector at the inquiry. However the local planning authority will be asked in their evidence to the inquiry to explain the changes made to the plan at revised deposit and the reasons for those changes, or for not making changes, in response to objections. This should help the Inspector in making his or her recommendations, for example, in understanding the strength of opposition to alternative proposals that may have been suggested by objectors.

Inspector's report

18. New Regulation 26(2) requires local planning authorities to make the report of the Inspector available within 8 weeks of its receipt. This will mean copies of the report being made available for inspection at the locations where the plan was deposited. The report should also be available for purchase at a reasonable fee as soon as practicable.

19. In order to assist procedures after the inquiry, the Inspector's report will contain a list of all the recommendations made in the report.

Post-inquiry procedures

20. Having considered the Inspector's report and recommendations, the local authority will be required to place on deposit their decision on each of the recommendations in the Inspector's report. Where the local authority choose not to accept a recommendation, they must provide clear and cogent reasons for not doing so. An objection can still be made to a decision not to accept an Inspector's recommendation.

Advertising modifications

21. The local authority will also need to decide whether there is a need for advertising modifications to the plan. There may still be a need for modifications if, for example:

- the local authority decide to accept an Inspector's recommendation which would involve a site or policy which had not been included in the revised deposit version of the plan proposals an example would be if the local authority accepted an Inspector's recommendation which upheld an objection made to the originally deposited proposals which proposed a new site specific allocation;
- there are pre-inquiry changes to the plan proposed by the local authority which are upheld by the Inspector's recommendations even if these are subject to a process of advertisement and are open to objection, there will still be a need for a formal modifications process (as at present);
- the local authority propose (for whatever reason) to make further changes to the plan after the inquiry perhaps to take on board new information. However, local authorities will continue to be encouraged not to use a modifications process for the sole intention of incorporating new information, but to look for an early review of the plan (as outlined in paragraphs 6.31 6.32 of this PPG). However, new information might be incorporated as part of a set of modifications being made for other purposes (eg in response to Inspector's recommendations). Local authorities are advised to discuss the need for incorporating new information as modifications to a plan with Government Offices.

Where modifications to the plan are advertised post-inquiry, there will remain a statutory six-week period for making objections to those proposed modifications.

Need for modifications inquiry

22. The decision as to whether new issues are raised by objections to modifications that justify a further public inquiry is for a local authority to decide in the light of the objections made. However, in view of the revised procedures prior to the inquiry, it is less likely that there will be new issues raised by objections to modifications that were not covered at the first public inquiry, thereby reducing the likelihood of a need for a modifications inquiry.

Adoption of plan

23. If the local planning authority decide to accept all of the recommendations in the Inspector's report and they do not need to put forward any modifications to the proposals to meet those recommendations, the local authority can issue a notice of their intention to adopt the plan. Where they do not accept one or more of the recommendations and/or modifications are needed to the plan, there will be an advertised six-week deposit period for objections to the modifications and the statement of reasons provided by the local authority for not accepting the Inspector's recommendations. Once that period is over and the local authority have satisfied themselves that there are no issues which require either further modifications or a further inquiry, the notice of intention to adopt the plan can be issued.

Annex C

Consultees for development plans

1. For **Structure Plans**, local planning authorities are required by the Regulations to consult the following bodies before they finally determine the content of their plan proposals:

- the Secretary of State for the Environment, Transport and the Regions;
- any local authority (except parish councils) for the area covered by the proposals;
- any local planning authority for an area adjacent to the area covered by the proposals;
- the Environment Agency;
- the Countryside Agency and the Nature Conservancy Council for England (English Nature); and
- the Historic Buildings and Monuments Commission for England (English Heritage).

2. For **Local Plans and UDPs**, there are no longer any statutory consultees set out in the Regulations. However, local authorities are advised to consult those bodies outlined above when the consultation is being undertaken on key issues prior to the initial deposit of the plan. Copies of the plan proposals must also be sent to these bodies when the plan is deposited.

3. In addition to the statutory consultees outlined above, there will be a large range of other organisations which may need to be consulted on plan issues which may impact on their work. Section 2 of this PPG stresses the Government's view that consultation is best undertaken on the basis of key issues consultation involving the broad strategy and direction of a plan rather than on the basis of a full draft plan. That advice should be followed when consulting the organisations listed below.

4. **Government Departments** should be consulted in respect of the policy areas outlined below. The appropriate Government Office for the Region should be consulted on plans. In addition, local authorities are strongly advised to consult any government departments or agencies where those departments or agencies have large land holdings in the area covered by a plan. This will ensure that local authorities are fully aware of possible need for expansion of existing facilities or, more importantly, the likelihood of large scale land disposals taking place within the plan period. More specifically, local authorities should consult with the following Government Departments on the issues outlined below:

Ministry of Agriculture, Fisheries and Food

Matters relating to agricultural land proposed for development, agriculture as an industry contributing to the rural economy, or where recreation, access and conservation may affect agricultural land.

Ministry of Defence

Matters likely to have a bearing on their land holdings or where large scale disposals of MOD land may be being considered.

**Department for Education and Employment
(through Government Offices)**

Matters relating to the provision of education, employment, and training. Also matters likely to affect the disabled and equal opportunities.

HM Prison Service	Development in the vicinity of penal establishments.
Home Office	Civil Defence matters.
Office of Government Commerce (Property Advisers to the Civil Estate)	Matters likely to have an impact on the Civil Estate.
Department of Trade and Industry (through Government Offices)	Matters of major importance affecting industry, whether private or public sector, and especially on matters affecting the distribution of industry, the working of industrial minerals, affecting particular energy resources or installations (including the exploitation of coal resources).
Department of Health (through relevant Regional Office of the NHS Executive)	All proposals having significant health infrastructure provisions.

5. In addition, local authorities should consider the need to consult the following agencies and organisations in respect of the issues outlined below:

British Airports Authority (BAA) and other airport operators	Policies and proposals in relation to aviation matters, those in the vicinity of airports, or which would affect airport infrastructure or operations.
British Waterways, canal owners and navigation authorities	On all issues relating to inland waterways and land adjacent to inland waterways.
Coal Authority	Matters affecting coalfield areas.
Chambers of Commerce, Local CBI and local branches of Institute of Directors	Economic development, business, and employment land issues.
Church Commissioners	Proposals which affect any of the Church Commissioners' estates
Civil Aviation Authority	Policies for areas in the vicinity of airports.

Commission for Architecture and the Built Environment

Architecture and design issues.

Commission for New Towns and English Partnerships

Areas where the Commission retains major assets or undeveloped land holdings, including those acquired from Urban Development Corporations.

Commission for Racial Equality

Proposals likely to have significance for ethnic minorities.

Crown Estate Office

Proposals which affect any of the Crown Estates.

Diocesan Board of Finance

The Diocesan Board of the Church of England should be consulted on all development plans.

Environmental groups at national, regional and local level, including CPRE, RSPB, wildlife trusts and Friends of the Earth

On environmental issues in the plan and their relationship to other policies and proposals.

Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company

Any proposals likely to have significant infrastructure implications (see paragraph 6.18 - 6.21 of this PPG).

Equal Opportunities Commission

All proposals likely to have equal opportunities implications.

Fire and Rescue Service

On public safety issues.

Forestry Commission

Wherever forestry is a feature of a strategic planning area, either as an industry, an environmental feature, or as a recreation resource. In appropriate areas, local authorities should also consult Community Forest teams and the National Forest Company.

Highways Agency

Road and transport policies and proposals.

Health and Safety Executive (HSE)

All significant matters relating to health and safety, including development at or near to hazardous installations:

- notified to HSE under the *Notification of Installations Handling Hazardous Substances Regulations 1992* or,
- granted hazardous substances consent under the *Planning (Hazardous Substances) Act 1990*; or,
- to which Regulations 6-12 of the *Industrial Major Accident Hazard Regulations 1984* apply; or,
- to which Regulations 19-27 of the *Pipeline Safety Regulations 1996* apply; or,
- to which condition 8 of the standard conditions of the *Public Gas Transporters' Licences* (laid under the Gas Acts 1986 and 1995) apply; or,
- sites for which HSE has acquired information under Regulation 26(4) of the *Ionising Radiation Regulations (1985)*; or,
- any licensed nuclear site; or,
- any licensed explosives factory, magazine, or harbour areas.

The House Builders Federation

Issues relating to housing provision in development plans.

Housing Corporation (through Government Office)

Matters relating to the measurement of, need for, or supply of, affordable social low cost housing.

Local Agenda 21/Civic Societies, Community Groups, and Parish Councils

Should be consulted on all development plans.

Local Transport Operators, PTAs, PTEs, and London Transport (planning)

All proposals relating to transport generally and measures which are likely to involve increased use of bus and other public transport services. Local authorities should also consider the need to consult bodies protecting the interest of rail public transport passengers (eg the Transport Users Consultative Committees and the London Regional Passenger Committee).

National Disability Council Secretariat	All proposals likely to have particular significance for the disabled.
National Playing Fields Association	Issues relating to open space and recreation
Police Architectural Liaison Officers/Crime Prevention Design Advisors	On crime prevention measures.
Post Office Property Holdings	Proposals affecting Post Office and other related services, or land holdings. For example, new settlements or major residential developments, town centre developments, community services, pedestrian schemes, or any other proposals likely to significantly affect the volume of mail for collection or delivery within an area, or the efficiency of the transfer of mail by road.
Rail Companies and the Rail Freight Group	Major development proposals likely to lead to an increase in demand for rail services. Transport policies in plans where they involve rail services, both passenger and freight.
Railtrack PLC	All proposals relating to transport generally, and in particular, those which have any bearing on the operation of railways. Major development proposals which would lead to a large increase in demand for rail services.
Regional Development Agencies	Should be consulted on all development plan issues.
Regional Sport Forums for the English Regions	Matters relating to sport and recreation generally.
Sport England	Matters relating to sport and physical recreation generally.
Strategic Rail Authority	Matters relating to the development of the rail network
Training and Enterprise Councils (TECs)	Economic development, business and employment issues.

Water Companies

All matters concerning water and sewerage services and the provision of such services to new developments (see paragraphs 6.18 - 6.21 of this PPG).

Women's National Commission

All proposals likely to have particular significance for women.

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