

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY  
REGIONAL PLANNING COMMITTEE**

Date: 26 September 2007

Subject: **LDF Conformity – Proposed New Arrangements**

Report of: Director of Planning

**Recommendation:**

That the Committee notes the proposals to develop the Assembly's regional planning advisory role in Local Development Framework (LDF) preparation and agrees an amendment to the existing delegation arrangements on assessing the general conformity of Local Development Documents (LDDs) as follows:

- The delegation of powers to approve the Assembly's formal opinion of general conformity of Core Strategies and other regionally significant Local Development Documents and any associated formal representations to the Director of Planning, except where a document raises possible non-conformity issues. In such cases, the power to approve the Assembly's formal opinion lies with the LDD Sub-group of the Regional Planning Committee.

**Purpose of Report:**

As part of our commitment to assist districts in producing their LDFs, this report outlines proposals to refocus our conformity work and sets out a suggested amendment to current delegation arrangements for approving opinions of general conformity.

**Key Issues:**

The Government Office (GOSE) is due to publish changes to the draft South East Plan in the New Year, at which point it will carry 'considerable' weight. This and the experiences of local authorities of the new planning system over the past year, where several core strategies have been found unsound or been withdrawn, and the changes proposed in the recent Planning White Paper have caused us to review our regional planning advisory role in relation to LDFs. It is proposed to amend the current delegation arrangements in order to save on time and resource implications, both for LDD Sub-group members and for officers, in producing formal reports on documents that are in general conformity with the RSS and to enable us to focus resources on providing advice in the earlier stages of LDD preparation.

## **1. Background**

- 1.1 Members will be aware that the Assembly is a statutory consultee on LDDs - Development Plan Documents and Supplementary Planning Documents - prepared by local authorities within the region.
- 1.2 At the Regional Planning Committee in March 2006, we agreed procedures for responding to these consultations and delegation arrangements to a sub-group of the Committee for the agreement of responses to consultations on LDDs. It was also agreed that advice be provided to local authorities explaining the Assembly's procedures.
- 1.3 At the Regional Planning Committee in March this year, we agreed a revision of delegation arrangements for LDDs that did not raise issues of regional significance and the content of an advice note that was subsequently sent to local authorities. The committee report also suggested that a further review of procedures be undertaken in Spring 2008.
- 1.4 However, it is clear that many districts in the region are now keen to discuss issues with us early on in the preparation of core strategies and other regionally significant DPDs. Furthermore, the weight that can be attached to the draft South East Plan has increased now that the Panel Report has been published and once GOSE publish the final changes to the Plan (the Proposed Changes) in the New Year, the strategy will carry 'considerable' weight (PPS12 paragraph 4.19). Therefore, we have been considering how to best develop our conformity role in LDF preparation and the resource implications. This paper outlines proposals to enable us to manage our responses to LDF conformity issues and ensure we are using our resources in the best way to help local authorities.

## **2. Advice to Local Authorities**

- 2.1 The Planning and Compulsory Purchase Act 2004 (the Act) and accompanying Regulations require local authorities to consult the Assembly:
  - Throughout the production of DPDs and SPDs and on the final draft document if the subject matter affects the Assembly (that is, if it is relevant to the delivery of the Regional Spatial Strategy).
  - To seek an opinion of general conformity on DPDs (and on SPDs if they consider there may be a need) on submission of the draft document to the Secretary of State.
- 2.2 To date, we have focussed our resources on providing written officer comments at the preferred options stage and on opinions of general conformity on core strategies and DPDs significant to the delivery of the Regional Spatial Strategy (RPG9 and the draft South East Plan) as part of the formal consultation process. Recently, however, more districts have been requesting meetings with officers to discuss particular issues.

This is largely as a consequence of developments in the new planning system where the Planning Inspectorate has found a number of core strategies unsound and local authorities have either withdrawn submitted documents or decided on a cautious approach and to take the opportunity to return to the issues and options preparation stage. Furthermore, the White Paper is seeking to streamline the current DPD preparation process by revoking the requirement to consult on preferred options.

- 2.3 Given these changes, it is appropriate that we should be looking to become involved earlier on in the process and to providing more detailed informal advice on the implications of the South East Plan for LDF policies and proposals. As well as written responses, we will look to produce guidance on different topics, continuing to meet districts' requests for meetings and also for Assembly officers to attend the regular county group meetings of LDF officers across the region where it is possible to address issues of common concern. Over the last six months, officers have attended meetings in Berkshire, Hampshire, Kent, Oxfordshire and Surrey and are due to attend meetings in the remaining counties over the next few weeks. GOSE officers and occasionally the Inspectorate also come to these meetings. We will also develop our facilitation role by running workshops that deal with pertinent regional issues, such as those held in July on implementing PPS3. Workshops on health, employment land, green infrastructure and climate change are planned over the next six months or so.
- 2.4 The districts' regional policy advisers have agreed to help us develop the type of guidance that districts need. We also anticipate revising the advice note to local authorities explaining our procedures in relation to LDFs once the Government's proposed changes to the South East Plan are published.

### **3. Delegation Arrangements**

- 3.1 The Committee agreed in March 2006 "the delegation of powers to approve the Assembly's formal opinion of general conformity of Local Development Documents and any associated formal representations to a sub-group of the Regional Planning Committee". In March 2007, changes were made to allow the delegation of opinions of general conformity on non-regionally significant DPDs and SPDs to the Planning Directors to save on the time and resource implications, both for LDD Sub-group members and for officers in producing formal reports to the sub-group.
- 3.2 In order to focus resources and continue to develop our regional policy advisory role, it is recommended that these delegation arrangements be amended to allow the Director of Planning to approve responses to requests for opinions of general conformity where these relate to regionally significant Development Plan Documents and Supplementary Planning Documents, except where a document raises possible non-conformity issues.

- 3.3 However, as currently happens with non-regionally significant LDDs, in order to ensure that appropriate checks and balances remain, officers will notify the LDD Sub-group of their intention to issue an opinion of general conformity on any regionally significant DPD or SPD. This will give members of the sub-group the opportunity to request that the sub-group agree the formal Assembly response if they consider that regionally significant issues may be raised by the document.

#### **4. Conclusions and Recommendation**

- 4.1 Members are requested to note the proposals to develop the Assembly's regional planning advisory role in Local Development Framework preparation and agree the recommendation set out at the start of this report in relation to the revision of delegation arrangements.

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