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PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

4 August 1986

Dear Nicholas

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CP?

**THE FUTURE OF DEVELOPMENT PLANS**

WILL REQUEST IF REQUIRED

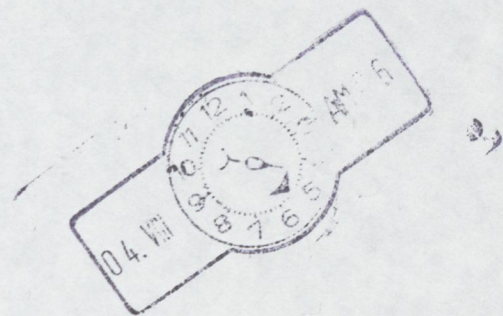
Thank you for your letter of 23 July on this subject.

I am content for you to proceed as you propose and for you initially to seek clearance of your consultative paper in correspondence. If, however, it is apparent that it contains issues which would benefit from discussion, or if there are disagreements amongst colleagues then it will have to come to a meeting. Depending on colleagues' availability this might mean you miss your mid-September target although, as meetings are being arranged for the second half of September, I do not think any delay would be great.

I am sending a copy of this letter to the Prime Minister, the Secretaries of State for Wales, Employment, and Scotland, the Chancellor of the Duchy of Lancaster, and Sir Robert Armstrong.

*[Handwritten signature]*

The Rt Hon Nicholas Ridley MP





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My ref:  
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23 July 1986

Dear Irvine

*Handwritten initials*

#### THE FUTURE OF DEVELOPMENT PLANS

In the White Paper "Building Businesses ... Not Barriers" we undertook to publish a consultation paper later this year setting out proposals to simplify and improve the development plan system.

I am writing to the Prime Minister about the changes I propose, which will be set out in full in a consultation paper that I hope to publish on 15/16 September. The proposals would also affect Wales and could have implications for Scotland, so I am discussing them with Nick Edwards and Malcolm Rifkind.

The proposals will need careful handling to ensure that they are presented as part of our policy for improving and simplifying the planning system, and not a deliberate attempt to dismantle it. If the proposals were leaked prematurely they would very likely be misrepresented as an attack on the planning system, and I do not therefore propose to circulate the details more widely at this stage. I have suggested to the Prime Minister that I should circulate the proposals to H Committee towards the end of next month and, since the first step is the publication of a consultation paper, it may be that colleagues would be able to clear it by correspondence. I would be glad to know whether you consider that this would be acceptable.

I am copying this to the Prime Minister, Nick Edwards, Malcolm Rifkind, Norman Tebbit, David Young and Sir Robert Armstrong.

*Handwritten signature of Nicholas Ridley*

NICHOLAS RIDLEY

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CONFIDENTIAL

THE FUTURE OF DEVELOPMENT PLANS  
A CONSULTATION PAPER

CHAPTER 1: THE PRESENT SYSTEM

INTRODUCTION

1. The White Paper "Building Businesses... Not Barriers" (Cmd 9794) published in May 1986 said that possible changes to simplify and improve the development plan system would be published in a consultation paper later this year. This is that paper.

2. "The Future of Development Plans" was the title of the report by the Planning Advisory Group published in 1965. The Group had been asked by the then Government to review the planning system set up under the Town and Country Planning Act of 1947. The system had been criticised both for causing delay and for the quality of the results. Legislation to implement proposals based on the Group's recommendations was introduced in the Town and Country Planning Act 1968. Those provisions were re-enacted in the Town and Country Planning Act 1971 which is the basis of the planning system operating in most parts of England and Wales.

3. Problems of delay in preparing plans under the new system were examined by the Environment Sub-Committee of the Expenditure Committee of the House of Commons during the 1976-77 session. Their report\* said:

\* Eighth Report from the Expenditure Committee, Session 1976-77  
Planning Procedures HC 395

"We therefore recommend that a review should be undertaken of the system of plans currently in use. Such a review should include the content and purpose of regional, structure and local plans, the methods by which they are prepared and approved, the value and effectiveness of public participation in plan-making and the extent to which in practice the plans are a realistic basis for development control. The review should consider possible alternatives to the present system ranging from the elimination of one of the present levels of plans, to the introduction of county reports in place of structure plans, to the adoption of a wholly different system such as zoning plans bestowing a legal right to develop within the physical limits specified in zoning ordinances applied to precisely defined areas."

4. At the time the Sub-Committee was hearing evidence, only 7 structure plans had been approved and 17 more had been submitted to the Department. The then Government decided that it was premature to undertake a review but said in its reply to the Expenditure Committee (Cmd 7056):

"When the work is complete the Secretaries of State will, however, consider the desirability of mounting a full-scale review, which would then be better informed and more productive than if it were started now."

5. Problems of delays in preparing structure and local plans have persisted since the Expenditure Committee reported. Last year the Government expressed its concern in the White Paper "Lifting the Burden" (Cmd 9571) It announced the intention to give further consideration to whether there should be changes in the content and procedures of development plans and in the relationship between development plans and development control.

#### THE ROLE OF DEVELOPMENT PLANS

6. Development plans are a vital part of the framework for development control. The present system is flexible and comprehensive. Plans are not prescriptive but they provide a firm basis for rational and consistent decisions on planning applications. The system is also particularly useful as a means of co-ordinating the needs of development, including the provision of infrastructure, and the interests of conservation. There is ample opportunity for local people and for bodies

representing particular interests to comment on proposals in plans and to object to them if they wish.

7. A recent study by Oxford Polytechnic, commissioned by the Department, looked at the implementation of planning policies and the role of development plans. They found that

"development plans have been reasonably effective in finding sites for new development in areas of growth and in sustaining conservation policies, but that the implementation of other policies contained in the plan (eg. relating to urban regeneration) is largely dependent on other factors - eg. finance."\*

8. The planning system has to cater for a diverse and market-related pattern of economic activity. It has to facilitate economic development and employment opportunities. It has to respond to rapidly changing technology and to major changes in retailing, in manufacturing and in the use of leisure. It has to ensure that adequate provision is made for land for housing, making full use of derelict and vacant land in urban areas. The need now is for a system which is flexible and responsive in providing for these changes but which maintains its protection of those areas whose continued conservation is important to the future quality of life in Britain.

9. Development plans are an essential component of a rational land-use planning system. The Government's objective is to retain and strengthen the basic elements of the system and to improve its efficiency and effectiveness.

#### THE OPERATION OF THE SYSTEM: TIMESCALE, SCOPE AND CONTENT

10. The development plan system in the non-metropolitan areas of England and Wales comprises a two-tier system of structure plans prepared by County councils and local plans which are usually prepared by District councils, though they may be prepared by Counties. A description of the main features of the system is given in annex A.

\* The Implementation of Planning Policies and the Role of Development Plans; Department of Town Planning Oxford Polytechnic.



11. In metropolitan areas, where there is only one tier of local planning authority, a single-tier system of Unitary Development Plans (UDPs) will be introduced over the next two years or so. The legislative provision for these plans is contained in the Local Government Act 1985. The Department is preparing the draft regulations and memorandum of advice for local authorities setting out the detailed arrangements for implementing the system.

12. This paper concentrates on the operation of the development plan system in non-metropolitan areas. But insofar as it deals with procedures which are common to both systems, any proposals for change may also affect the UDP system.

#### Structure plans

13. There are now structure plans for all parts of England and Wales. Work began on their preparation after the first commencement order in July 1971. The last of the 72 first generation plans in England was approved in July 1985 (some counties prepared separate plans for different parts of their areas).

14. By the end of April 1986, 3 replacement plans and 30 alterations to original plans had been approved. At that time a further 5 replacement plans and 13 alterations had been submitted to the Secretary of State but not yet approved.

15. In their 1977 report, the Expenditure Committee said:

"A serious cause for concern about the planning system is the time which is being taken to prepare a full coverage of plans. Nearly ten years after the new system was introduced regional strategies have been approved for only five of the eight planning regions in England and none in Wales. Only seven structure plans have been approved and it will be 1979 before most of the country is covered..."\*

That can now be seen to have been optimistic. The first structure plan cycle took 14 years to complete.

\* See para 3 Ibid

16. The slowness to complete the first round of plans may have been due in part to the unfamiliarity of the new system. Planners and elected Members had to learn how to operate a complex set of arrangements including a much greater degree of public involvement than previously. It is therefore possible that having overcome the early problems the system could be operated more efficiently in future.

17. The Department has analysed the time taken from submission to approval of structure plan proposals, approved during the five years from 1981 to 1985. At the beginning of the period most submissions were of new first generation plans, at the end most were of alterations or replacements. During that period 35 submissions were approved and the average time taken was 22 months. This, however, included 8 proposals for which no examination in public (EIP) was held, thus reducing the time required to approve them. In recent years it has become uncommon to dispense with an EIP. Table 1 below shows the average time taken (in months) to approve structure plan proposals, where an EIP was held, for each year between 1981 and 1985.

Table 1

## TIME FROM SUBMISSION TO APPROVAL OF STRUCTURE PLAN PROPOSALS

| YEAR                             | NUMBER OF APPROVALS | AVERAGE TIME IN MONTHS    |  |  |            |
|----------------------------------|---------------------|---------------------------|--|--|------------|
|                                  |                     | SUBMISSION TO EIP (START) | EIP TO PUBLICATION OF PROPOSED MODIFICATIONS | PUBLICATION OF MODIFICATIONS TO APPROVAL | TOTAL TIME |
| 1981                             | 9                   | 6                         | 9  | 5  | 20         |
| 1982                             | 6                   | 6                         | 12   | 6  | 24         |
| 1983                             | 4                   | 8                         | 9  | 12                                       | 29         |
| 1984                             | 4                   | 9                         | 16   | 5  | 30         |
| 1985                             | 4                   | 8                         | 12   | 9  | 29         |
| AVERAGE 1981-1985 (27 APPROVALS) |                     | 7                         | 11   | 7  | 25         |

18. In the last three years, the time taken from submission to approval has been about 30 months. For the four proposals approved in 1985, the average time from the local authority publishing their proposals for public participation to submitting them to the Department was 11 months. So the average time from public participation to approval was 40 months. If the time taken by County councils to prepare their proposals before the public participation stage is taken into account, the total time for preparing and approving structure plan proposals was probably at least four years and may be nearer to five years, for those proposals approved in 1985.

19. Many of the issues dealt with in structure plans are difficult and complex. They require careful consideration and discussion with those whose interests are affected. Nevertheless, it is clear that the business of preparing and amending structure plans is still far too slow. Some of the policies and proposals they contain are out of date by the time they are approved.

20. One of the main reasons for the slowness in preparing and approving structure plan proposals is that many of the written statements and explanatory memoranda are much longer than they need be. In the first round of approved structure plans, several contained more than 100,000 words of policies and explanatory material and one as many as 185,000. Many also contained a large number of "policies", typically more than 100.

21. There is no sign that second round plans are any more concise. Several Counties have submitted proposals or published consultation documents which contain more policies than their original plans. Some examples of plans or proposals with very large numbers of policies are shown in Table 2 below.

Table 2

NUMBERS OF POLICIES IN APPROVED STRUCTURE PLANS AND PROPOSALS  
FOR ALTERATIONS OR REPLACEMENT

| COUNTY | ORIGINAL APPROVED<br>STRUCTURE PLAN | PROPOSED ALTERATION<br>OR REPLACEMENT |
|--------|-------------------------------------|---------------------------------------|
| 1      | 110                                 | 150                                   |
| 2      | 120                                 | 250                                   |
| 3      | 140                                 | 170                                   |
| 4      | 190                                 | 200                                   |
| 5      | *                                   | 230                                   |

\*This county had several first-round structure plans for different parts of its area.

22. The first problem of excessive length is that most structure plans have been altogether too detailed in their coverage of development control policies, which is properly the function of local plans. The Department in turn has found itself required to make long lists of minor modifications and this has also been a source of criticism and delay. As many as two thirds of the policies in some submitted structure plans have needed to be modified or deleted. In some plans over a third of their content has been modified because of their overdetailed nature. This has meant a great deal of unnecessary work for the Department. Notwithstanding that, the overall result has often been a plan which is barely intelligible to the general public.

23. The second problem is the widespread tendency to include in structure plans policies that have little or nothing to do with land-use planning or improving the physical environment. As a result, a substantial number of submitted policies have been modified or deleted on the grounds that they were irrelevant to the purpose of a structure plan.

24. Examples of irrelevant or over detailed policies in structure plans submitted to the Secretary of State include those relating to building design standards, storage of cycles, the costs of waste collection, the development of co-operatives, racial or sexual disadvantage, standards of highway maintenance, parking charges, the location of picnic sites and so-called "nuclear free zones". Few, if any, of those topics need to be dealt with in development plans, and certainly not in structure plans.

25. In general, it is clear that these problems are as bad today as they were when the Expenditure Committee said in their report in 1977:

"The structure plan still tends to be too detailed and unnecessarily comprehensive. We strongly endorse the Department's advice to structure planning authorities to concentrate on the key issues. It needs to be emphasised that the structure plan should only be a strategic document and a statement of general intent; it should not attempt to usurp the role of more detailed plans. It must be flexible and should be reviewed frequently to keep it up to date and revised when necessary."

#### Local Plans

26. In England 439 local plans had been adopted by the end of March 1986. These comprised 363 general (or district) plans, 40 subject plans and 36 action area plans. A further 254 local plans had been placed on deposit prior to adoption. A map showing the geographical coverage of local plans is at figure 1.

27. Work has begun in some local authorities on reviewing and replacing their first generation local plans. But by the end of March 1986, only 4 local plan alterations had been adopted and a further 11 were on deposit.

28. The timescale for the preparation of first generation local plans will have been affected by the timing of the relevant structure plan. But for plans adopted in the 6 months

to April 1985, by when almost all areas had approved structure plans, the average time between deposit and adoption was 20 months. Individual times ranged from a minimum of 3 months to a maximum of 33 months.

29. Many local plans are also too detailed and contain policies unrelated to the purposes of development plans. But the two main problems with the local plan system as it operates at present are the length and complexity of the procedures for preparing them and the relationship between local plans and structure plans.

30. The latter problem arises because of the sequential nature of the structure plan/local plan process. Local plans cannot be prepared until the relevant structure plan policies have been approved or altered except where the Secretary of State has directed that an expedited procedure be used. Often this procedure is not appropriate; where the proposals in the local plan are dependent on the structure plan the local plan will have to await the structure plan approval before it is put on deposit.

#### Non-statutory plans

31. One symptom of the problems of preparing statutory local plans is that some local planning authorities prefer to rely on non-statutory plans and policies to guide development in their areas. This adds to the confusion among the public and developers about where they can find a definitive set of the Council's policies, particularly if the informal plans have been prepared without adequate public consultation or are not published or made generally available. It also creates difficulties for the Secretary of State and Planning Inspectors considering planning appeals, who must decide what weight to give to these informal plans and policies.

## DEVELOPMENT PLANS AND DEVELOPMENT CONTROL

32. A recent study by Reading University looked at the relationship between development plans and development control.\* It showed that the majority of planning considerations taken into account in determining many planning applications and appeals relating to small scale developments are not covered by relevant policies in structure or local plans. Instead they are based on non-statutory plans, other supplementary planning guidance or just the "established practice" of the local authority officers or Inspectors concerned. The report concluded, however, that without the policy guidance afforded by the development plan or that contained in other non-statutory forms, development control would become arbitrary, inefficient and unaccountable.

33. Commenting on the wider implications of the study the authors said:

"The study has shown that the keynote of the relationship between development plans and development control has been its lack of uniformity, responding to the many different sets of circumstances under which it has to operate and the diverse interests which it serves. The relationship has many attributes. It is flexible, yet can ensure consistency of purpose. It permits both regulation and negotiation. It serves the public interest and the interests of developers and conservationists. Through the procedures for approval or adoption of the development plan, and through the appeal system, it provides the opportunity for expression of the national interest. And, finally, there is the opportunity for challenge through the courts.

Thus the relationship between development plans and development control is robust, being both flexible and accountable, and matching the variety of circumstances and interests which it has to serve. Without that flexibility, development plans would have to be more rigid and uniform in their form and content in order to provide a strict framework for development control, and development control would not be able to provide a reasonably sensitive mechanism for the management of change in the environment. And the planning system itself would not accommodate so readily to changing circumstances either within individual districts or in the country at large."

\* The Relationship between Development Plans, Development Control and appeals. University of Reading.

This suggests that, in the main, the relationship between development plans and development control is a satisfactory one, but that the distinctions between statutory and non-statutory plans is unclear and unsatisfactory.

#### CONCLUSIONS

34. The general concept of a development plan introduced in the 1947 Act and retained in the 1968 reforms has stood the test of time and there is no intention of abandoning it. But the operation of the system has become too cumbersome. The main problems are:

- structure plans are often too long and contain irrelevant and over-detailed policies
- the relationship between structure and local plans is unsatisfactory partly because of the way in which their procedures are interlocked and partly because their contents often overlap, and
- the procedures for preparing structure and local plans are too complex.

All of which means that it takes far too long to prepare development plans, some of the policies they contain may then be out of date and their overall effectiveness can be greatly diminished.

35. Chapter 2 sets out proposals for changing the system to deal with these criticisms and Chapter 3 describes proposals to simplify the procedures for operating it.



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CHAPTER 2: PROPOSALS FOR IMPROVING THE SYSTEM

THE OBJECTIVES

36. This chapter describes proposals for changes in the system of land-use planning at Regional, County and District level, and their relationship to development control.

37. The Government does not believe that the defects of the present system call for an entirely different type of land-use control, such as the detailed "zoning" system that was used in Britain in the 1930's and is still in use in some other countries today. Such systems are generally less flexible and less well adapted to changing conditions than the British system, which is not prescriptive and affords scope for negotiation. The intention, therefore, is to build on the strengths of the present system and to remedy its unsatisfactory features.

38. The main objectives are to cut out the unnecessary and wasteful overlap between County and District functions in plan preparation, reduce the need for detailed Ministerial supervision, to simplify the form and content of development plans, and to improve the procedures for preparing and adopting plans so as to expedite the process while ensuring the effective involvement of local communities in the planning of their area.

NATIONAL POLICIES

39. Government policies on planning matters are published from time to time in circulars to local planning authorities and in Ministerial statements. These policies are usually about specific subjects, for example the promotion of small business

(Circular 2/36) or Green Belts (Circular 14/84). They apply equally to all areas where they are relevant, and local planning authorities are expected to have regard to them in exercising their planning functions. They will therefore continue to be an important influence on the formation of proposals in development plans.

#### REGIONAL PLANNING GUIDANCE

40. Some strategic planning issues need to be considered on a wider geographical basis than a single county. The Secretary of State may publish guidance on such matters to the local authorities and others concerned. An example is the guidance issued from time to time for the South East of England. The local planning authorities have formed the South East Regional Planning Conference (SERPLAN) to consider the need for such guidance and to advise on its content. The advice which the Secretary of State has recently issued to the SERPLAN authorities is at Annex B.

41. Following the abolition of the GLC and the metropolitan county councils, arrangements are being made to enable the local planning authorities to work together to advise the Secretary of State on the need for strategic guidance to assist them in the preparation of their Unitary Development Plans.

42. Outside the metropolitan areas and the South East there are several examples of local planning authorities co-operating to consider strategic issues affecting their areas. Such groups exist, for example, in the West Midlands region, where the four shire Counties and the seven Metropolitan Districts form the West Midlands Regional Forum; and in East Anglia where the Counties and Districts in Norfolk, Suffolk and Cambridgeshire form the East Anglia Consultative Committee.

43. The Government would welcome the formation, by the local authorities themselves, of similar arrangements in other parts of the country. The areas covered would be those in which the local authorities considered it useful to join together in considering land-use planning matters of common interest. The Secretary of State would seek their views on the need for strategic planning guidance in their areas. He would publish any proposed guidance in draft for comment. Planning authorities in the area to which the guidance applied would be expected to have regard to it in carrying out their planning functions.

44. Such arrangements would not represent a formalised regional structure, nor would they be a return to the type of large-scale regional planning which was attempted in the 1960's and 70's, but which proved largely ineffective and implied a degree of central direction and control that would not be compatible with today's conditions or with public opinion. The guidance would be worked out in conjunction with the local planning authorities concerned and would deal only with important aspects of land-use planning which needed to be considered over a wider area than that of a single county. It is essential that such arrangements should be conducted in a way that did not introduce further delay into the planning process but, if carried out efficiently and effectively, they could assist the planning process.

#### COUNTY PLANNING FUNCTIONS

45. Many County Planning departments carry out a wide range of functions which are not directly related to development planning, for example, the promotion of tourism or the management of country parks. The powers and duties of County Councils in relation to these matters would continue. The main planning function of Counties is to formulate policies on issues which need to be settled on a county-wide basis. This is an important function but it needs to be carried out in a way which is more effective and efficient than the present structure plan system.

46. There are two main requirements; firstly, that Counties should deal only with those matters that need to be dealt with at County rather than District level, and secondly that their role in relation to these matters is clearly defined and distinct from the role of District planning authorities. The main proposal for achieving this is that structure plans would be abolished and there would be a single-tier of development plans. County planning authorities would set out their strategic policies in statements which would guide the preparation of development plans but would not generally be part of them.

#### Statements of County policies

47. Each County planning authority would be required to prepare a statement of County planning policies on a limited range of subjects which need to be considered on a county-wide basis. The statements would generally be expressed in broad policy terms. Their principal purpose would be to provide a framework within which more detailed policies and proposals would be prepared by District planning authorities. They would not generally identify detailed land allocations for particular types of new development, nor would they need to be illustrated by maps or diagrams. But certain policies could best be described with supporting maps, for example showing the highway network or boundaries of Green Belts and other conservation areas. In preparing the statements, Counties would need to take account of national policies and any regional guidance issued by the Secretary of State.

48. In order to ensure that there was a clear distinction between the policy making roles of County and District planning authorities, and to avoid the sort of overlap that exists at present between structure and local plans, the Secretary of State would specify the subjects on which Counties were to prepare policy statements.

49. There would be a common group of subjects which all or most Counties would need to deal with. These would include highway and transport proposals, minerals and waste disposal, the provision of land for housing and policies on major retail and industrial development. They would also include policies for protecting the countryside which are discussed in paragraphs 50-56 below. There may be other subjects for which, in particular cases, it would be appropriate for Counties to prepare statements. The inclusion of such subjects would require the Secretary of State's approval. Further details of the matters that might be dealt with in county policies are given in Annex C. Special arrangements for minerals planning are discussed later in this Chapter, in paragraph 61.

Rural conservation areas.

50. Many Counties deploy a substantial part of their planning resources on formulating and managing a variety of countryside policies. These range from schemes to promote and regulate public use of leisure areas to policies for strictly controlling development in areas which need to be protected. Counties are well placed to carry out these functions, since the areas to which such policies apply often extend beyond a single district. For example, under the present development plan system most structure plans contain a variety of notations for different types of rural or landscape area, and some have prepared Green Belt subject plans. The Government proposes measures to strengthen the Counties' role in planning for the countryside.

51. Substantial areas of countryside are protected by statutory powers under which special procedures or conditions are applied to control development within them. These include National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest. Many urban areas are given added protection by being designated as conservation areas. In addition to these statutorily designated areas, local planning authorities apply a range of policies through their development

plans to protect other environmentally sensitive areas. When the plans are approved or adopted these policies have force like any other policies in the plans but such areas do not have specific statutory definition.

52. The Government proposes to create a new statutory category of "rural conservation area" to replace the variety of locally defined rural or countryside areas that are shown in development plans at present. These areas would be designated by the County planning authorities and would be additional to the existing statutory types of area (National Parks, Areas of Outstanding Natural Beauty etc). These would replace all the non-statutory types of area, except for Green Belts. Within rural conservation areas, normal development control procedures would apply but planning applications would be considered against the criteria set out in the County policy statement. A fuller description of this proposal is given in Annex D.

53. It would be important that rural conservation areas were designated only where the circumstances justified it. The Government would issue guidance about the criteria which should be taken into account when considering designation, as it has done in respect of Green Belts. If rural conservation areas were set up in areas which did not need special protection, the effect would be to devalue the concept and detract from its usefulness. Rural conservation areas could extend to a wide variety of landscapes, and the policies applied within them could also vary and be adapted to the needs of the area, including the rural economy. But there would be only one type of designation instead of the many different non-statutory kinds of notation in use at present.

54. Counties would include in their statement of policies, proposals for the designation of rural conservation areas together with any proposals relating to other statutorily designated areas such as Areas of Outstanding Natural Beauty.

55. These proposals will consolidate and reinforce the functions of County planning authorities in relation to the protection of the countryside and rural development.

56. These arrangements will not affect the definition of Green Belts, the broad extent of which has already been established in approved structure plans. Green Belt policies would be carried forward in the County policy statements. The detailed boundaries of Green Belts, and more detailed policies for development control within them, would be dealt with in the District Development Plans as they are now in local plans.

#### DISTRICT DEVELOPMENT PLANS

57. There would be a single-tier of development plan for each District, to be called a "District development plan." They would normally be prepared by District planning authorities although they could be prepared by the County in agreement with the District.

58. The form of the District development plan would be generally similar to existing local plans and their scope and content would vary according to the need for detailed land-use planning in the area. For example, in rural areas that were not conservation areas and where there was little demand for development and no need to encourage it, the development plan might need to include only general policies. In towns and other areas of pressure for development the plans would set out policies and proposals in more detail. This need for flexibility would be reflected in the way in which policies in the plan were presented. All plans would include a map of the District but some policies might need to be illustrated with larger scale inset maps, for example of town centres.

59. District development plans would need to be prepared taking account of national policies and any regional guidance issued by the Secretary of State, and would also need to be in general conformity with County policies for the area.

60. The plans would contain all the land-use policies for the District with one possible exception (see para 61) and would identify proposed locations for development. But it would be important that they did not contain irrelevant policies or become overburdened with detail, as many local plans have done. The plans should provide a comprehensive but simple and intelligible statement of policies to guide prospective developers and others concerned with development or conservation. Development plans in this form should obviate the need for non-statutory plans, which would no longer be given any weight in development control decisions.

#### Minerals plans

61. There would be no general provision for separate subject plans. But because of the special characteristics of minerals planning, provision would be made for separate minerals plans where circumstances justified them. They would be made by the County planning authority and would form part of the development plan for the area. The procedures for preparing minerals plans would be the same as those described in Chapter 3 for District development plans. They would be prepared for one or more minerals in those areas where the County and Districts agreed on the need for them, or where their preparation was directed by the Secretary of State.

#### DEVELOPMENT CONTROL

62. Since 1979 most development control functions have been carried out by District planning authorities. This has simplified and clarified responsibility for dealing with planning applications. The Government proposes that these arrangements should in general continue, but some adjustments may be needed following the abolition of structure plans and the introduction of county policy statements.

63. At present, Counties are responsible for determining certain planning applications for minerals extraction and waste



disposal. That would continue, and it may be appropriate to extend this arrangement to a few additional types of development, particularly where they are dealt with in County policy statements - for example very large retail developments where decisions on individual proposals could have a significant impact over a large area.

64. District councils might also be required to notify County planning authorities of some other types of planning application which were covered by County statements. This could include, for example, applications for major housing development (say over 250 units). The District council would be required to consider any comments made by the County but it would remain responsible for deciding the applications.

65. Development control requires development plans that are relevant and useful. The proposals for improving the development plan system discussed in this chapter and the next would make it more effective and less cumbersome. It would be easier and quicker to prepare plans and to keep them up to date. The Government does not propose to make any other changes in the relationship between the development plan system and development control, which is set out in section 29 of the Town and Country Planning Act 1971.

#### SUMMARY

66. The main changes proposed in the development plan system can be summarised as follows:

- there would be a wider coverage of regional or sub-regional planning guidance, issued by the Secretary of State after consulting the local planning authorities in the area; the guidance would be issued in draft for public comment, before being published in its final form; planning authorities would be encouraged to develop arrangements for joint working for this purpose, similar to those that already exist in the South East and in some other areas,

- structure plans would be abolished;
- Counties would prepare statements of planning policies on those matters that need to be dealt with at County level; including new provisions for designating rural conservation areas;
- new single-tier development plans would be prepared by District councils for the whole of their area, in a form similar to local plans;
- there would be some adjustments to the arrangements for development control.

67. Chapter 3 explains how the new arrangements would operate, including provision for public involvement and objection, and how the transition from the existing system to the new would be managed.

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CHAPTER 3: PROCEDURES AND PUBLIC INVOLVEMENT

68. This chapter outlines the proposed procedural changes to accompany the new development plan system outlined in Chapter 2. It also discusses the transitional arrangements from the present system and the resource implications of the changes.

LEGISLATION AND REGULATION

69. The legislative framework for the development plan system in non-metropolitan areas in England and Wales is in the Town and Country Planning Act 1971. The main proposals for improving the system discussed in this paper would need primary legislation to amend the 1971 Act. Regulations would be needed to deal with some of the procedural aspects.

70. The present system has been criticised for being over-regulated. Procedures for the various stages of preparing development plans and the form of the plans themselves are set out in primary or secondary legislation, or are subject to detailed guidance issued by the Department. This was considered necessary when the present system was introduced and when it was important to ensure consistency of practice.

71. Local planning authorities are now familiar with the basic procedures for preparing development plans. It will be the Government's intention to specify in legislation or regulations only the main features of the new system and to give local authorities more freedom to decide how they should operate it in their areas.

STATEMENTS OF COUNTY POLICIES

Survey and analysis

72. County planning authorities would be responsible, as now, for carrying out surveys and analysis of matters affecting land-use planning in their areas. They would, therefore, undertake such survey and analysis as was necessary to prepare their policy statements. They would also provide information on matters that were relevant to the formation of regional guidance, and would often be able to contribute information for the preparation of District development plans.

Consideration of regional guidance

73. In formulating or reviewing their policies, Counties would consider the implications for their areas of any regional strategic guidance issued by the Secretary of State. They would also take account of any national policies promulgated by the Government.

Preparing and publishing draft statements.

74. When preparing their draft statements, County planning authorities would be expected to consult District planning authorities in their area and any other public bodies likely to be affected by those policies. They would also be encouraged to consult more widely, and at an early stage, with the public and with private sector bodies representing relevant interests.

75. Statements would be published in draft form. There would be a period of 6 weeks during which objections and representations could be made.

Examination in public

76. There would be provision for the County planning authority to arrange an Examination in Public of issues which proved to be contentious. The examination would be conducted by a panel under an independent Chairman, as is the case now with structure plan EIPs. The Panel would include a member from the Planning Inspectorate. The County would select the issues to be examined, but they would be required to include any proposals on which a District planning authority had an outstanding objection. The Panel would report to the County planning authority; their report would be published.

Adopting the statement

77. There would be no statutory requirement for further consultation after the Examination in Public. The County planning authority would decide what changes if any to make to its statement of policies in the light of the Panel's report.

78. The statement would not require the approval of the Secretary of State. He would, however, be able to require the modification of proposals in a draft statement. He would also have a reserve power, for use in exceptional circumstances, to call-in all or part of a proposed statement and to direct the County planning authority to adopt it as modified by him.

**DISTRICT DEVELOPMENT PLANS**

79. The procedures for preparing District development plans would be based on the present procedures for local plans, with the changes described in the following paragraphs. The aim of the changes is to simplify the process of plan preparation as far as possible while retaining its essential features.

Public involvement in planning

80. One of the strengths of the present development plan system is the degree to which the public are involved during the preparation of plans. Close public involvement would continue to be an essential feature of the new system.

81. The 1971 Act requires the local planning authority to give publicity to "the matters proposed to be included in the plan".

This is generally interpreted as meaning that publicity should be given to all the proposals which the authority have in mind to include in the written statement, plus any explanatory and illustrative material. The usual way of doing this is to publish a draft plan.

82. The emphasis in these arrangements is, therefore, on consultation when the planning authority has already formulated its proposals. This often means that the initial reaction of local communities and others is that they are being faced with a fait accompli. They are then more likely to object to the proposals. Under the new arrangements, planning authorities would be encouraged to involve the public earlier, before formulating their proposals.

83. Some local authorities already do this. One way is to publish an "issues" paper identifying the main problems and opportunities which a plan would need to address and to invite views about alternative ways of tackling them. It would be for local authorities to decide whether and how they involved the public at this stage.

84. The second important aspect of public involvement is to provide an opportunity to make representations or objections when the planning authority has published its proposals. There would be a statutory requirement, as now, to do this. Instead of the separate statutory public participation and objections stages there would be one period of 6 weeks after the proposals had been formally published for representations and objections.

This arrangement is already being introduced in the Housing and Planning Bill as an optional alternative procedure for some local alterations. Under the new arrangements, it would be the standard procedure for District development plan proposals.

85. It would be important for the District planning authority to consult the County planning authority and any other public bodies likely to be affected, during the early stage of plan preparation. But there would be no separate statutory procedures for this. Public bodies would have an opportunity to object or to make representations at the deposit stage.

86. District planning authorities would no longer be required to submit to the Secretary of State a report on the steps they had taken to publicise their proposals and on their consultation with other bodies.

#### Certificates of conformity

87. At present, before a local plan is put on deposit the District planning authority must obtain a certificate from the County planning authority or the Secretary of State that the proposals in the plan conform generally to the structure plan. Under the new arrangements, District development plans would need to conform generally with statements of County policies but it would no longer be necessary for the District planning authority to obtain a certificate of conformity. If the County planning authority considered that the plan was not in conformity with County policies on an important matter, it would be able to object to the proposals and make its case at the public local inquiry. The Secretary of State could use his reserve power to direct the District planning authority to modify its proposals to bring them into general conformity with County policy (see para 96).

Public local inquiries

88. As now, an inquiry would be arranged in all cases where an objector to a District development plan wished to argue his case at an inquiry. It would be taken by a Planning Inspector who would report to the District planning authority.

89. At present, the main purpose of the inquiry on a local plan is to hear the arguments for and against any proposal which has been the subject of an objection. Once those policies have been raised at the inquiry, all the considerations relevant to them can be taken into account by the Inspector in making his recommendations. The Inspector may not, however, consider any of the policies in the plan to which there have been no objections.

90. There is a case for enabling the Inspector to consider any aspects of the District development plan and to make recommendations about them. For example, if he considered the plan to be out of conformity with County policies or to conflict with national policies or regional guidance issued by the Secretary of State, he would be able to make recommendations to rectify that. In this way he would be able to give an independent commentary on the plan as a whole, rather than only on particular aspects of it to which objections had been made.

91. The role of the Inspector at public local inquiries will be reviewed with the aim of widening it so that he can make recommendations about any policies or proposals in a District development plan.

Post-inquiry procedures

92. At present, after the District planning authority has considered the Inspector's report, it prepares a statement of decisions on how it intends to proceed with the proposals in the local plan and publishes any proposed modifications to them. If it has not already done so it must publish the Inspector's report at this stage.



93. Members of the public and other bodies affected by the plan will not usually have seen the Inspector's report before the Council publishes its proposed modifications. It would help those interested in considering the modifications if they knew earlier what the Inspector had recommended. The Government therefore proposes that in the new system arrangements would be made for the Inspector's report to be available to the public at the same time as it is sent to the local authority.

94. A research project by Coventry (Lanchester) Polytechnic looked at the process of local plan adoption. Their report was published in April 1985\*. They gave particular attention to post-inquiry procedures and said in their general conclusions

"The findings from this research dispel any major anxieties about the status of Inspectors' recommendations and the operation of practices adopted by local authorities to consider recommendations and objections to proposed modifications. Almost 90 per cent of recommendations in the sample were accepted by local authorities. The 10 per cent of rejected recommendations relate to minor site specific issues and are not usually concerned with the central policies or objectives of the plan. Furthermore, all recommendations are taken very seriously and carefully considered by the local authority before any decision not to take action upon them is made."

95. Under the present procedures, there is a six week period after the publication of proposed modifications during which objections may be made to the proposed modifications, or representations made about the absence of modifications to policies discussed at the Inquiry. After considering any objections the Council publish any further proposed modifications - with another six week period for objections. But in most cases there is no need for further modifications. The Council can then give public notice of its intention to adopt the plan and informs the Secretary of State of this. A period of not less than 4 weeks is then allowed for any further representations, before the plan can be adopted.

\* "The Process of Local Plan Adoption" Faculty of Social Science and Public Policy, Department of Urban and Regional Planning; Coventry (Lanchester) Polytechnic.

96. It is proposed that under the new arrangements, when the planning authority publishes its proposed modifications, it would at the same time give notice of its intention to adopt the plan. The Council would consider any objections to the modification but if, as usually happens, no further modifications were needed the Council could adopt the plan at the end of the six week objection period.

97. District Development plans would not require the approval of the Secretary of State but he could if necessary call them in for his own decision, as he can now with local plans. He would also have a reserve power to direct the planning authority to modify its proposals, as he will have for local plans if the proposals in the Housing and Planning Bill are enacted.

98. A summary of the main stages in preparing District development plans is given in Annex E which also shows, for comparison, the existing procedures for local plans. Overall, there would be a significant saving of time under the new procedures.

#### INTRODUCING THE NEW ARRANGEMENTS

99. At present there is a mixture of development plans across the country. All areas have structure plans. In some counties the structure plan is in two or more parts covering different areas. Less than a quarter of the country is covered by local plans or will be when those at present on deposit are adopted (see figure 1). In some parts of the country pre - 1968 development plans are still in force. In other areas, where there are local plans, continuation- in-force orders have been made to allow some policies in pre - 1968 plans to continue to run alongside local plans. Under the new system, mandatory District development plans would replace all the existing plans so that there would be one single-tier plan for any area.

100. It would be important that the new plans are prepared without the excessive delay which occurred when the present system was introduced. Initially local authorities would be asked to concentrate on preparing plans for those parts of their areas where there were pressures for development but no up-to-date local plan. The new, simplified procedures would help to reduce the time taken to prepare plans and should enable local authorities to keep them up to date.

101. The legislation would make provision to discontinue the preparation of structure plan alterations and local plans from an appointed date. Thereafter plan preparation would be concentrated on the production of District development plans. Approved structure plans and adopted local plans would remain in force until replaced in whole or in part by County policy statements and District development plans.

#### RESOURCE IMPLICATIONS

102. Most of the costs of operating the development plan system fall on local authorities. The proposals in this paper would affect those costs in several ways. There would be some cost in setting up regional planning conferences in areas where they do not at present exist. At present, all Counties must keep their structure plans under review and alter or replace them when necessary. Under the new proposals, the work involved in preparing and reviewing statements of County policies would be considerably less. At District level, the effect would be mixed. It is not mandatory at present to have local plans and many authorities have none, though most of those will have informal plans and policy statements which they use instead of statutory plans. In future, all Districts would be required to have District development plans but the procedures for preparing and adopting them would be less complex and time consuming than present local plan procedures.

103. Probably the most important factor affecting costs would be the fact that the present overlap and duplication between

structure and local plans, and much of the work at present done on preparing very elaborate and lengthy structure plans, would be avoided. The replacement of the two-tier system of development plans by one-tier plans should also save time and money for those in the private sector who at present have to cope with two types of plan.

104. The impact of the new proposals in the short term will depend on how quickly authorities are able to prepare statements of County policies and District development plans. The Government will discuss this with the Local Authority Associations when the form of the new proposals has been decided. There should be long-term savings when the system is operating normally.

105. The effects of the proposals on the costs borne by the Department and the Planning Inspectorate will also vary. One of the main aims is to reduce the need for Government involvement in local issues. There will, however, be more involvement in preparing regional guidance. In practice, the extent to which the Department becomes involved in the preparation of District plans will be limited by the availability of staff resources. No increase is envisaged.

#### SUMMARY

106. The statutory procedures for preparing statements of County policies would be limited to provisions to regulate the scope of their contents, to require them to be published in draft for comment and for the County planning authority to arrange an examination in public and to complete their formal adoption.

107. Procedures for preparing District development plans would be based on those for preparing local plans, with some important changes:

- there would be greater emphasis on involving the public and other public bodies during the early stages when policies are being formulated;
- the present statutory public participation and objection stages would be taken together;
- planning authorities would no longer be required to submit statements to the Secretary of State about their consultation and public participation stages;
- nor would it be necessary to obtain a certificate of conformity before the plan was put on deposit;
- the role of the Inspector at public local inquiries would be reviewed with a view to widening it to enable him to consider all aspects of the plan
- their reports would be made available to the public when they were sent to the local authority, and
- after the inquiry, the local authority could give notice of its intention to adopt the plan at the same time as it published its proposed modifications.

108. There would be requirements to introduce District development plans for all areas and provision for them to replace the existing structure and local plans. Meanwhile existing approved structure plans and adopted local plans would remain in force until replaced in whole or in part by the new County policy statements and District development plans.

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CHAPTER 4: SUMMARY

109. Development plans are an essential part of a national planning system since they provide the framework for development control. They are also an effective means of co-ordinating the needs of development and the interests of conservation. But the system has become too cumbersome in practice because plans are often overburdened with irrelevant policies and too much detail. The procedures for preparing them are complex and time consuming.

110. In considering possible changes to improve the system the Government's objectives are to cut out the unnecessary and wasteful overlap between County and District functions in plan preparation, reduce the need for detailed Ministerial supervision to simplify the form and content of development plans and to speed up the procedures for preparing and adopting them.

111. The paper outlines proposed changes in the arrangements for planning at the Regional, County and District levels. The main changes are summarised below (numbers in brackets refer to paragraph numbers in the report).

Regional guidance

- (i) There would be a wider coverage of Regional or Sub-Regional strategic guidance issued by the Secretary of State after consultation with local authorities in the area (40-44).

Structure Plans

- (ii) The present structure plan system would be abolished (46)

County policies

- (iii) County planning authorities would prepare statements of policies on matters that need to be dealt with at County

level, these would be required to take account of the Secretary of State's regional guidance, and would be published in draft with provision made for the County to hold Examinations in Public, but would not require the Secretary of State's approval. (47-56, 76)

Development plans

- (iv) New single-tier District development plans would be prepared by District planning authorities for the whole of their areas (57-60). There would be special arrangements for Counties to prepare mineral plans (61)

Procedures

The procedures for preparing District development plans would be based on the procedure for preparing local plans with these changes to reduce their complexity and shorten the timescale.

- (v) There would be greater emphasis on involving the public during the early stages of preparing proposals (80-83).
- (vi) The statutory public consultation and objection stages would be taken together. (84)
- (vii) Planning authorities would no longer be required to submit reports to the Secretary of State about their consultation procedures (86).
- (viii) Certificates of conformity would no longer be required (87).
- (ix) Inspectors' reports after public inquiries would be published at the time they are sent to the local authority (92-93).
- (x) After the public inquiry the local authority could give notice of its intention to adopt the plan at the same time as it published its proposed modifications (96).

The Role of Inspectors

(xi) The Government will review the role of Inspectors at public local inquiries with a view to broadening it so that they could deal with any aspect of the plan (88-91).

Development control

(xii) Development control responsibilities may be adjusted to bring them into line with the redefined roles of County and District planning authorities (62-65).

Rural Conservation Areas.

(xiii) There would be a new statutory designation of rural conservation area to replace the present varied types of notation used in structure and local plans to indicate areas within which special criteria apply in exercising development control. They would be designated by County planning authorities. They would not affect the designation of Green Belts or development control within them. (50-56).

Secretary of State's reserve powers

(xiv) As at present, the Secretary of State would have reserve powers to intervene in the process and to call in part or all of a County policy statement or District development plan for his consideration and to direct modifications to be made (78 and 97).

Comments

112. Comments on the proposals outlined in this paper or other suggestions for improving the development plan system should be sent, by / / to the Department of the Environment, Room C14/14, 2 Marsham Street, London SW1.