

CGH



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The Rt Hon The Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
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My ref:

Your ref:

18 August 1986

NOM

Dear Lord President,

In your letter of 4 August you agreed to the suggestions in my letter of 23 July for handling the proposals for simplifying and improving the development plan system.

I now enclose a copy of the draft consultation paper; chapter 4 contains a summary of the proposals.

The Proposals

The main proposal is to do away with the present two-tier system of structure and local plans and to move to a single-tier system of development plans in all parts of England and Wales, as we are already doing in the metropolitan areas, following the Local Government Act 1985. This will mean that plan preparation is the sole responsibility of district councils, who are best placed to deal with most planning issues and who also deal with all planning applications except those relating to minerals and waste disposal. Having one tier of development plans instead of two will considerably reduce the time needed to prepare plans and keep them up to date. Unlike structure plans, the District Development Plans will not require Ministerial approval although there would be reserve powers of intervention.

The proposals are likely to be welcomed by the development industry and by the district councils. However, the county councils may well oppose the proposals - at least initially - since their first reaction may be that abolishing structure plans will remove their main planning function. But the proposals retain a strong role for the County, in helping to formulate regional planning guidance and in deciding policies on those matters that cannot be satisfactorily dealt with at the local level, such as Green Belts, land for housing, major industrial and retail development, and minerals and waste disposal. They would also have a new power to designate rural conservation areas.

These changes would apply in England and Wales. I have consulted Nicholas Edwards about them and he is broadly content. The circumstances in Scotland are somewhat different and have not given rise to such severe problems. Malcolm Rifkind proposes to make only limited changes in Scotland as described in Annex F to the paper.

Legislation

The main proposals would require primary legislation but I would not expect to bring that forward during this Parliament. That would be made clear when the consultation paper is published.

LOCAL GOVT

PLANNING PTS

Resource and Manpower Implications

There will be savings in the costs borne by Central Government since the work involved in approving structure plans will no longer be needed. This will be offset to some extent by the preparation of regional guidance. There will be a direct vote saving of between £100,000-£200,000 a year on the costs of arranging Examinations in Public into structure plans.

The proposals would reduce costs in the private sector, since those who need to consult development plans will have only one type of plan to consider rather than two. The abolition of structure plans will reduce the planning work of both counties and districts, and the preparation of district development plans will supersede the work on local plans. This is discussed in more details in paras 102-104 of the draft.

Performance Measures

When the proposals are implemented I will ensure that the preparation of plans under the new arrangements is monitored to assess the improvement in the time taken to prepare and revise the plans.

International Implications

The proposals have no direct EC or other international implications.

Presentation

I intend to outline the proposals to the Town and Country Planning School which I am due to address on 15 September and to publish the consultation paper the following day. Until then it is important that the proposals be kept confidential to avoid any premature leak.

The Prime Minister has agreed the proposals as a basis for consultation and also the suggested arrangements for handling them. Subject to any comments which you and others may have, I shall proceed on this basis. Would you please let me have any comments no later than 29 August.

/ Copies of this go to the Prime Minister, H Committee colleagues, Michael Jopling, Paul Channon, John Moore and Robert Armstrong.

Yours sincerely,

Isobel R. Ogilvie (Private Secretary)

NICHOLAS RIDLEY

Approved by the Secretary of State and signed in his absence.

C O N F I D E N T I A L

DRAFT

THE FUTURE OF DEVELOPMENT PLANS

A consultation paper

Department of the Environment
Welsh Office

[September 1986]

THE FUTURE OF DEVELOPMENT PLANS

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THE FUTURE OF DEVELOPMENT PLANS
A CONSULTATION PAPER

CHAPTER 1: THE PRESENT SYSTEM

INTRODUCTION

1. The White Paper "Building Businesses... Not Barriers" (Cmnd 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 for approval. The then Government decided that it was premature to undertake a review but said in its reply to the Expenditure Committee (Cmnd 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" (Cmnd 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 of the Environment, 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 outside the 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.

⁺ "Metropolitan areas" include Greater London, Greater Manchester, Merseyside, South Yorkshire, Tyne and Wear, West Midlands and West Yorkshire.

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 of the Environment is preparing the draft regulations setting out the detailed requirements and also a memorandum of advice to 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 of England and Wales. But insofar as it deals with procedures which are common to both systems, any proposals for change may also affect the UDP system. The position in Scotland is discussed in Annex F.

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 which brought into force the relevant provisions of the 1968 Act. The last of the 82 first generation plans in England and Wales 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 17 alterations had been submitted to the Secretaries 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 Departments have analysed the time taken from submission to approval of structure plans and proposed alterations approved during the five years from 1981 to 1985. At the beginning of the period most submissions were of first generation plans, at the end most were of alterations or replacements. During that period 40 submissions were approved and the average time taken was 24 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 plans and proposed alterations, where an EIP was held, for each year between 1981 and 1985.

Table 1

TIME FROM SUBMISSION TO APPROVAL OF STRUCTURE PLAN PROPOSALS

ENGLAND AND WALES

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	10	6	10	5	21
1982	8	7	14	6	27
1983	6	9	13	11	33
1984	4	9	16	5	30
1985	4	8	12	9	29
AVERAGE 1981-1985 (32 APPROVALS)		8	13	7	28

18. In the last three years, the time taken from submission to approval has been about 31 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 of the Environment 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 STRUCTURE PLAN	PROPOSED ALTERATION 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. The Departments in turn have found themselves 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. Even with the inappropriate material modified or deleted some plans have still been 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 for approval 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 and Wales 474 local plans had been adopted by the end of March 1986. These comprised 395 general (or district) plans, 42 subject plans and 37 action area plans. A further 269 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.

* See para 3 Ibid

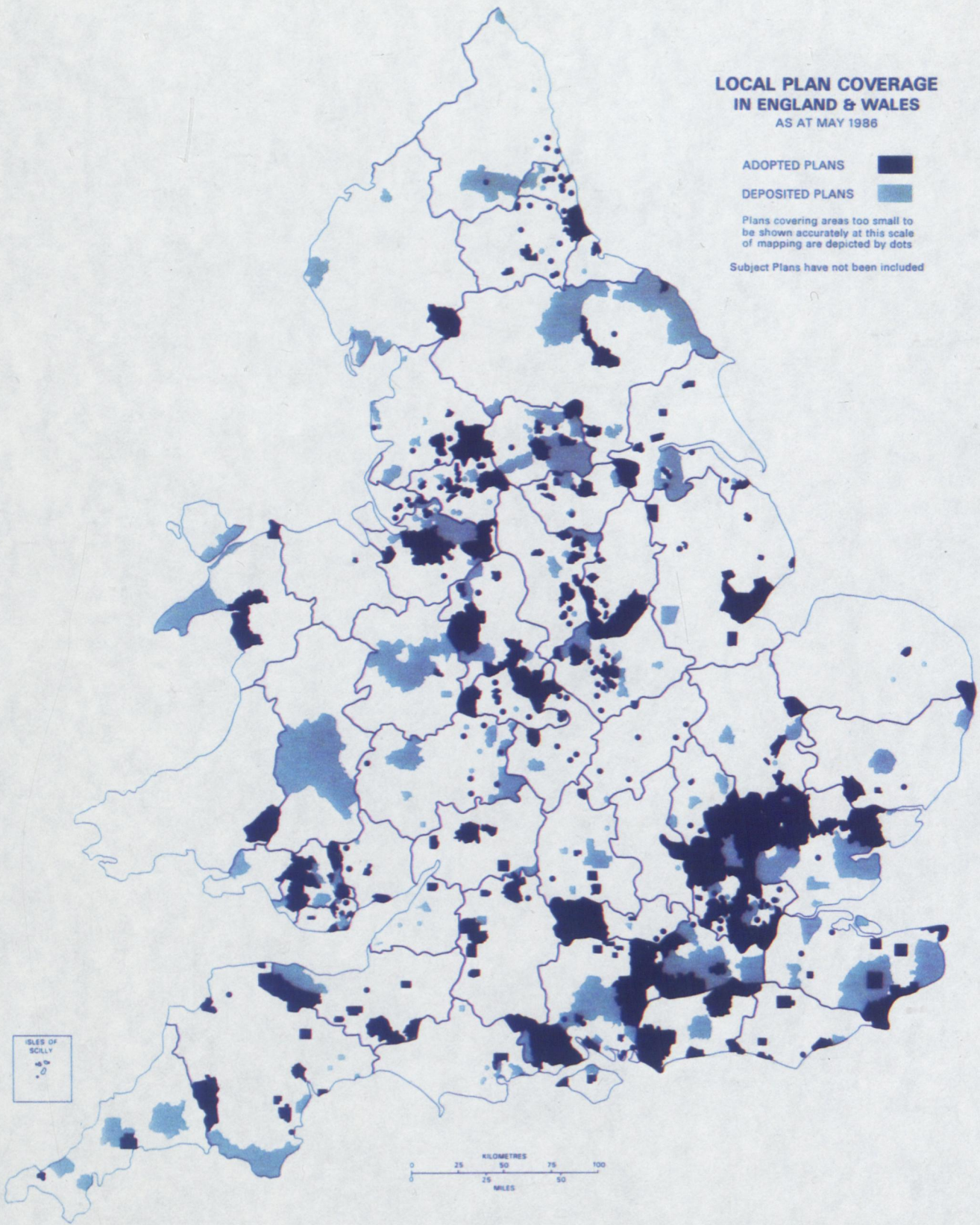
FIGURE 1

**LOCAL PLAN COVERAGE
IN ENGLAND & WALES**
AS AT MAY 1986

ADOPTED PLANS 
DEPOSITED PLANS 

Plans covering areas too small to be shown accurately at this scale of mapping are depicted by dots

Subject Plans have not been included



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 about 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 adopted 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 Secretaries 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 for many planning applications and appeals relating to small scale developments, most of the planning considerations taken into account were 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 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 distinction 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 the preparation and approval or adoption of development plans takes far too long, 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, simplify the form and content of development plans, and improve the procedures for preparing and adopting plans 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 businesses (DOE Circular 2/86, WO Circular 8/86) or Green Belts (DOE 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 guidance which the Secretary of State for the Environment 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 in those areas 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 of England 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 as appropriate, 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 in non-metropolitan areas of England and Wales. County planning authorities would set out their strategic policies in statements which would guide the preparation of development plans but would not 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. 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 identify detailed land allocations for particular types of new development. There would be no illustrative diagrams but certain policies could best be described with supporting maps, for example showing the highway network or boundaries of approved Green Belts. 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. They would be subjects for which planning on a county-wide basis was necessary.

49. There would be a common group of subjects which all or most Counties would need to deal with. These would include

strategic highway and transport matters, policies on the control of mineral operations 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. Paragraph 61 below also discusses the arrangements for minerals planning.

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. The general extent of these areas would be determined by County planning authorities. They would be separate from the existing statutory types of special area (National Parks, Areas of Outstanding Natural Beauty etc), and they would also be separate from 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 established only where the circumstances justified it. The Government would issue guidance about the criteria which should be taken into account when considering setting up these areas, 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.

54. Proposals for the general nature and extent of rural conservation areas would be included in statements of County policies together with any proposals relating to statutorily designated areas such as Areas of Outstanding Natural Beauty.

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

56. These arrangements would 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 development plan for each District, to be called a "District development plan." The plans would normally be prepared by District planning authorities although they could be prepared by the County in agreement with the District. In National Parks, responsibility for preparing development plans would remain as now with the Planning Board or with the County council, subject to the provisions for delegating this function to the National Park Committee.

58. The form of the District development plan would be generally similar to existing local plans and its 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 district. The procedures for preparing and adopting minerals plans would be the same as those described in Chapter 3 for District development plans. They would be prepared 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 most planning applications for minerals extraction and, in England,

waste disposal. That would continue, and it may be appropriate to extend this arrangement to a few of the other types of development, for which strategic policies are set out 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 and adopt 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 of England 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 setting up 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 special arrangements in some areas for preparing minerals plans; and
- 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.

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 and approving or adopting development plans and the form of the plans themselves are set out in legislation, and detailed guidance has been issued by the Departments. 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 primary 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 the 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 formulated and published its proposals. There would be a statutory requirement, as now, to do this. Instead of the present 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 plan 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 not 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 policy 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 policies to bring them into general conformity with County policy (see para 97).

Public local inquiries

88. As now, an inquiry would be held in all cases where a statutory 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 policy 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 modifications 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 for the new plans to be prepared without the excessive delay which occurred when the present system was introduced. The legislation would make provision to discontinue the preparation of structure plan alterations and local plans from an appointed date. It would also enable the Secretary of State to direct the preparation of statements of County policies and of District development plans by a specified date. But the arrangement for introducing the new plans would need to be flexible to reflect how recently the structure plan had been approved and any local plans had been adopted. Initially local authorities would be asked to concentrate on preparing District development plans for those parts of their areas where there was pressure for development and no up-to-date plan.

101. 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. The simplified procedures for preparing and altering plans would make it easier to keep the new plans up-to-date.

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 are required and 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 factors affecting costs would be 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 prepare statements of County policies and District development plans. The Government will discuss the introduction of the new system 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.

SUMMARY

105. 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.

106. 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;

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- planning authorities would no longer be required to submit statements to the Secretary of State about their consultation and public participation stages;
- it would not 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
- Inspectors' 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.

107. Statements of County policies and District development plans would be prepared for all areas; the arrangements for introducing them would be flexible to allow for different local circumstances but would ensure that there were not excessive delays. 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.

CHAPTER 4: SUMMARY

108. 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.

109. 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 simplify the form and content of development plans and speed up the procedures for preparing and adopting them.

110. The paper outlines proposed changes in England and Wales 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 category 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. The general extent of the areas would be determined by County planning authorities. They would not affect the definition of Green Belts or policies for 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

111. Comments on the proposals outlined in this paper or other suggestions for improving the development plan system should be sent, by 14 March 1987 to the Department of the Environment, Room C14/14, 2 Marsham Street, London SW1.

112. The Department's policy is that replies to consultation documents should, wherever possible, be made available publicly. If you submit comments on this consultation paper would you please also indicate:

- a) whether you will publish your response or make it available to the media, and
- b) whether you agree that the Department may place copies of your response in the Libraries of both Houses of Parliament and in its departmental library.
If you do agree to this release, it would be helpful to have three extra copies.

If you do not want your response to be released, it will be treated as in confidence to the Government; it may however be counted in any numerical summary of views received which does not identify individuals' comments.

THE PRESENT SYSTEM IN ENGLAND AND WALES

A.1 The Local Government Act 1985 makes provision for the introduction of a single-tier development plan, the Unitary Development Plan (UDP) in the metropolitan areas of England and Wales. These will be introduced by commencement order for each area, after consultation with the local authorities. The London Borough Councils and Metropolitan District Councils will be responsible for preparing the UDPs for their areas. They will take account of any strategic planning guidance issued by the Secretary of State. Unitary Development Plans will not require the approval of the Secretary of State, though he has a reserve power to call them in for his own decision if necessary.

A.2 Outside the metropolitan areas, there is a two-tier system of structure and local plans for which the legislation is in The Town and Country Planning Act 1971. At that time, the preparation of development plans was to be the responsibility of the County planning authorities and the Districts had only delegated powers of development control. With the re-organisation of local government in 1974, a two-tier system of local planning authorities was created, with the Counties retaining responsibility for structure plans while the Districts became responsible for local plans, which had to be in general conformity with the structure plans.

Structure plans

A.3 Structure plans are submitted to the Secretary of State for approval. They set out policies and general proposals for land use in the area concerned. Once the initial structure plan has been approved, a County planning authority may submit proposals for alterations, which may be concerned with specific subjects such as land for housing, or if necessary for the replacement of the entire plan.

A.4 In considering structure plan proposals submitted to him, the Secretary of State's main concern is to ensure that the policies they contain are broadly consistent with the Government's planning and economic objectives. But because the plans require his specific approval he must satisfy himself that all of the policies in them are necessary and appropriate.

In practice that means that he must get involved in matters of detail which are not essential to the main functions of central Government.

A.5 Before deciding whether any modifications are needed to the submitted structure plan proposals, the Secretary of State may arrange an examination in public at which selected matters are discussed before a small panel with an independent chairman. This process helps to elicit and test information about matters on which there have been strong representations or objections at the public consultation stage.

A.6 After he has considered the report of the panel conducting the examination in public, the Secretary of State advertises any proposed modifications which he intends to make to the plan. There is then a period of not less than six weeks during which objections to the proposed modifications may be made.

Local plans

A.7 Local plans are intended to apply the policies of the structure plan and to provide a more detailed basis for development control. They are of two main types, general plans covering a range of subjects for a limited area - often a town or part of a District - and subject plans dealing with a single topic such as minerals extraction or the Green Belt, usually covering a wider area of one or more Districts. Local plans are normally prepared by Districts but Counties can also prepare local plans by agreement with Districts.

A.8 If there are objections to any of the proposals in a local plan the planning authority must, if an objector wishes, arrange a public local inquiry into the objections. The inquiry is heard by an Inspector who is appointed by the Secretary of State but who reports and makes recommendations to the local planning authority. The authority then decides what modifications, if any, are needed.

A.9 The procedures for preparing and adopting local plans are lengthy and complex. Most of them are prescribed by statute. A summary of the main stages is given in Annex E (page 52).

A.10 Local plans do not require the Secretary of State's approval. He does, however, receive copies of the plans and may object to the proposals at any public local inquiry. If a plan is seriously at odds with national policy or contradicts important proposals in the structure plan or any regional guidance issued by the Secretary of State, he may call it in for his own decision. He does so very rarely.

A.11 The Housing and Planning Bill now before Parliament contains a proposed new power which would enable the Secretary of State to direct a local planning authority to modify any of its proposals in a local plan. The effect of that will be to enable him to intervene more selectively where necessary to ensure conformity with national policies but without becoming involved in all the other details of the local plan.

TEXT OF A LETTER FROM THE SECRETARY OF STATE TO
THE CHAIRMAN OF THE SOUTH EAST REGIONAL PLANNING CONFERENCE:
19 JUNE 1986

SOUTH EAST REGIONAL STRATEGIC GUIDANCE

I am now able to respond to your letter of 21 October and the accompanying Regional Statement setting out SERPLAN's proposals for up-dating Regional Strategic Guidance for the South East. You have seen a draft of this response, on which I have consulted widely. I was pleased to learn from your letter of 17 April that the Conference would be happy to receive strategic guidance on the lines I have proposed.

When you and your colleagues met Patrick Jenkin in December 1983 it was agreed that SERPLAN would undertake studies of certain aspects of land use planning in the South East which it was felt needed to be reviewed. He agreed to consider, in the light of any proposals you might put to him on the basis of those studies, and of the outcome of any wider consultations that might be necessary, whether the current Regional Guidance could usefully be developed and up-dated. The current Guidance is contained in Michael Heseltine's letter of 7 August 1980 to your predecessor, Lord Nugent, and in the supplementary letter sent to you by Patrick Jenkin on 23 March 1984 dealing with the implications of the M25 for land use planning policies and development control.

I welcome the thorough and expeditious way in which the review has been carried forward and the fact that you have been able to present proposals which have the backing and support of your member authorities. I am pleased that my officials and those of other Departments were able to assist in this work. The studies which formed the basis of your proposals to me for revised regional guidance concentrated on housing and economic development. It was agreed at the outset that a selective approach which could be undertaken quickly, gave the best promise of results that would be helpful to local authorities. I understand that you are now addressing other relevant topics, including transport, countryside and rural issues, so I do not comment further on those aspects in this letter. My officials and those of the Department of Transport and the Ministry of Agriculture, Fisheries and Food are available to assist where they can with these studies. I look forward to receiving a report on this work when it is ready. In due course we may need to consider whether some further guidance is required following the Government's decision to facilitate the construction of a Channel Tunnel.

The Context

At the outset it is necessary to recognise the limitations of the land use planning process. It is the private sector not the planning system that generates economic growth. But soundly based land use plans can help to facilitate development and investment, avoid conflict with other policy objectives and promote economy, efficiency and amenity in the development and use of land. Similarly, in the public sector, land use planning policies can influence and contribute to investment decisions but are not the sole determinant in the spatial allocation of resources.

Much of what was contained in the earlier letters of guidance, particularly in relation to London and to the M25, remains valid and will continue to be so. For example, the need to improve the attractiveness of London so that private individuals and firms will once more choose to live and invest there and to improve some of the transport links in London is as important as it was at the time of Michael Heseltine's letter. However, that letter looked to the 1980s. What I have to say in this letter looks ahead to the 1990s and is intended to provide a basis for planning and development over the next 10-15 years. In so far as there is any disparity between this letter and the earlier guidance, this letter prevails.

SERPLAN have in general adopted a realistic and pragmatic approach to the future planning and development of the region and to the implementation of those policies. In so far as SERPLAN's Regional Statement reflects what it is in the earlier letters of guidance and in my Department's circulars, I do not need to repeat or comment on much of what it contains. But there are some aspects which I should like to emphasise or which can be related to other policy objectives.

There are now approved Structure Plans covering the whole of the Region and these, together with the Greater London Development Plan, provide a framework of well-established land use policies. Many of these policies such as those concerning the conservation of the countryside and maintenance of the Green Belt will continue to apply over the period of this guidance and will be reaffirmed in successive Structure Plans reviews. Other policies need to be updated and reviewed in response to changing circumstances. The purpose of the guidance contained in this letter is to indicate objectives for the Region's development in the 1990s and the main implications of those objectives for land use policies.

The objectives

I endorse the three major strategic objectives which you have identified for the Region's development:

- (a) fostering economic growth;
- (b) revitalising the older urban areas; and
- (c) accommodating new development while conserving the countryside.

Fostering economic growth

The underlying strength and vitality of the Region's economy is evident despite the variations which exist in different parts of the Region. With the maintenance of economic growth we must take advantage of these strengths and capitalise upon them. While we recognise the need to reduce the disparities which exist in economic conditions in other parts of the country, it is not our policy to discourage development and economic growth in the South East in the hope that it will transfer to other areas, for in that way we risk losing it altogether. I share your view that 'by fostering its own economic growth the South East can act as a force for national economic recovery'. Local planning authorities are responsible for ensuring that an adequate supply of land in suitable locations continues to be made available for industrial and commercial development, including the needs of small firms and new industries. Also that through their development control policies they pay particular attention to the needs of firms proposing to set up or expand in situ.

The challenge for the future is to find ways of accommodating economic growth and development in ways that conserve resources and protect the environment. One way in which this can be achieved is to ensure that the fullest possible use is made of existing infrastructure, buildings and unused land in the less prosperous eastern parts of the Region and in the older urban areas.

Revitalising the older urban areas

The guidance on the implications of the M25 stressed the need to harness the opportunities presented by the completion of the motorway to help redress the balance of attraction for development between the east and the west of the Region. The Government has demonstrated its continuing commitment to revitalising the less prosperous eastern parts of the region and the older urban areas through investment aimed at facilitating and encouraging the involvement of the private sector. In London Docklands the Development Corporation, the Enterprise Zone and the Docklands light railway have provided the framework for private investment and new life is now flooding back into the area. The Government is pressing ahead with its proposals to improve the road links from East London both orbitally and giving access to the M25. In North Kent we have established an Enterprise Zone, and I have recently announced my agreement in principle to establishing a new Enterprise Zone at Chatham Dockyard where English Estates are now managing the re-development of the area and the Historic Dockyard Trust has been set up. Government Departments and other agencies in both the public and private sectors need to continue to take account of regional objectives in determining their investment programmes and decisions.

Local authorities have a major part to play in reviving these areas, and other older urban areas elsewhere in the Region, through their land and development control policies and through provision of infrastructure and services. They should review their own land holdings and make available for sale any sites that are not needed for early development for their own statutory

functions. I will encourage the release of sites on the Land Registers for development or re-development, if necessary by exercising my power of direction to secure disposals.

Accommodating new development while conserving the countryside

Provision for economic growth and for industrial and commercial development will need to be suitably matched by provision of land for new housing. Such provision will need also to meet the requirements of a regional population which, while it is likely to grow more slowly than in the past, will nonetheless create new demands for housing as a result of changes in the age and marital composition of the population and changing social aspirations and patterns of living. We may expect that there will be a substantial increase in the numbers of small households, single people and childless couples, and an increasing proportion of these will be elderly. These changes are likely to bring about changes in the nature of demand for new housing which will not be exclusively for traditional family accommodation. Local authorities will need to ensure that their policies are sufficiently flexible to allow the market to respond to these new demands. Suitable accommodation may increasingly come to be provided through the conversion and sub-division of the existing housing stock and the construction of new dwellings on the many neglected or under-used sites which exist in urban areas.

This emphasis on the full use of urban sites and the recycling of urban land will assist the preservation of good agricultural land and conservation of the countryside, maximise the use of existing infrastructure and provide homes for those who may prefer this type of location with easy access to shops, transport and other facilities, and shorter journeys to work. In this way I would expect a significant proportion of the region's new housing needs to be met in urban areas of including the metropolitan area. The LDDC has demonstrated that where land is made available in London for private housing the demand exists over a wide range of types and prices of accommodation. At Milton Keynes and in certain parts of South Hampshire substantial investment has been made in the provision of infrastructure and a momentum of growth established which should be fully maintained. Elsewhere the scale of future housing provision proposed by SERPLAN does not indicate a continuing need to concentrate a large part of development in major growth areas.

Provision for new housing will continue to be needed throughout the region, and this should be well related to the distribution of employment and the pattern of economic activity. As with all other types of development, but particularly with housing which is the largest component of land use (other than agriculture), the aim must be to accommodate it in ways that enhance, rather than detract from, the quality of the environment. Much depends on the scale and character of new housing development; local planning authorities can do a great deal to moderate its impact by the careful selection of sites well integrated with existing development, and by ensuring, through the proper exercise of development control, that the layout and landscaping are carefully considered and well conceived.

The phased development of Stansted airport will need to be taken into account when considering the scale and location of provision for development in Essex and Hertfordshire. As the White Paper on Airports Policy said, any urban development associated with the airport must be provided for with great care (Cmd 9542, paragraph 5.31). The White Paper also referred, at paragraph 5.33, to the importance the Government attaches to existing policies for protecting agricultural land, green belts and the character of surrounding towns and villages, and to the avoidance of pressure of demand for sporadic unplanned development. This will be an important consideration both in devising appropriate plan proposals, and in the operation of planning control in the period until those proposals have been brought forward.

In looking 10-15 years ahead for the purpose of structure plan revision, the scale of development required may appear formidable but the actual process of implementation can be far more pragmatic. It will rarely be appropriate to designate very large areas for new development. It should be possible to cater for much of this requirement by a more incremental process which is well related to the pattern of settlement, communications and economic activity throughout the region and which does not completely change the character of existing towns and villages. The aim should be to ensure that the necessary provision for new housing is assimilated in ways that respect established conservation policies and the interests of the existing communities, while recognising that change and growth are inevitable and must be accommodated. This necessary process of change and development may be made more acceptable to local opinion if local planning authorities take care to explain their proposals and can demonstrate that the scale and character of new development will be managed in a sympathetic manner.

Overall the estimates in the Regional Statement of the levels of housing provision required in the 1990s, which are reproduced in the annex to this letter, can provide a reasonable basis on which to bring forward proposals for structure plan alterations. I note, however, the importance of the assumptions on which those estimates are based and I strongly emphasise that these figures should be regarded as neither prescriptive nor inflexible and that they remain to be tested and revised in the process of structure plan reviews and in the light of the circumstances which obtain at that time. Clearly it is not possible to set precise targets for housing provision up to the year 2001. The relevant trends in population, household formation, employment and other factors underlying market demand will need to be closely monitored to ensure that the level of provision is realistic and that adequate land is made available at the right times and places to meet those requirements. It will be necessary to take full account of increasing personal mobility, changing patterns of travel to work and less centralised employment. The figures given in the annex to this letter can therefore serve as a broad guide to the scale of additional housing requirement and distribution, but in considering proposed alterations to structure plans I shall have due regard to any new evidence that is brought forward. If the assumptions on which the proposals are based are not borne out, the proposed level of provision and its geographical distribution will need to be reviewed and revised.

I note that the level of provision which SERPLAN proposes in London and the rest of the South East (ROSE) is not based closely on household projections but incorporates the effects of changes of policy and emphasis, in particular on the extent to which demand will arise in London as distinct from ROSE. The level of provision suggested in London pre-supposes a continuing high level of conversions and a rate of new construction in the private sector which is much higher than has been achieved in recent years. The proposals are therefore contingent on the success of continuing efforts to stimulate the provision of private sector housing in London - which the Government strongly supports - and on whether demand in London will reach the level of 150,000 additional housing units postulated in the Statement. The factors underlying supply and demand for housing in London will therefore need to be continuously monitored and effective action taken if these objectives are to be achieved.

I fully endorse the importance of making full use of the existing housing stock and doing as much as can be done with the resources available to improve its physical condition. An important aim of my housing programme is to encourage local authorities, housing associations and new towns to maintain and improve the condition of their stock. Similarly the Government will continue to support an active programme of private sector home improvements, focused increasingly on those who can least afford to pay for additional repairs and improvements. Local housing authorities will be expected to take these priorities into account as well as the considerations you have identified when deciding on the use to be made of the capital resources available to them for housing.

This letter provides the strategic guidance that I consider necessary at this stage for the process that is now underway of reviewing and updating structure plans in the South East Region. I trust that it will be reflected in the planning proposals and decisions of your member authorities. In addition I will be providing more detailed strategic guidance for London in due course, to which the Boroughs must have regard in preparing their unitary plans.

The guidance in this letter is based on the proposals put to me on behalf of the Conference and I must again express my appreciation of the work Conference has done in preparing these proposals and in securing the broad agreement of its member authorities. I believe that this letter marks a further step in the now well-established tradition of dialogue and co-operation between my Department and SERPLAN on regional planning matters.

Distribution of additional dwellings (inclusive of conversions):
1991 - 2001

Bedfordshire	14,500
Berkshire	25,500
Buckinghamshire	27,500
East Sussex	14,500
Essex	39,500
Greater London	150,000
Hampshire	63,000
Hertfordshire	28,500
Isle of Wight	4,500
Kent	35,500
Oxfordshire	16,500
Surrey	22,000
West Sussex	18,500

Total SE Region	460,000
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STATEMENTS OF COUNTY PLANNING POLICIES

C.1. Statements of County planning policies would deal with strategic issues which affects all or several Districts within a County. The issues would be specified by the Secretary of State and would be likely to include the following.

Provision for new housing

C.2. It is envisaged that, where it is issued, regional planning guidance will usually include a broad indication of the level and distribution of provision for new housing in the region. County planning authorities will need to consider the implications of this and to formulate their proposals for the provision of land for housing within the County.

C.3. Statements of County policy on land for housing would indicate the overall level of provision to be made during a specified period. This could be done by showing the proposed distribution between Districts or by a more general distribution between the main market areas for housing in the County.

It would then be for the District planning authorities to allocate specific sites for new housing in their development plans.

Strategic highway and transport matters

C.4. County councils are the local highway authority for their areas and act as agents for the Department of Transport in maintaining trunk roads. They are also responsible for certain public transport functions including decisions about subsidising bus services. Statements of County planning policies would include proposals for major new highway schemes.

C.5. The Standing Advisory Committee on Trunk Road Assessment (SACTRA) has recently submitted to the Department of Transport a report on Urban Road Appraisal. The detailed arrangements for dealing with highway schemes in statements of County policies and in District development plans will be considered

in the light of those proposals and of the Government's response to them.

C.6. The statements would also include proposals for any major traffic management schemes and any proposals for the development of the passenger transport system which affected land-use planning in the County.

Minerals

C.7. Where this was relevant, the County policy statement would need to include policies and proposals for the conservation of mineral resources and for mineral workings, at a sufficient level of detail to enable the County to carry out its development control functions and to guide the preparation of development plans. In areas with a high level of minerals activity it may be appropriate for the County planning authority to prepare a minerals subject plan (see para 61).

Waste disposal and land reclamation

C.8. County planning authorities in England are required under the provisions of section 2 of the Control of Pollution Act 1974 to prepare waste disposal plans. These deal mainly with the management and methods of waste disposal. But their implementation will often depend on associated land-use policies for waste disposal. It will therefore generally be necessary for County planning authorities to prepare statements of these policies indicating the general areas in which additional provision is to be made for waste disposal, so that these can be dealt with in more detail in District development plans.

C.9. Some Counties have large areas of land which is derelict or needs to be reclaimed after mineral working. Policies for dealing with these can, in some cases, be associated with waste disposal proposals and in other cases require the development of a long-term programme of land reclamation and recycling in which the County can have an important role.

Major retail and industrial development

C.10. District planning authorities would be responsible for deciding what provision to make for most types of new commercial, industrial and retail development in their Districts. But some schemes, for example very large out-of-town shopping projects, can have planning implications over a wider area. Counties would be able to consider the potential implications of such schemes and to include in their statements, policies for the general location of major new shopping facilities and of major new industrial developments.

Green Belts and Rural conservation areas

C.11. County policy statements would also include proposals relating to Green Belts and rural conservation areas. These are discussed in paras 50-56 and in Annex D.

RURAL CONSERVATION AREAS

Present practice

D.1. Structure and local plans often include special policies for controlling development in Green Belts and in areas which have been designated under statutory powers as needing special protection, such as National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and National Nature Reserves. Many structure plans also have special policies for protecting other types of rural area which are not defined under any statutory provision. These are typically areas of special local environmental importance within which restrictive development policies are applied, with the aim of limiting the type and location of permitted development or of applying higher criteria of design and layout.

D.2. The types of area in which such policies apply are very varied. Some idea of the circumstances in which they are used is given by the names of such areas in structure plans including areas of high landscape quality, areas of great landscape value, areas of best landscape, landscape conservation areas, coastal preservation areas and areas of semi-natural importance. There is no common approach to the definition of these areas and each local planning authority is free to propose its own set of particular types. The result is an overlapping and confusing set of areas of special protection in rural areas. They do not therefore provide a clear and coherent framework within which rural conservation policies can be positively promoted and which the public and developers can readily recognise.

Rural conservation areas

D.3. The Government proposes that a new definition of "rural conservation area" should be used instead of the existing array of non-statutory definitions, for areas of local importance.

It would not be used for areas which are designated under existing statutory provisions (eg National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest) nor for Green Belts. Policy in relation to those areas would not be affected. Rural conservation areas would define areas where the environmental quality or natural or historical character was of sufficient importance locally to justify special development control policies. Legislation would be introduced to give statutory support to the definition of rural conservation areas.

D.4. The criteria for defining a rural conservation area would reflect the range of criteria used at present in defining local areas of special restraint in structure plans. The Department would issue general guidance on the criteria but it would be for County planning authorities to apply the criteria in their areas. They would determine the general extent and location of rural conservation areas. Detailed boundaries would be settled by District planning authorities in their District development plans.

Development control in rural conservation areas.

D.5. There would be no special procedures for development control in rural conservation areas as applies, for example, in urban conservation areas. Planning applications would be submitted and dealt with in the normal way. As well as indicating the general extent of each rural conservation area, statements of County policy would set out the broad objectives of development control policies to be applied in them. Detailed policies for achieving these objectives would be set out in District development plans. Planning applications would be decided in the light of these policies and of other relevant material considerations.

SUMMARY OF PROCEDURES FOR LOCAL PLANS AND DISTRICT DEVELOPMENT PLANS

Local Plan Procedures

The stages listed below are those for a typical case, where the local plan is prepared by a District council and a public local inquiry is held into objections to the deposited plan but where a second public inquiry into objections to the draft modifications is not necessary.

1. Survey and analysis.
2. Preparation of draft plan.
3. Public participation, with 6 weeks for comment*.
4. Amend draft as necessary in light of response.
5. District planning authority obtains certificate of general conformity with structure plan.
6. Plan deposited and statement of public participation sent to Secretary of State; 6 weeks for objections and representations*.
7. Consideration of objections and representations.
8. Public local inquiry.
9. Inspector's report submitted to local planning authority.
10. Authority considers report and prepares any modifications.
11. Publication of any draft modifications and of Inspector's report, with 6 weeks for objections and representations*.
12. Consideration of objections and representations (and need for further modifications).
13. If no further modifications, publish notice of intention to adopt plan, with minimum period of 4 weeks before adoption*.
14. Plan adopted, followed by 6 week period in which plan may be challenged in the High Court.

* Period for objections etc., specified in regulations.

District Development Plan Procedures.

The stages below are for a typical case, on a basis similar to that opposite for local plans.

1. Survey and analysis.
2. Preparation of consultation paper on issues to be dealt with in plan.
3. Public participation on issues.
4. Preparation of draft plan.
5. Plan deposited, with 6 weeks for objections and representations*.
6. Consideration of objections and representations.
7. Public Local Inquiry.
8. Inspector's report submitted and published.
9. Authority considers report and prepares any modifications.
10. Publication of any draft modifications and notice of intention to adopt plan, with 6 week period for objections and representations.*.
11. Consideration of objections and representations (and need for further modifications).
12. If no further modifications, adopt plan, followed by 6 week period in which it may be challenged in the High Court.

* Period for objections etc., specified in regulations.

DEVELOPMENT PLANS IN SCOTLAND

F.1 The development plan system in Scotland is broadly similar to that in England and Wales. Structure plans are prepared by Regional or Islands Councils. Local plans in most areas are prepared by District Councils, although in Dumfries and Galloway, Borders and Highland Regions they are the responsibility of the Regional Council, and in the Islands areas of the Islands Council. The first structure plan was approved in Scotland in November 1979 and plans have now been approved for fourteen of the sixteen areas identified for structure plans.

F.2 The structure plan process has become established in Scotland more recently than in England and Wales and has not in general given rise to the same problems as have been experienced south of the Border. The five structure plan proposals submitted to the Secretary of State over the past three years have on average been approved within less than a year of submission. While some plans remain too complex and detailed they are a minority, and in general authorities are taking steps to keep plans reasonably up to date. These differences may reflect the fact that in many parts of Scotland there is less tension between development and conservation pressures than is apparent in much of England, especially in the south. The structure plan process has not been the subject of substantial criticism in Scotland in recent years; indeed there are indications that it has only recently become generally understood and accepted. The Government therefore have no plans at present to dispense with structure plans in Scotland.

F.3 The procedures for preparing local plans in Scotland again have much in common with those in England and Wales. A number of recent studies have pointed to ways in which these procedures could be improved, particularly in the latter stages. The Secretary of State for Scotland is

therefore outlining in a separate consultation paper, proposals for amendments to local plan procedures in Scotland comparable to those set out in paragraphs 92-96 of this paper.

F.4 Planning controls in rural areas in Scotland differ to some extent from those in England and Wales. For example "National Park" or "Area of Outstanding Natural Beauty" designations are not used in Scotland, but there is some restriction on permitted development rights in "National Scenic Areas" and planning authorities may designate "Areas of Great Landscape Value" in which there would normally be a presumption against many types of development. In view of these differences the Government do not at this stage propose to introduce in Scotland the new statutory category "rural conservation area" described in paragraphs 50-56 of this paper.

