

PARISH PLANS AND THE DEVELOPMENT PLANNING PROCESS

Introduction

A new development planning system was introduced by the 2004 Planning and Compulsory Purchase Act. It is important that parish councils and parish plans are fully geared up to influence the new style development plans.

The Development Plan System

The new system has two levels of planning: regional [in our case the West Midlands] and local [based on district councils in Worcestershire and Herefordshire]. Structure Plans at County Council level have been abolished.

At local level, the Herefordshire and Worcestershire planning authorities are now completing the review of their development plans under the old system. At the same time, Regional Spatial Strategy for the West Midlands is being reviewed in stages. This will provide strategic policies and specific targets (notably housing numbers and employment land areas) on which Herefordshire and the Worcestershire districts will base their new style development plans.

There are two main types of local-level “Development Plan Documents” (DPDs):

- Core Strategy DPDs will contain the council’s most important policies.
- Site specific DPDs will allocate land for different purposes.

The two types of plan may be combined.

Where needed, more detailed Area Action Plans will be produced. These will focus on specific areas where a high degree of change needs detailed management (for example, a town centre).

The County Council and Herefordshire will produce DPDs for minerals and waste as well as giving strategic planning advice to the regional planning body (the West Midlands Regional Assembly).

Planning Authorities now also have the option of producing Supplementary Planning Documents (SPDs). They are essentially supporting planning documents providing more detailed guidance in support of DPDs. They cannot be used to allocate land. SPDs may take the form of design guides, area development briefs or master plans for specific developments. Unlike the former Supplementary Planning Guidance that they replace, SPDs are statutory documents and therefore carry greater weight.

Under the new system all local planning authorities have to produce three other documents for Government Office approval:

- A Local Development Scheme – this is essentially their project plan which sets out what development plans they intend to produce and over a three-year timescale.
- A Statement of Community Involvement – how the council will consult with the community and other organisations on the preparation of its development plans.
- An Annual Monitoring Report – an end of year report on progress and intentions for the forthcoming year.

Characteristics of the New System

The new development planning system has the following important characteristics:

- It is statutory at both regional and local level – policies and site allocations carry substantial legal significance. Councils cannot ignore or alter them lightly.
- It is “top down” – all types of local development plan must conform to Regional Spatial Strategy (RSS) which is published by Government Office as an expression of the Government’s own planning policies.
- It is “spatial” – old style plans could only deal with land use and transportation matters. The new plans can address anything that influences the nature of places and how they function; for example, economic development policies and Environment Agency river catchment plans.
- It is “front loaded” – there is more opportunity for people to influence the preparation of plans in their early stages.

Opportunities for Parish Involvement

Government Office for the West Midlands have recently confirmed the importance of Parish Plans to the new development planning system described above. This system lays great emphasis on “front loading” – that is, wide consultation at the early, informal, stages of plan preparation. Parish Plans may be considered as part of the evidence base developed by the local planning authority and/or the focus of community involvement in the preparation of a particular development plan document.

In the later and more formal stages of development plan preparation, parish plans will also be significant. They will enable responses to be made to formal consultations on the issues and options and preferred options stages that demonstrably carry the weight of the local community behind them. They will not just be ad hoc responses made under pressure of time to meet the consultation deadlines. Later on still, when the development plan reaches the Public Examination stage, written submissions to the appointed inspector will be much easier to prepare because the work will already have been largely done. (Parish Plans that are held electronically will enable text to be directly “cut and pasted” into a proof of evidence).

Under the new arrangements, the appointed planning inspector will use a Pre-Examination Meeting to confirm:

- those who wish to exercise their right to attend a public examination and be heard;
- how their evidence will be dealt with.

Parish Councils will be entitled to attend these meetings. They may find as a result the opportunity to combine their case with other who wish to express similar views. In such circumstances, it would be appropriate for the Parish

Council, as the local body with a democratic mandate, reinforced by the evidence of local opinion in a Parish Plan, to take the lead.

The Public Examination will normally take the form of a “round table” and/or informal sessions and will be very different from the formal adversarial approach of the former public local inquiries for local and unitary plans under the old system. This has two implications for parish councils. If they can demonstrate that they are speaking from authority on the basis of an up-to-date Parish Plan, it is much more likely they will receive an invitation to participate in appropriate sessions and articulate the views of the wider community for the inspector’s benefit. They will, in these circumstances, be a more legitimate choice than, say, a resident’s action group or single interest body such as a green belt protection society.

Secondly, Parish Councils will find the atmosphere of a Public Examination using round table and/or informal sessions much less intimidating. They will therefore be in a better position to articulate the views of their community with confidence and clarity.

In some cases, it may be appropriate for a Parish Plan to become part of the Local Development Framework. This can happen if the appropriate local planning authority agrees from the outset to “adopt” the parish plan as its own and give it the status of a Supplementary Planning Document (SPD). This cannot be done retrospectively – i.e., after the Parish Plan has been prepared and approved by the parish council.

The SPD preparation requirements are substantial and include four important stages:

- 1) Inclusion in the local authority’s Local Development Scheme (the “work programme” of plans to be prepared agreed with Government Office) The inclusion will have to be fully justified in terms of necessity and appropriateness to Government Office’s satisfaction;
- 2) Preparation in accordance with the Development Plans Regulations, including full community involvement;
- 3) In conformity with the development plan for the area (both regional and local parts)
- 4) Subjected to formal sustainability scoping and appraisal

These are clearly onerous requirements and not something that a local planning authority and a parish council should undertake lightly. Indeed, Government Office (in agreeing the content of the lpa’s Local Development Scheme) will want to be assured that, given other plan-making commitments, the councils’ have the resources to deliver such a Supplementary Planning Document to the stated timetable.

Supplementary Planning Documents are not development plans and are not subject to public examination. They must not therefore contain land-use allocation proposals nor other proposals with strategic policy implications. Such allocations and proposals should be in Local Development Documents, precisely because they may need to be debated at public examination.

In most cases, going the SPD route will not be appropriate because it will take the ownership of a truly local document away from the sole control of the parish council. By needing to conform in content with the development plan, it will

restrict the parish council's ability to express the full range of local priorities and to act as an advocate for local interests as a development plan consultee

Village Design Statements

The above guidance on Parish Plans will also apply to Village Design Statements.

Planning Applications

Parish Councils are also statutory consultees for planning applications submitted to their local planning authority. LPAs have a duty to determine planning applications in accordance with development plan policies unless there are very good reasons for not do so. Applicants in their turn are now expected to undertake pre-submission consultations with the local community and to show in their subsequent application, how they have taken account of the issues raised. An up to date Parish Plan will provide a good basis for responding to those consultations on issues of local concern both within and outside matters relating to the development plan.

Mark Middleton
Worcestershire County Council
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