

THE ROYAL TOWN PLANNING INSTITUTE IN WALES

A Framework for Assessing the Soundness of Local Development Plans

A response to the Planning Inspectorate Wales

August 2005

2005/29

BACKGROUND

1. Part 6 of the Planning & Compulsory Purchase Act 2004 provides a framework for the new system of local development plans in Wales (LDPs) to replace unitary development plans (UDPs). Section 64(1) of the Act requires that the local planning authority submits its LDP to the National Assembly for Wales for independent examination. The examination of an LDP is an independent process for determining whether it is fundamentally sound and Local Development Plans Wales sets out the tests that an LDP must meet for it to be sound. It is the role of the appointed Inspector to ensure that the assumptions and evidence on which the local planning authority has based its policies and proposals in an LDP are properly tested. The consultation paper is written as an advice note setting out a framework for the assessment of soundness at the independent examination to help people understand how that process will be carried out by Inspectors. It should also help them understand how to go about making representations on an LDP.
2. In its July 2002 policy statement - 'Sustainable Communities: Delivering through Planning' - the Government signalled its intention to move away from the public local inquiry to an examination of the soundness of a development plan document as a whole. This proposal was welcomed by the Institute as a more balanced approach to testing plan content and coherence.
3. In March 2005, the Planning Inspectorate issued a consultation in England entitled 'A Framework for Assessing Soundness & Focussing Representations on Development Plan Documents and Statements of Community Involvement' to which the RTPI responded (copy enclosed). The consultation issued in Wales is very similar to this paper.

GENERAL COMMENTS

4. The Institute welcomes the paper which it feels sets out a clear process for the conduct of independent examinations as well as guidance for those seeking to make representations on local development plans.
5. Furthermore, the Institute welcomes plans by the Welsh Assembly to prepare additional guidance in 2005/06 to provide certainty for local planning authorities and other stakeholders on the content of LDPs which will act as a tool to assess their soundness. It is understood that this guide will be produced to accompany Planning Policy Wales.
6. The key issue in determining the adequacy of LDPs will be the test of soundness. This represents a fundamental change from the old system whereby policies tended to be judged according to the weight of responses from consultees and objectors. The extent of this change will be significant for local authorities, developers, stakeholders and the public. Hence, an important element in the guidance rightly focuses on how those making representations should concentrate on soundness issues. The RTPI feels that the Government has paid too little attention to articulating and promoting the concept of soundness – as a major area of change in the new system, it has been given far too low a profile. Much of the onus for getting the message across will be on local planning authorities during the plan-making process. It is feared that this could prove challenging as local planning authorities must consult with

communities on so many issues related to the development plan. Furthermore, objectors that missed early involvement in the plan-making process are likely to be aggrieved if their representations are given little weight at the examination because they are unable to demonstrate soundness.

DETAILED COMMENTS

Is the advice set out in the paper generally clear?

7. The advice set out is clear but whilst the language and terms used are likely to be understood by planning professionals, there does not seem to be sufficient attempt to make them more accessible to the public. In particular, the wording related to how representations from individuals and community groups will be handled should be more 'user-friendly.'

Are there any omissions from the paper or areas where further advice is needed?

8. Further advice on the status of recommendations and the local planning authorities' options in responding to them is required (as outlined below in paragraph 12)

Section 1

Is the role of the document clear?

9. Although in the background section of the document it states that it is for the 'widest range of people' it is felt that more detail is needed on its intended audience. A clearer indication that it is meant to support involvement in the process and input from the public, community groups and professionals is needed. Reference as to whether guidance to procedures will be available at a later date would be useful, as would inclusion of other sources of advice such as the Inspectorate website.

Are the differences between the present UDP system and the new LDP system clear?

10. Whilst there is adequate explanation of the new process, there is no detail as to how the LDP itself is different from the UDP.

Is more information needed on the examination process?

11. It is felt that more information on the examination is necessary to clarify:-
- Whether or not there will still be someone (e.g. a Programme Officer) administering the process on behalf of the Inspector
 - That written and oral representations may be made in Welsh as well as English (and that where appropriate there will be bilingual Inspectors/translation facilities)
 - That there may still be a role for professional advisers to represent those who wish to make or have made representations

Does this section adequately explain the possible outcomes of the assessment?

12. Paragraph 2.7 sets out some options for the outcomes of the Inquiry in terms of the Inspector's recommendations. However, by referring to these as being only some of the options raises the question of what else is possible. As such, it is suggested that all likely and acceptable possibilities should be listed in order to avoid uncertainty. The prospect of additional allocations being recommended should also be included. It should set out briefly the status of the recommendations and what options local planning authorities have in responding to them.

Section 2

Does this section adequately explain the test of soundness?

13. Yes, although including both policies and allocations in test CE2 is less helpful than separating what are, in effect, two very distinct elements.
14. Paragraph 2.6 refers to the need for changes made by the Inspector being sound. Examples cited here include the fact that they must 'accord with the strategy of the plan,' however, no

reference is made to the strategy itself being subject to examination.

Does this section adequately explain the broad process by which the 3 groups of tests will be assessed?

15. A specific point requiring clarification is whether the SA and SEA process is one or two elements. Separate advice on this aspect of LDP preparation is necessary for planning authorities/professionals whilst greater clarity and explanation is required for the benefit of non-professional planners and the public.

Are the range of questions and relevant evidence appropriate and will they assist in delivering an efficient and effective examination process?

16. It is suggested that some further refinement is necessary as follows:-
- The wording in C1 requires attention. Paragraph 3.4 suggests that greater weight would be given to representations from bodies that are responsible for other relevant strategies that have been taken into account in the LDP. Similarly, the last sentence under 'Evidence' suggests that representations from bodies that consider that the LDP does not have sufficient regard to their interests will be particularly important. Surely all representations will be considered equally? If greater importance is afforded to certain organisations/objectors, this could create disillusion in the process by the community. It could also lead to certain area strategies being afforded more importance than national policies if local planning authorities can depart from national policy when such departures are evidenced based. Some plans may have been prepared with little input from the community (e.g. the WDA's Property Strategy). This should be taken into consideration by the Inspector in determining the weight afforded to any emerging strategies. Furthermore, such plans should not be afforded greater weight but should form part of the evidence base when being considered through the Community Strategy.
 - Under C3 the list of evidence should include documents prepared by local planning authorities that have formed cross-boundary voluntary groups e.g. the Wales Spatial Plan Area Reference Groups. However, any such area collaborative work would not have been subject to examination and independent scrutiny and this should be taken into account by the Inspector and explained in the guidance.
 - Under CE2 a question is needed here as to whether site allocations are appropriate in scale and location
 - CE2 should include a question as to whether the needs and interests of the Welsh language have been considered (this is a specific requirement for all development plans in Wales as contained in Planning Policy Wales)
 - The status of background documents and the level of examination that they will receive should also be explained. It would be useful to provide an indication of the form of information and level of detail that will be required by objectors within this section.
 - Overall, references are needed to clarify that representations of support as well as opposition will be considered

Section 3

Are the roles of the principal organisations involved in the examination of LDP clearly set out and appropriate?

17. In its current format, the consultation paper places more emphasis on the role of organisations and the community (which some may consider to mean community organisations). Stronger references to the role of individuals in making representations are needed.

Annex A

Is a Model Form sensible and practical?

18. It is suggested that section CE2 is split so that comments on policies and allocations are clearly separated

Are the notes accompanying the Model Form sufficiently clear and comprehensive?

19. More information is required under 4.1 regarding how allocations will be considered – e.g. scale and location. Whilst the Inspectorate may be concerned about over-emphasising this aspect for fear of generating a large volume of comments, it is likely that these will be the greatest concern for many people considering the LDP and so advising them clearly is important.
20. I would be helpful if the General Advice section included reference to the potential role of professional advisers in assisting those preparing and making representations.

Annex B

Is the structure of the proposed examination process clear and appropriate?

21. It would be useful to clarify whether an Inspector will be assisted by administrative support – such as a Programme Officer – in this section.