

Comment

The draft PPS sets a range of ambitious objectives for planning including new objectives that extend the role of planning beyond the use of land. It does not, however, acknowledge the conflicts between some of the objectives being set. For example it does not recognise that community involvement and assessment of sustainability implications (in the rigorous and scientific manner proposed) would add to timescales which conflicts with the objective of providing a fast service.

Nor does the draft PPS acknowledge the additional workload being placed on Planning Authorities that will have to meet these additional objectives. For example, engaging the community and the development industry in the manner proposed in the PPS (with particular reference to paragraph 1.8 of the draft will have significant resource implications). It may be possible to use the Planning Delivery Grant to help, but there is a more fundamental issue of the current difficulty in recruiting and securing appropriate staff to deliver the objectives.

Annex B of Draft PPS1 provides a range of advice relating to the plan led system, looking at planning policy at national, regional and local level, the development plan, and development control related issues. Detailed Development Control is considered in paragraphs 12 to 28 of Annex B. The section dealing with 'other material considerations' (paragraphs 12-17), states that in principle, any consideration which relates to the use and development of land is capable of being a material consideration, including Government's statements of planning policy, and that the Courts are arbiters of what constitutes a material consideration. Emerging policies, in the form of draft guidance, can also be regarded as material considerations, depending on the context but where there is no clear policy guidance for a particular proposal in the Development Plan or LDDs, the planning application or appeal should be determined on its merits in the light of all material considerations.

In terms of the prematurity of a particular development proposal (paragraphs 18-20), the Draft indicates it may be justifiable to refuse planning permission if the granting of permission would prejudice the outcome of the LDD process. This will depend upon the stage of preparation or review of the LDD, increasing as successive stages are reached. The section relating to 'planning conditions and obligations' differs little from the previous advice given by Planning Policy Guidance Note 1 (PPG1).

Comment

Whilst many of those principles already form part of policy advice there is some concern over the guidance in paragraph 23 which refers to developers negotiating planning obligations where this can "overcome obstacles which would otherwise prevent planning permission from being granted." It is suggested that the emphasis here should be upon the role of planning obligations in reducing or mitigating any negative impact that a proposal may impose, rather than 'overcoming obstacles'.

Paragraph 25 describes the role of the Secretary of State in making representations regarding the Regional Spatial Strategy or Local Development Documents (LDDs) to be considered at the examination, or prior to adoption in the case of LDDs that are not subject to examination. Paragraph 26 which relates to the 'call in' of planning applications and recovery of appeals by the Secretary of State, differs little from the original advice given in PPG1, but provides further guidance with the inclusion of the criteria for calling in planning applications as set out by the then Minister for Planning in June 1999, which states that the Secretary of State will only take this step if planning issues of more than local importance are involved.

Advice relating to the propriety of elected Members in the determination of planning applications (paragraphs 27-28), remains largely consistent with the previous advice in PPG1, but is updated with a reference to the guidance note, 'Probity in Planning (update) – the role of Councillors and Officers', published by the LGA in 2002, which relates the requirements of Part III of the Local Government Act 2000, specifically to planning.

Further comments are set out in the Annex to this report.

Council Policy

It can be demonstrated that Council policy is already in line with the key objectives of draft PPS1. For instance, the corporate standards of the Leader's Position Statement 2004-5, commit the Council to "engaging with and being responsive to public opinion through consultation on important issues, ensuring clear communication of our policies."

One of the key roles of the Planning Committee is to "develop the policies to be included in the Local Development Framework that reflect the needs of Runnymede in terms of economic, social and environmental development and that recognise the importance of sustainability." The Planning Committee "will work to produce a Local Development Framework for Runnymede which has regard to the Community Strategy and which safeguards the quality of our environment, makes best use of land resources, promotes economic activity, delivers recreational facilities and encourages an integrated approach to issues of traffic and transportation management. Developments will be assessed in terms of quality and sustainability."

Resource Implications

One of the key resource implications is posed by the objectives for community involvement set out in draft PPS1, although as stated below, mechanisms and strategies are already in place for effective consultation and communication with the Borough's stakeholders.

The need to incorporate to a higher level the issues of sustainability and design, and link to other plans and strategies, as well as addressing wider social and economic issues, will put further pressure on the Council's resources.

Comment

To achieve the degree of community involvement envisaged in the draft PPS, in particular the need for different arrangements for the various sectors of society and the front loading of that involvement (as outlined in paragraph 1.39 of draft PPS1), will require additional resources. In the short term additional funding may be available from Central Government as part of the Planning Delivery Grant, but this is a time limited resource.

Other Issues

Proposals in draft PPS1 rely on inclusive consultation with key stakeholders, residents groups, local agencies, businesses and organisations within the community. The Borough's Consultation Strategy provides a commitment to carrying out effective consultation with the Council's stakeholders, selecting the most appropriate mechanism, from focus groups and public exhibitions, to public meetings and planning for real exercises. Numerous avenues of communication are available to provide access to the Council's external and internal audiences, as detailed in Runnymede's Communications Strategy, such as the Resident's Panel and the Council's website. Both the Consultation and the Communications Strategies provide a commitment to seeking ways to access hard to reach groups, which is an important element within draft PPS1, and for the preparation of the LDF.

Other than references within Annex C, there is very little detail provided regarding the requirements of the Disability Discrimination Act 1995 throughout draft PPS1, which have particular implications for the built environment. The loss of paragraphs 33 and 34 of PPG1 is disappointing because they provided practicable advice regarding the application of policies and planning conditions in securing accessible development.

Comment

This is a significant omission given that disabled access considerations are essential in creating an accessible and inclusive built environment, with ease of access to buildings, services and facilities. This will be particularly relevant from 1 October 2004, when

service providers will need to make reasonable adjustments to the physical features of their premises and buildings to overcome barriers to access.

Conclusion

Draft PPS1 supports the current planning reform programme and, in particular, the Government's objectives for planning culture change by setting out the Government's vision for planning, and the key policies and principles that should underpin the planning system. These follow the three main themes of sustainable development, spatial planning, and community involvement in planning.

The overall impression given by Draft PPS1 is that while it is full of good intentions and sentiments, it lacks clarity in some areas, and also the practical guidance and advice required to implement the objectives efficiently and effectively (particularly given the budget and staff resource constraints that Planning Authorities experience).

**DRAFT PLANNING POLICY STATEMENT (PPS) 1:
CREATING SUSTAINABLE COMMUNITIES**

Comments on specific sections and paragraphs:

1.0 Creating Sustainable Communities

- 1.1 Paragraph 1.8 of the draft PPS states that "The development industry, business generally, local communities and individuals have a right to a high quality service that is fast, fair, open, transparent and efficient and respects the cost, effort and commitment that has gone into preparing and submitting applications."

Comment

There is great emphasis on the role of Local Planning Authorities in speeding up the planning process, but no mention is made of the role the development industry could make in improving the quality of their planning application submissions, or the response rate of statutory consultees and the planning inspectorate for instance, which would help to speed up the planning system. Improving efficiency and the responsiveness of the process should be regarded as a shared responsibility.

- 1.2 Paragraph 1.10 emphasises the need for early engagement of stakeholders in the process of not only plan making, but also in bringing forward development proposals, which presents a significant change in consultation objectives.

Comment

The encouragement of pre-application discussions is welcomed, a practice which Runnymede BC already carries out, in relation to planning applications of all types, scale and significance. This assists greatly in terms of determining applications once submitted, helping to speed up the process.

2.0 Sustainable Development

- 2.1 Paragraph 1.12 states that at the heart of sustainable development is the idea of "ensuring a better quality of life for everyone, now and for future generations."

Comment

While the idealism is to be applauded, it is rather ethereal in terms of its practical application, especially given that the final bullet-point of paragraph 1.25 acknowledges proposals may adversely affect people who do not benefit directly, and that Annex B, paragraph 29, more correctly defines the limits of what planning can do with regard to protecting individuals' private interests.

2.2 Sustainable Economic Development

- 2.3 Paragraphs 1.15 and 1.16 outline the role of the planning system in enacting the Government's objectives of promoting a strong, stable, productive and competitive economy that ensures prosperity for all.

Comment

These paragraphs place much emphasis on encouraging development and growth, stating that constraining economic growth should be avoided. There appears to be

an imbalance towards development and the needs of business, which may create tension between the aims of sustainability and economic growth. There is also some inconsistency here with the aims of draft PPS6 – Planning for Town Centres, which allows for policies of restraint or the managed decline of certain centres where appropriate.

2.4 Social Inclusion

- 2.5 Paragraph 1.18 states that the Government is committed to developing “strong, vibrant and sustainable communities”, and subsequent paragraphs (1.34 – 1.36) suggest communities should have a real say in shaping their future.

Comment

This may create tensions in raising local expectations, especially if local objectives differ from Government aims. It is not clear if the resources available for involving the community in planning will really enable communities to have a say in shaping their future.

- 2.6 Paragraph 1.19 indicates that planning policies should promote development that builds socially inclusive communities, including suitable mixes of housing, and that planning policies should address accessibility for all to jobs, health, housing, education, shops, leisure and community facilities.

Comment

This section should refer more specifically to the requirements of the Disability Discrimination Act 1995, and the need to achieve inclusive, accessible buildings, both in terms of new development, and the alteration, extension and change of use of existing buildings wherever required.

2.8 Prudent Use of Resources

- 2.9 Paragraph 1.21 states that planning policies should reflect a preference for minimising the need to consume new resources over the lifetime of the development, by making more efficient use or reuse of existing resources rather than making new demands on the environment.

Comment

There is very little detailed guidance or expertise in planning on how to assess these issues, particularly “over the lifetime of the development”, which would be difficult to monitor.

It is considered that the last sentence that begins “consideration should be given to encouraging energy efficient buildings...” should be strengthened if local planning authorities are to positively encourage such proposals. However, it is unclear whether this is consistent with paragraph 1.29 in that planning policies should not replicate or cut across matters, which are the scope of other legislative requirements (such as Building Regulations).

2.10 Delivering Sustainable Development

- 2.11 Paragraph 1.22 outlines that planning policies should seek to achieve a number of specific objectives for sustainable development and sustainable communities, as follows:

- Promoting urban and rural regeneration;
- Promoting regional, sub-regional and local economies;
- Promoting communities which are inclusive, healthy, safe and crime free;

- Bringing forward sufficient land of a suitable quality in the right locations;
- Giving high priority to ensuring access for all to jobs, health, education, shops, leisure and community facilities;
- Focusing developments that attract a large number of people, especially retail development, in existing centres;
- Protecting biodiversity and recognising the causes and impacts of climate change, pollution, and waste and resource management;
- Promoting the more efficient use of land; and
- Reducing the need to travel.

Comment

The penultimate bullet point, "promoting the more efficient use of land", states that "planning should actively seek" to get vacant and underused previously developed land and buildings back into beneficial use. This is considered to be a somewhat onerous target given the need to safeguard land for future use. Perhaps it should be reworded to state, "priority should be given to" rather than "actively seek to".

2.13 Integrating the Four Aims of Sustainable Development

- 2.14 Paragraph 1.24 states that in certain circumstances, a planning authority may consider that extra weight should be given in its policies to an economic, social or environmental objective as against the others, having regard to national policy and taking account of any other material considerations.

Comment

There are some concerns with the balance of this paragraph. There may be occasions where this could have the undesired effect of economic factors taking precedence over environmental factors, and great care will be required in weighting the individual factors at stake.

2.15 Sustainable Development and Design

- 2.16 Paragraph 1.27 outlines the importance of high quality design in ensuring usable, durable and adaptable places which is a key element in achieving sustainable development.

Comment

There is concern that in moving much of the commentary relating to design to an accompanying Annex, it may not be offered the same weight as the current PPG1. Whilst it is encouraging that wording critical of poor design has been retained in the section, there is still concern that there is no reference here or in the Annex to the importance of design statements or concept statements.

Paragraph 1.27 is also weak in terms of its reference to the need to design inclusive, accessible buildings, and should refer specifically to the requirements of the Disability Discrimination Act 1995 (although it is acknowledged that Annex C, paragraph 5, does briefly refer to the DDA).

3.0 Spatial Planning

- 3.1 Paragraphs 1.29 and 1.30 outline that via Regional Spatial Strategies and Local Development Documents, spatial planning will go beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes, which influence the nature of places and how they function.

Comment

This section needs clarification and clear examples, in order for it to become meaningful in terms of formulating planning policy. It is thought that it might refer to proposals within a community strategy which would have a spatial element, or where a general need had been identified for a new facility within a locality, for which a specific site allocation could not yet be made (e.g. the identified future need for a new doctors surgery, education, or community facility). Such general requirements could be identified in the core strategy. The last sentence of the final bullet point of paragraph 1.30 alludes to this.

- 3.2 Paragraph 1.31 indicates that while the RSS and Development Plan Documents should incorporate spatial planning objectives, "only policies which can be implemented through the granting of planning permission can form the frameworks for decisions under Clause 37 of the Planning and Compulsory Purchase Bill" (the equivalent of S.54A of the 1990 Planning Act).

Comment

It is assumed that this means that LDDs can include spatial policies, but that these policies cannot be used in determining planning applications. Greater clarity would be welcomed within this paragraph, in the context of what has already been set out in paragraphs 1.29 and 1.30.

Section 1.3 of draft PPS12 relating to spatial strategy content, provides a far more clearly worded approach towards the role of LDDs in spatial planning, and some consistency needs to be adopted in the equivalent section in draft PPS1.

- 4.0 Community Involvement in Planning

- 4.1 Paragraph 1.32 refers to the Statement of Community Involvement, which will set out the policies for involving the community in preparing LDDs, and on consulting on planning applications.

Comment

The inference is this applies to all planning applications. However, the wording in draft PPS12, paragraph 3.1.4, clearly refers to significant development control decisions. There is an inconsistency here that needs clarifying.

- 4.2 Paragraphs 1.33 and 1.35 refer to peoples' rights in the planning process, and the need for the planning system to be transparent, accessible, and accountable with opportunities for redress.

Comment

A reference to the Human Rights legislation should be added to this section.

- 4.3 Paragraphs 1.37 to 1.39 outline the principles of community involvement in planning that planning authorities should adopt, including the need to introduce methods of involvement that are appropriate to the level of planning, and to front load that involvement as much as possible.

Comment

Reference should be made here about the need to be realistic about the proposals and options that can be put forward, in order to avoid raising expectation, and causing consultation fatigue and a disenchantment with the process if the community's ideas are not implemented. This said, the reference to "front loading" community involvement in the participation process is welcomed.

- 4.4 Paragraph 1.37 lists the processes required for effective community involvement, including notifying and informing communities about policies and proposals in good time, and enabling communities to put forward their own ideas and participate in developing proposals and options.

Comment

The paragraph also states in one word the need for "feedback", but it is unclear what this means. This should be expanded to refer to the need for clear lines and methods of communication to enable the process of reporting back to the community, and vice versa.

- 4.5 Paragraph 1.39 lists the principles of community involvement in detail.

Comment

The final sentence of the fourth bullet point makes reference to avoiding a "tick box mentality" in terms of consultation methods. This seems a rather unhelpful and cynical statement, which should not be included in a document of such widespread influence.