

PLANNING AND COMPULSORY PURCHASE ACT 2004

The Town and Country Planning (Local
Development) (England) Regulations 2004

Submission Core Strategy
Development Plan Document

Topic Paper 1 of Stafford Borough Council
Regulation 25 Stage (TP001)

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1.0 Introduction

- 1.1 *The key objective for planning policies in the Core Strategy Development Plan Document is to deliver the strategic approach for spatial planning across the Borough Council area. The Core Strategy Development Plan Document will be the principal planning document in the Stafford Borough Local Development Framework and will form part of the new Development Plan for Stafford Borough alongside the Regional Spatial Strategy for the West Midlands (RSS). The Core Strategy will aim to cover the same time period as the Regional Spatial Strategy.¹*
- 1.2 *The purpose of this Topic Paper is to prepare for the independent Examination into the Submission Core Strategy Development Plan Document in accordance with Section 20 of the Planning & Compulsory Purchase Act 2004 and requirements set out in the Town & Country Planning (Local Development) (England) Regulations 2004. This Topic Paper presents the Council's approach towards the Regulation 25 stage of the process for preparing the Core Strategy Development Plan Document.*

¹ 2001-2021

Introduction

- 2.1 The purpose of this Topic Paper is to set out the Council's approach and background information regarding the implementation of the Regulation 25 Stage – Pre-submission consultation for the Core Strategy Development Plan Document within the Stafford Borough Local Development Framework.

National Guidance

- 2.2 In September 2004 the Planning and Compulsory Purchase Act 2004 commenced, introducing the new planning system at the regional and local level. At this time the Government also published the Town & Country Planning (Local Development) (England) Regulations 2004 and the Planning Policy Statement 12 - Local Development Frameworks (PPS12) to provide local planning authorities with guidance regarding the implementation of the new planning system.
- 2.3 The Regulation 25 – Pre-submission consultation stage is the first stage of consultation for Development Plan Documents as part of the new planning system. Set out below is the wording from the Town & Country Planning (Local Development) (England) Regulations 2004 for Regulation 25:

“Pre-submission consultation

25.- (1) *Subject to paragraph (2), before a local planning authority comply with regulation 26 they must consult-*

- (a) *each of the specific consultation bodies to the extent that the local planning authority thinks that the proposed subject matter of the DPD affects the body; and*
- (b) *such of the general consultation bodies as the local planning authority consider appropriate.”*

- 2.4 In October 2004 the Office of the Deputy Prime Minister published Planning Policy Statement 12 - Local Development Frameworks (PPS12) setting out procedural policy for the new development plan system introducing Local Development Frameworks, including the preparation of Core Strategy Development Plan Documents. Set out below are paragraphs 4.1, 4.2 and 4.12 from Planning Policy Statement 12 used to guide the approach for the Regulation 25 – Pre-submission consultation stage:

“4.1 Key to the success of the new system is the early identification of all issues in the preparation of a development plan document. It is essential that anyone who has an interest in the planning of an area actively seeks to assist the local planning authority to shape the future

of that area from the earliest stage, both at the core strategy level as well as at the detailed area action level. Those interested, including national organisations, government agencies, regional organisations, developers, local organisations, local community groups and the community, must not wait for the authority to finalise their development plan document before getting involved. To do so would be contrary to the aim of the new system to produce plans which deliver sustainable communities and have been prepared taking all interests into account."

"4.2 Local planning authorities should prepare development plan documents taking into consideration the process of continuous community involvement in accordance with the statement of community involvement. Local planning authorities should front load the preparation of development plan documents by facilitating early involvement and securing inputs from the community and all stakeholders. The preparation process should include consideration of all the alternative options derived from the development of the evidence base, the authority's awareness of local issues, the views of stakeholders and community involvement. Key decisions on the spatial strategy should be taken at the earliest possible stage to allow for full community involvement and sustainability appraisal."

"4.12 The pre-submission consultation process as set out in Regulation 25, requires local planning authorities to consult with the community and stakeholders during the preparation of preferred options. Local planning authorities must also comply with the requirements of sustainability appraisal as set out on page 23 by publishing an initial sustainability appraisal report. Local planning authorities must ensure that all participants involved in the preparation process are able to make their views known and have the opportunity to identify potential development sites early in the process in accordance with front loading (see paragraph 4.3). The options must be of sufficient detail for the type of development plan document envisaged, to enable meaningful community involvement and the sustainability appraisal. The preferred options need to be presented clearly. Local planning authorities should set out clear reasons for their selection of the preferred options, together with a précis of the alternatives that were also considered."

2.5 In November 2004 the Office of the Deputy Prime Minister published 'Creating Local Development Frameworks: A Companion Guide to PPS12' which provided more detailed guidance to the procedural policy for the new development plan system. Set out below is paragraph 4.3 of Creating Local Development Frameworks used to guide the approach for the Regulation 25 – Pre-submission consultation stage:

“4.3 PRODUCTION

For any development plan document, the following linked steps should be carried out:

- *Preparation of issues and alternative options and the initial sustainability appraisal report. These should be developed having regard to consistency with national policy, general conformity with regional planning policy, deliverability and local acceptability. Local communities and stakeholders must be consulted on the development of these issues and options as required by Regulation 25. Consultation means a continuous process of informal discussion with people during this phase as opposed to formal discrete public participation required by Regulation 26.*

[Regulations 25 and 26]

- *Preparation of the preferred options document and formal sustainability appraisal report. Authorities will need to prepare a document setting out their suggested policy directions together with relevant issues, proposals and alternative approaches where appropriate. It will need to be accompanied by a formal sustainability appraisal report which considers the likely significant effects of the preferred options and other options considered.*
- *Public participation on the preferred options document and accompanying formal sustainability appraisal report. As required by Regulation 26, this must be undertaken in line with the statement of community involvement or minimum requirements set out in the Regulations²⁹ if the former is not in place. It is important that local communities and stakeholders are given a formal opportunity to comment at this key milestone stage on the various options and alternatives proposed.*

[Regulation 26]

- *Assessment of representations to the preferred options document and the formal sustainability appraisal report as required by Regulation 27.*

[Regulation 27]

- *Preparation of the submission development plan document and any amendments to the sustainability appraisal report. Authorities must clearly demonstrate the rationale for the policies proposed, building upon the preferred options document. It should be written with the expectation that it will be thoroughly tested for its soundness at independent examination (see Section 2.9). The submission development plan document should include proposals for monitoring and reviewing the document.*
- *Submission of the development plan document and a sustainability appraisal report to the Secretary of State for independent examination as required by Regulation 28.*

[Regulation 28]”

Stafford Borough Local Development Framework – Core Strategy Development Plan Document (DPD)

- 2.6 Based on the national policy and advice set out above Stafford Borough Council chose to implement a pro-active, front-loading approach of continuous community involvement for the Core Strategy Development Plan Document.
- 2.7 In February and March 2004 the Borough Council published and widely circulated the 'Evidence Base Questionnaire' as part of the pre-production stage of preparing the Stafford Borough Local Development Framework to achieve, amongst other matters, a comprehensive understanding of the main issues to be addressed through the subsequent Local Development Documents, including Development Plan Documents. Following this consultation period the Gathering Evidence Report was published in June 2004 setting out the comprehensive evidence base to be used for the preparation of Local Development Documents.
- 2.8 The Stafford Borough Local Development Framework, which will replace the adopted Stafford Borough Local Plan 2001, contains a number of Development Plan Documents including the Core Strategy Development Plan Document. As part of the sequential approach to preparing the Local Development Framework the Core Strategy Development Plan Document was the first planning policy document to be prepared and progressed through the new system.
- 2.9 Following publication of the Gathering Evidence Report the Borough Council prepared the Core Strategy Development Plan Document – Issues and Options Paper using the main issues raised from the Evidence Base Questionnaire to set out the key issues and broad spatial policy options for the area.
- 2.10 The Core Strategy Development Plan Document is the key spatial planning document in the Local Development Framework and leads the approach for development of the Borough. As well as providing an approach for spatial development the Core Strategy also sets out the number of dwellings and area of employment land required within the Borough.
- 2.11 In October 2004 the Cabinet (Executive) of Stafford Borough Council considered and agreed the Core Strategy Development Plan Document – Issues and Options Paper for pre-submission consultation. The report to Cabinet explained that all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) have to be in conformity with the Core Strategy Development Plan Document, that the Issues and Options Paper is the first stage in producing the Core Strategy Development Plan Document and that at this stage a limited degree of consultation and participation will take place with statutory bodies, adjoining Local Planning Authorities, the Local Strategic Partnership, the Regional Planning Body and Government Office.

- 2.12 In order to ensure that the frontloading process was fully implemented and the guidance in Planning Policy Statement 12 paragraph 4.12 adhered to, the Borough Council chose to extend its community involvement engagement for the Core Strategy DPD Issues and Options Paper beyond that advocated in Regulation 25. The objective was to ensure all participants had an opportunity to be involved at the start of preparing the Core Strategy Development Plan Document.
- 2.13 In January and February 2005 Stafford Borough Council launched the Issues and Options Paper for the Core Strategy Development Plan Document. The deadline for responses was 12 noon on Monday 28 February 2005. The consultation process was carried out in accordance with Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004 as well as Annex E of Planning Policy Statement 12: Local Development Frameworks.
- 2.14 Alongside the consultation period for the Core Strategy Development Plan Document Issues and Options Paper the Stafford Borough also launched consultation on the Initial Sustainability Appraisal Report for the Core Strategy Development Plan Document. The consultation process was carried out in accordance with Section 39 of the Planning and Compulsory Purchase Act 2004 and the Government consultation guidance 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks' (September 2004).
- 2.15 Within the Initial Sustainability Appraisal Report for the Core Strategy Development Plan Document Section 13 sets out the broad options and alternatives that were considered, through the Sustainability Appraisal process, as part of preparing the core policy options in the Core Strategy Development Plan Document.
- 2.16 The following consultation material was made available with an accompanying letter during January and February 2005 in order to engage participation through the Core Strategy Development Plan Document – Issues and Options Paper:
- Stafford Borough LDF Newsletter Winter 2004/2005 Issue Number 2
 - Introducing the Stafford Borough Core Strategy Development Plan Document Issues & Options Paper Leaflet
 - Core Strategy Development Plan Document Issues & Options Paper Response Form
 - Core Strategy Development Plan Document Issues & Options Paper
 - Introducing the Initial Sustainability Appraisal Report for the Core Strategy Leaflet
 - Initial Sustainability Appraisal Report Core Strategy Development Plan Document Response Form
 - Initial Sustainability Appraisal Report for the Core Strategy Development Plan Document
 - Freepost Envelope

- 2.17 For the purposes of the Issues and Options Paper consultation process the Borough Council informed all consultees about the process through a letter and introductory leaflet material to the following groups:
- Other Consultees E3 (a) – E3 (uu) defined in PPS12 Annex E.
 - LDF General Consultees 2003
 - Miscellaneous
 - Local Strategic Partnership of Stafford Borough
- 2.18 Furthermore specific consultation material was also sent to the following groups of consultees:
- Specific Consultee Bodies E1 (a) – E1 (m) defined in PPS12 Annex E.
 - Government Departments E2 (a) – E2 (l) defined in PPS12 Annex E.
 - Members of Parliament & Members of the European Parliament
 - S A Consultation Bodies (Sustainability Appraisal)
 - Stafford Borough Council Members
 - Parish Councils & Meetings
 - Relevant Staffordshire County Council Members
- 2.19 During the consultation period the Core Strategy Development Plan Document – Issues and Options Paper, together with the Initial Sustainability Appraisal Report for the Core Strategy Development Plan Document, were available on the Borough Council's website at www.staffordbc.gov.uk/forwardplanning and by contacting the Forward Planning section for a free information pack of all relevant material.
- 2.20 In addition between September 2004 and February 2005 an Issues Questionnaire for the Core Strategy Development Plan Document was published on the Council's website and circulated for consultation. The Issues Questionnaire set out key questions for the main policy issues to be addressed through the Core Strategy Development Plan Document. During this period the Borough Council staffed an exhibition stand in the Guildhall, Stafford in order to distribute leaflets and the Issues Questionnaire to members of the general public alongside Staffordshire County Council's consultation on initial work for the Local Transport Plan 2006-2010.

Consultation Performance

- 2.21 Following the Regulation 25 – Pre-submission consultation stage of the Core Strategy Development Plan Document 86 responses were received to the Issues and Options Paper through the detailed Response Form resulting in a significant number of in-depth and specific responses to be considered by the Council when preparing the Regulation 26 – Pre-submission Public Participation Preferred Options Report for the Core Strategy.
- 2.22 Furthermore the Issues Questionnaire circulated between September 2004 and February 2005 provided 48 responses of a broad and general nature regarding key issues for the Core Strategy Development Plan Document.

Further details of the responses received to the Issues and Options Paper are contained in the 'Core Strategy Development Plan Document – Issues and Options Paper Schedule of Representations' published in April 2005.

- 2.23 Following the consultation process on the Initial Sustainability Appraisal Report for the Core Strategy Development Plan Document, at the same time as the Regulation 25 – Pre-submission consultation stage of the Issues and Options Paper, 24 responses were received to the Initial Sustainability Appraisal Report. These responses were reported to Council Members and used to prepare the Final Sustainability Appraisal Report for the Core Strategy Development Plan Document.

Planning Inspectorate guidance

- 2.24 In December 2005 the Planning Inspectorate published the document 'Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents' providing practical advice and guidance regarding the new local development framework process and the key tests for examining Development Plan Documents.
- 2.25 The following section relate to the test vii within the Coherence, Consistency and effectiveness tests:

"Test vii:

"the strategies / policies / allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base".

"Key questions

- Is it clear that the Local Planning Authority considered all reasonable options and alternatives in preparing the DPD?
- Are the assumptions in the DPD set out clearly and are they supported by evidence?
- Does the evidence clearly support the policies in the DPD?
- Is the evidence robust and credible – i.e. has it been prepared in accordance with national policy and good practice guidance?
- Where a balance has been struck in taking decisions between competing alternatives – is it clear how those decisions have been taken?"

Evidence

Sustainability Appraisal Report (SA Report): The SA Report should set out the options and the process by which they have been objectively assessed. It will be a fundamental part of the evidence base.².

Depending on the nature of the DPD and the character of the area, there will be a range of other evidence required to assess this test. The following are suggested examples only and do not constitute a definitive and inclusive list:

- If the DPD is a Core Strategy, the following documents, amongst other evidence, may be relevant: urban capacity studies; urban and rural regeneration strategies; local housing assessments; regional and local housing and economic strategies; retail capacity studies; community development strategies; local transport plans; health and education programmes and strategies; infrastructure providers' investment programmes and strategies; environmental programmes and assessments of waste management needs.
- If the DPD is a Site Allocation Plan the evidence may include urban capacity studies; flood risk assessments; various environmental studies and assessments; transport assessments etc.
- If the DPD is an Area Action Plan, evidence may include area assessments, market assessments, socio-economic assessments, and assessments of infrastructure.
- If the DPD is an Area Action Plan relating to the regeneration of rural settlements the evidence may include Parish Plans, rural regeneration strategies, and local transport plans etc.

3.0 Conclusions

- 3.1 The Topic Paper – Regulation 25 stage has set out the national policy guidance and contextual information regarding the Issues and Options Paper for the Core Strategy Development Plan Document, the consultation approach adopted and information regarding the context of the Government Office West Midlands representation to the Submission Core Strategy Development Plan Document on this matter.

² See para 3.5.6 of *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents*
Stafford Borough Council – Local Development Framework
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