

1 DEVELOPMENT PLAN DOCUMENTS

1.1 The Assembly Role

1.1.1 When a DPD is submitted to the Secretary of State, the Assembly is required to provide its opinion on the general conformity of the DPD with the RSS. The way in which it will do this, and how the Assembly will help to shape the DPD before it is submitted, is set out in the following paragraphs.

RSS as part of the Development Plan

1.1.2 The Regional Spatial Strategy (RSS) is part of the Development Plan for an area. This means that local Development Plan Documents (DPDs) need to be in 'general conformity' with the RSS to make sure that the two strands of the Development Plan are mutually supportive and not in conflict with each other.

1.1.3 The Assembly is being asked to comment on the general conformity of a DPD (or a strategic planning application) with the Regional Spatial Strategy (RSS) or a "relevant regional policy" (Circular 08/2005 paragraph 59). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. However, a "relevant regional policy" is defined as an RSS under preparation and which has been submitted to the Secretary of State. It is therefore also essential to consider the general conformity of the DPD or application with the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

1.1.4 Paragraph 4.19 of PPS12 (Local Development Frameworks) makes it clear that an RSS under preparation gathers more weight as it passes through its preparation process. It states that: "Where the regional spatial strategy...has been through an Examination in Public, and the Proposed Changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State". It will therefore be important to refer to the Proposed Changes to the Draft RSS (published at the end of September 2007), whilst making it clear that the Assembly will be commenting on the Proposed Changes and that final RSS is expected to be published in Spring 2008.

General Conformity

- 1.1.5 In issuing its opinion, the Assembly is being asked to identify significant inconsistencies or omissions that would mean the DPD failed to implement the RSS or would adversely affect its implementation. A DPD would still proceed to Examination if the Assembly were to state that it was not in general conformity with the RSS – the Assembly’s opinion would be treated as a representation to be taken into account by the Inspector.
- 1.1.6 To aid an understanding of what it is that the Assembly will be looking for in issuing its opinion on ‘general conformity’, it is helpful to consider the ‘outcomes’ that the RSS is seeking to achieve. In issuing its opinion the Assembly can then address the question ‘will the development plan document help to achieve the outcomes of the RSS’?
- 1.1.7 When final RSS is published, the Assembly will be able to draw up a schedule of the outcomes to be implemented by DPDs.

Early Stages of DPD Preparation

- 1.1.8 The Assembly will play a proactive role in the early stages of DPD preparation by discussing issues of general conformity with local authority officers as they emerge.
- 1.1.9 Assembly responses to consultations on Issues and Options and Preferred Options consultations will be officer responses. The aim will be to provide these within any deadlines set by the Local Authorities.

Submission Stage

- 1.1.10 When a DPD is submitted to the Secretary of State, a formal opinion on its general conformity with the RSS will be provided by the Regional Planning Board. This will be provided to the local authority and Secretary of State within 6 weeks of the document being submitted.
- 1.1.11 When a submitted DPD is received by the Assembly, officers will prepare a report for the Regional Planning Board which will summarise any issues of general conformity and recommend a response to the local authority. The Board will be given two weeks to consider this proposed response, after which it will be amended in light of any comments received and then agreed by the Chair of the Board before being sent to the local authority and Secretary of State. The Regional Planning Board has agreed to follow the ERN Code of Good Practice for dealing with consultation responses.

Liaison with Other Partners

- 1.1.12 In preparing its consultation responses the Assembly will, if necessary, liaise with Yorkshire Forward, Government Office and other relevant partners in order to clarify the regional policy position.

Priorities for Responses

- 1.1.13 Providing comments on Core Strategies at all stages in their preparation will be the Assembly's priority. Comments on other DPDs (eg Action Area Plans) at their Issues and Options and Preferred Options consultation stages will be provided whenever possible.

Supplementary Planning Documents (SPDs)

- 1.1.14 Comments will also be offered on draft SPDs where they relate to significant policy issues associated with the implementation of the RSS.

Statements of Community Involvement (SCIs)

- 1.1.15 The Assembly will not provide comment on Statements of Community Involvement (SCIs).

Examinations of DPDs

- 1.1.16 The Assembly will provide additional written statements for Examination sessions where it is necessary to expand upon consultation responses or an opinion on the general conformity of a DPD with the RSS.
- 1.1.17 The Assembly will appear at Examinations of DPDs when it is felt that it would be useful to promote a regional context to the discussion or where matters of general conformity have arisen. The Assembly will not appear at Examination sessions as a matter of course.

Training Needs

- 1.1.18 As needs are identified, the Assembly will facilitate training on the Assembly's role in DPD preparation for its own members and officers, as well as Local Authorities, partners and developers.

Copies of Responses

- 1.1.19 The Assembly will maintain an up to date record of all DPD consultations received and the responses made. This information, and a copy of all Assembly responses, will be available on the Assembly's website.

1.2 The Local Authority Role

- 1.2.1 In order to manage the above role effectively, the Assembly will rely on local authorities to do the following.
- 1.2.2 Copies of all LDF documentation (including LDSs and SCIs) and all DPD documents will be sent to the Assembly at each stage of their preparation.
- 1.2.3 If possible, consultation documents will be made available electronically to the Assembly, in the first instance, with paper copies provided if requested.
- 1.2.4 In preparing their DPDs, Local Authorities will ensure that they are in general conformity with the RSS by helping to achieve the outcomes of the RSS.
- 1.2.5 Local Authorities will notify the Assembly of any issues of conformity that they are aware of as early as possible in the DPD preparation process.

2 STRATEGIC APPLICATIONS

2.1 The Assembly Role

- 2.1.1 The Assembly is a statutory consultee on all planning applications that could affect the implementation of the RSS. How this role will be carried out is set out in the following paragraphs.

Identifying Strategic Applications

- 2.1.2 The Assembly will develop (and regularly review) an indicative set of criteria which will help identify the types of strategic applications that it wishes to be consulted on.
- 2.1.3 The criteria will be based on the need for the Assembly to be consulted on applications that are likely to affect the implementation of the RSS by virtue of a combination of their nature, scale and location.

Comments in Relation to the RSS

- 2.1.4 In commenting on strategic applications, the Assembly will focus on the ways in which the development could affect the achievement of the outcomes of the RSS. This impact could be positive or detrimental. The Assembly's response will focus on strategic issues and will not provide comment on technical matters that will be covered by other statutory consultees or pick up on local issues that are rightly the jurisdiction of the local authority. The aim is to provide an overview of the strategic policy

context within which the application should be considered and a conclusion as to how the implementation of regional spatial policies could be affected by the proposal. It should be noted that the Assembly's response would relate to the development's potential impact on the implementation of the RSS as a whole and not just the criteria that has triggered the consultation with the Assembly.

- 2.1.5 The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004). This means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise. The current RSS was issued in December 2004 and was based on a Selective Review of RPG12.
- 2.1.6 The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. An Assembly response will therefore highlight relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.
- 2.1.7 Government guidance (paragraph 4.19 in PPS12) also states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".
- 2.1.8 Assembly responses to consultations on strategic applications will therefore also have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself will be making comments on the Proposed Changes and that the final version of the new RSS is expected early in 2008.

Pre-Application Advice

- 2.1.9 Should the Assembly receive a request for pre-application advice from an applicant, it will notify the relevant local authority so that they can be involved in any discussions and copied into any written advice.
- 2.1.10 The Assembly will aim to respond to a request for pre-application advice within 21 days of receiving the request (or within a deadline agreed in writing between the relevant parties). Any pre-application discussions will be noted for the record.

Providing a Substantive Response to a Consultation

- 2.1.11 The Assembly will aim to provide a 'substantive response' to consultations received on all strategic applications as soon as possible after receipt and within the statutory deadline. The statutory deadline is either 21 days or an alternative deadline as agreed in writing between the Assembly and the local authority. These timeframes commence once all relevant information is received by the Assembly (see paragraph 2.2.7 below).
- 2.1.12 A 'substantive response' from the Assembly will state one of the following:
- it does not wish to comment;
 - it wishes to support the application;
 - it wishes to object to the application;
 - it wishes to provide comments on the application.
- 2.1.13 When a consultation is received, officers will assess what type of response is required. If the Assembly does not wish to comment, a letter to this effect will be sent as soon as possible to the local authority. If the application only raises minor issues in relation to the implementation of the RSS, officers will respond to the local authority with appropriate comments as soon as possible.
- 2.1.14 If the application raises more significant issues for the implementation of the RSS, a response from the Regional Planning Board will be made. To help the Board to agree this response, officers will prepare a report for the Regional Planning Board that summarises the application and sets out the issues it raises for the implementation of the RSS, with a recommended response. If possible (depending on the deadline for responses agreed in writing with the local authority), Board members will be given two weeks to comment on this proposed response. After this time, any changes made to the proposed response as a result of comments received will be agreed with the Chair of the Board before the response is forwarded to the local authority. It should be noted that local authority members on the Regional Planning Board represent a sub-regional, city-regional or rural grouping of local authorities and not an individual authority. The Regional Planning Board has agreed to follow the ERN Code of Good Practice for dealing with consultation responses.

Liaison with Other Partners

- 2.1.15 In responding to consultations on strategic applications the Assembly will, if necessary, liaise with Yorkshire Forward and other regional partners in order to clarify the regional policy position.

Monitoring Response Times

- 2.1.16 The time taken for the Assembly to respond to consultations on strategic applications will be monitored so that an annual report can be sent to the Secretary of State as required.

Appeals

- 2.1.17 To support an Assembly opinion, appeal statements will be prepared as necessary, in line with any PINS deadlines.
- 2.1.18 If essential, the Assembly will appear at Inquiries and informal hearings in order to provide input on any RSS-related issues.

Training Needs

- 2.1.19 As needs are identified, the Assembly will facilitate training for its own members and officers, as well as Local Authorities, partners and developers.

Copies of Responses

- 2.1.20 The Assembly will keep an up to date record of all consultations received and responses made on strategic applications. This information, and a copy of all responses made, will be available on the Assembly's website.

2.2 The Local Authority Role

- 2.2.1 In order to manage the above role effectively, the Assembly will rely on local authorities to do the following.
- 2.2.2 Local authorities will help to draw up the criteria for identifying strategic planning applications on which to consult the Assembly.
- 2.2.3 In light of the criteria, local authorities will assess whether or not they need to consult the Assembly on an application as soon as possible after it is submitted to the local authority.
- 2.2.4 Local authorities will provide as long as reasonably possible for the Assembly to comment on an application (bearing in mind the nature of the applications covered by the criteria) and will agree extensions of time limits for comments in writing when this is necessary.
- 2.2.5 Local authorities will inform the Assembly if any such applications are being prepared or expected so that the Assembly can start to assess its likely impact on the implementation of the RSS before receiving a formal consultation.

- 2.2.6 In coordinating any pre-application discussions, local authorities will consider whether Assembly involvement would be helpful.
- 2.2.7 Local authorities will provide enough relevant information for a substantive response to be made. As a minimum, this will include copies of:
- the application form
 - a location map
 - planning statement
 - design and access statement
 - summaries of other assessments accompanying the application.
- 2.2.8 This information will be provided electronically whenever possible, with hard copies provided if requested.
- 2.2.9 Local Authorities will alert the Assembly to any relevant changes to applications on which it has been consulted and/or the availability of new information that could affect the Assembly's view and provide further opportunity for the Assembly to comment in such circumstances.
- 2.2.10 Local Authorities should encourage applicants to consider how their development will impact on the implementation of the RSS by, for example, providing online information with regard to the role of the Assembly and relevant RSS matters.
- 2.2.11 If RSS-related issues are cited as a reason for an appeal, the Assembly will be notified so that appeal statements can be prepared if necessary.

Related Documents

- ERN Code of Good Practice
- List of RSS Outcomes (to be drafted once RSS finalised)
- Criteria for Identifying Strategic Applications

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