

SHEET 3

The Local Plan

(also known as Local Development Framework)

Why, when and how to get involved

DISCLAIMER: Produced by Planning Aid England - Published by the Royal Town Planning Institute (RTPI) (c) 2012. All rights reserved.

Planning Aid is part of the Royal Town Planning Institute, Registered Charity in England and Wales Number 262865. Head Office: Royal Town Planning Institute, 41 Botolph Lane, London, EC3R 8DL.

The Planning Pack is not a statement of the law.

The Institute and Planning Aid England permits persons using this Planning Pack for the furtherance of effective public participation in the town and country planning system to make copies of the Planning Pack Sheets included, as long as they in no way commercially or financially benefit from making such copies. With this exception no part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical without prior permission in writing from the publisher. While every effort has been taken to check the accuracy of the information in this Planning Pack, the RTPI or Planning Aid England cannot be held liable for any financial loss resulting from the professional advice contained herein. Readers are advised to seek advice from their local planning authority and/or a professional planning consultant, or specialist planning lawyer before proceeding on any matter.

This is **Sheet 3** of The Planning Pack. This pack has been written by Planning Aid England, and is endorsed by the Royal Town Planning Institute.

This information sheet sets out the importance of Local Plans to local communities and outlines the steps you can take to get involved in their preparation.

Why get involved?

The planning documents within the Local Plan for your area set out the local planning authority's policies and proposals for building and land use over the next fifteen years or so. The Local Plan could affect where you live, work, shop, play and how you get around. If you are interested in your area, street, or own property, then this set of documents will be relevant to you. You should take every available opportunity to influence what it says. The earlier you get involved the better.

Similarly you may be involved in preparing a neighbourhood plan for your area. The neighbourhood plan must conform with the local plan, so you may want to influence its content.

The only way the local planning authority will know what you want is if you tell them! And the more people who speak up, the more likely it is that the final plan will be a true reflection of local views.

You should also remember the public has a right to participate in Local Plan preparation and that specific provision is made for public involvement in legislation.



Put yourself in such a position for a moment

Imagine five years into the future. A housing developer makes a planning application for residential development on an undeveloped area of land near your house, which is currently used as informal open space. Local children, including your own, play on this site since there are no alternative play areas nearby.

You and the majority of your neighbours are objecting to the housing proposal. You would like to see new housing built in the area, but you strongly believe that the site in question should be protected for recreational use. There are other undeveloped areas of land in the area, which would be more appropriate for housing.

You then find out that in the Local Plan the site is allocated for housing. You are told by a planning officer that the application is unlikely to be refused since it is an allocation within the 'Local Plan'. You and your neighbours organise a campaign to oppose the proposal. Your local councillors refuse the application at the planning committee.

But that's not the end of it. The developer then makes an appeal to the Secretary of State against the local authority's decision. An independent inspector approves the appeal because the housing proposal is in accordance with the Local Plan.

What if you don't get involved?

For many people, the first time they come across a Local Plan, and the planning policies within it, is when they are commenting on a planning application in their local area. All too often, they find that their objection or support is futile because decisions have already been taken in the plan and agreed a number of years ago. Often all they can do is seek to influence the fine detail of a proposal.

Early involvement in the preparation of the relevant local planning documents could have prevented this situation. You could have given the local planning authority information about how the site is used and information about other vacant sites in the area that could be developed instead. These could have been discussed to identify which sites might be more appropriate for other uses, such as housing. The area where your children play might have been designated as important open space in the Local Plan and protected from inappropriate development. In this case, getting involved at the planning application stage is too late. The local planning authority has already committed to developing this site for housing in the Local Plan and an important piece of open space is lost forever.

Remember that the Local Plan is an important consideration in deciding planning applications. So if you get what you want in the plan, you've got a better chance of getting what you want on the ground.

Saying yes or no to Local Plans

The majority of people are only interested in saying 'no' to policies and proposals in Local Plan objecting to something they don't like. It's part of human nature that we only speak out against something when it threatens us in some way, otherwise we tend to keep quiet.

It is, however, equally important to say 'yes' to a plan if you support a particular idea or proposal being put forward. Many people fail to inform the local planning authority of the things they like about a plan. One consequence of this is that someone else could make an objection and the local planning authority might then accept this objection because apparently no one supports their original proposal. The plan could then be modified and you in turn could find yourself as an objector. The local planning authority will then be faced with the problem of whether to modify the plan again, but will be less likely to do so the further the plan progresses towards completion. So, if you like something in the plan, say so. And the earlier you say it, the better!

When to get involved

As a general rule, **the sooner you can get involved the better**. The earlier you can make your views known to the local planning authority, the more chance you have of getting them reflected in the final plan. So, what does this mean in practice? All Local Plans go through a set process of preparation, involving a number of key stages. There are different things that you can do at each of the stages. Equally, the effectiveness of your involvement and your ability to influence the plan will vary from stage to stage, gradually diminishing as the plan edges nearer to completion.

Check your local planning authority's Local Development Scheme, which is a 'project plan' for the preparation of the Local Plan Documents themselves and which tells you which documents will be produced and when.

Use opportunities for involvement to your best advantage. At the evidence gathering stages put forward your ideas, needs and aspirations. Use locally based reports and action plans to support any comments you put forward.

Early involvement is really important if you want to suggest alternative sites and or policies, as they will need to go through the sustainability appraisal process and consultation process. The independent examiner may not consider alternative sites/policies if they are suggested at the last minute.

The tables at the end of this sheet describe the steps you can take at each stage in the preparation of these documents.

How to get involved effectively

The following provides some key points on how to make the most of those opportunities to get involved:

TOP TIPS

- ◆ Keep Informed: contact your local planning authority
- ◆ Find out what documents are going to be produced and when – your local planning authority’s Local Development Scheme should tell you which planning documents will be produced, when, and roughly when they will consult on them.
- ◆ Find out how your local authority will involve you in making planning policy documents – the Statement of Community Involvement will identify the planning authority’s policy for involving people.
- ◆ Get involved if your local authority is about to review its Statement of Community Involvement. This will be a good opportunity to learn about the planning system and influence how you are consulted on other planning policy document and applications.
- ◆ Tell the local planning authority what areas you are interested in. This can be an area where you live or work, or an area of interest like open spaces or housing. Make sure the local planning authority has you or your groups, up to date contact details.
- ◆ Local Planning Authorities are often prepared to come and talk to local community groups or parish councils about the policies and proposals in a particular planning document. Ask if a public meeting is taking place in your area, or whether they would be prepared to come and speak to your group.

GET PREPARED

- ◆ Make contact with your local planning authority as soon as possible. Find out what stage they have reached in plan preparation and make your views known as soon as possible;
- ◆ Contact other groups/people in your area and find out if they are getting involved. Often a joint approach is best, enabling you to share expertise, ideas, resources, and workload. Pooled resources may even allow you to employ professional help, if you can afford it, if not, Planning Aid England may be able to assist you. Getting professional advice can be very effective;
- ◆ Obtain copies of relevant documents such as existing development plans for your area, the latest version of the plan in preparation, the sustainability appraisal, National Planning Policy Framework, your Local Planning Authority’s evidence base documents, supplementary planning documents and other strategies that might affect the policies being developed, for example Sustainable Community Strategy and Housing Needs Surveys;
- ◆ Look at examples of plans and policies from other similar authorities. These will help you to think about what kind of policies might be possible and how policies might be improved;
- ◆ Other relevant policy documents from across government for example, Department for Environment Food and Rural Affairs; and
- ◆ Meet with planning officers and councillors to discuss the plan. Invite them to any meetings you are holding.

Making formal written comments or representations

When the document is submitted to the Secretary of State for Examination, an independent examiner assesses the document on its legal compliance and soundness. He or she will look at whether the document preparation meets the legal requirements, and whether the final policies/proposals are justified, effective and consistent with national policy. The Inspector will look for specific evidence or proof that these tests have been met. See **Sheet 4** for more information.

- ◆ You should be aware that consideration of alternative policies and proposals should take place at a much earlier stage in the preparation of the Local Plan Document (i.e. evidence gathering and public participation stage). Therefore you need to get involved in the process as early as possible.
- ◆ Clearly identify the policy/proposal you are objecting to or supporting, using the reference number given in the plan;
- ◆ Say why you are objecting/supporting (is the document 'sound'?) and, if you want to see a policy or proposal changed, say how and put forward your own alternative and the reasons for it;
- ◆ Keep your comments as simple as possible and organise them in a logical order;
- ◆ Concentrate on the planning issues involved. These are known as material considerations (see **Sheet 7**);
- ◆ If objecting to certain aspects of a proposal it is important to stress where you agree with the local planning authority so attention can be focused on issues of conflict. Try to show that you have understood, yet still disagree with the local planning authority's position;
- ◆ Identify statements, policies and proposals from other planning documents, the plan you are commenting on and the sustainability appraisal, which support your comments. These other documents could be national policy, or other local planning policies, the sustainability appraisal, or relevant technical reports and studies;
- ◆ Refer to local issues and concerns, but try to relate them to the main planning issues. locally prepared reports/plans may help support your comments (for example sustainable community strategy) Your local knowledge is invaluable, but try not to get side-tracked onto non-material, temporary or non-planning issues. Noise and disturbance during construction and property values are typical areas to avoid.

Remember planning is here to serve the public interest. All planning documents are public documents and any comments you make on a planning document will be public information and will be able to be viewed by others.



Getting involved in the preparation of a Local Plan Document

The table below sets out the opportunities for involvement at each stage of the plan preparation process.

KEY STAGES OF PRODUCTION	YOUR OPPORTUNITIES FOR INVOLVEMENT
<p>Evidence gathering and public participation</p> <p>This involves the local planning authority consulting specific and general consultation bodies on the scope of the plan, and collecting/ preparing relevant reports/ studies on planning issues. It is usually the time when the scoping sustainability appraisal starts and develops. Members of the public are consulted on this stage.</p>	<p>Tell the Local Planning Authority what the issues are</p> <p>Provide the local planning authority with any relevant local views, reports or actions that you (your group) has prepared or known of. Highlight the main issues you want your LPA to address, or sites for allocation, for your area. Make comments on the different ways or options to address the issues identified and suggest alternatives.</p>
<p>Pre-Submission Publication Stage</p> <p>After taking into account of early consultation responses and the findings of the Sustainability Appraisal, the LPA will publish its proposed Local Plan Document (known as the 'submission document') for consultation. There is a period of 6 weeks for consultation. A Sustainability Appraisal report will be issued as well as part of the public consultation. The LPA has a chance to make changes to the draft documents after the consultation, and may decide to carry out additional consultation if the changes are significant.</p>	<p>Making formal representations to the plan</p> <p>This is the last opportunity to make comments on the plan before it is submitted for examination. The purpose of this stage is to enable people to make comments that they want to be taken into account at the examination stage. You should be specific as to why you consider the document to be unsound, what change(s) you are seeking and why it would make the document sound. You need to provide evidence to back up arguments and therefore if you wish to participate in an Examination you will need to have carried out research to support your case. Examples of background material and evidence include the local planning authority's own documents, expert opinions etc.</p>
<p>Submission of Document and Independent Examination</p> <p>At this stage the final draft submission documents along with a summary of the main issues raised in the representations on the pre submission document will be submitted to the Government. An independent Inspector will examine whether the document preparation and consultation procedures meet the requirements of the act and legislation and the soundness of the final draft documents including the Sustainability Appraisal.</p>	<p>Making formal representations to the plan</p> <p>The procedure used (written form or to be heard by the inspector) will depend on the issue or evidence that the Inspector is dealing with and the nature of the representations themselves. All written comments made in the six week consultation period at pre-submission stage will be considered fully by the Inspector in deciding on the main matters and issues for all types of examination. You will only be able to appear in front of the Inspector if you are seeking a change to the document.</p>
<p>Report and Adoption</p> <p>The Inspector must recommend adoption where they consider that the document satisfies the legal requirements and can be considered sound. During the examination the local planning authority will have the power to request recommendations for modifications from the Inspector that would make the document suitable for adoption. If the local planning authority does not make this request, the Inspector will be unable to recommend any modifications. Although local planning authorities do not have to implement Inspectors' recommendations. They are only able to adopt the development plan document if the Inspector has recommended adoption. Where the inspector has not recommended adoption, the authority will be able to adopt the document with the Inspector's 'main' modifications. Alternatively the authority may withdraw the document at any stage prior to adoption. The authority will also be able to make non-material changes (called 'additional modifications) at any time before adoption.</p>	

Getting involved in the preparation of a Supplementary Planning Document (SPD)

SPD's are part of the LDF that are optional and may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' LDF document, e.g. on Affordable Housing.

The table below sets out the opportunities for involvement at each stage of the SPD preparation process.

KEY STAGES OF PRODUCTION	YOUR OPPORTUNITIES FOR INVOLVEMENT
Evidence gathering	
This involves local planning authority collecting/ preparing relevant reports/ studies on planning issues	
Preparing a draft SPD and carrying out public participation	Making formal representations to the draft SPD
The local planning authority will propose a planning document and publish it for a statutory consultation period of SIX weeks before it is adopted.	Make comments on the draft policies/ proposals and suggest alternatives in writing. Use the supporting documents or examples from other places, to help you.
Submission of Document and Independent Examination	
Your LPA will consider all representations made on the SPD and revise the draft SPD. It will then produce a final version and adopt the document following the Council democratic procedure. Your LPA will then publish the adopted document and adoption statement.	You can check the council report on consultation and see if your comments have been accurately taken into account. You could try lobbying your local politicians before the Council meeting.