



# Local Development Frameworks: Lessons Learnt Examining Development Plan Documents



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*\* Front Cover: A sample of Development Plan Documents (DPDs) that have been found sound. The submission DPD covers have been reproduced with the kind permission of Maidstone Borough Council; Staffordshire Moorlands District Council; Hambleton District Council; Plymouth City Council; South Tyneside Council; Mid Devon District Council; South Cambridgeshire District Council and Horsham District Council.*

## Introduction

This guidance seeks to expand on the 'early experiences' leaflet published by the Planning Inspectorate (PINS) in October 2006 and focuses mainly on lessons learnt from examining Core Strategies. It also incorporates a note provided by Communities and Local Government (CLG) on the waste content of Core Strategies (annexed), which will be of interest to all Local Planning Authorities (LPAs).

Within PINS a Local Development Framework (LDF) Implementation Group, comprising a team of senior Inspectors with considerable development planning experience, has sought to collectively agree the approach to different issues arising in implementation of the examination process. This Group has taken responsibility for producing this guidance, with the assistance of CLG, the Government Offices (GOs) and a variety of other parties involved.

The LDF system demands a completely different way of thinking about development plans. In many instances the extent of the culture change required by all involved has not been appreciated fully. The emphasis on spatial planning and delivery which are at the heart of the new system and underpin the tests of soundness are challenging. Core Strategies which reflect the former Unitary Development Plans / Local Plans (UDP/LP) approach with their focus on detailed development control policies will not result in a sound, deliverable spatial plan. The examination starts on submission so LPAs should submit what they consider to be the final Development Plan Document (DPD), along with a comprehensive and complete evidence base. LPAs should not rely on making changes to the DPD in the lead up to the hearing sessions.

However as the system evolves it is important to be pragmatic, whilst ensuring that the system is moving in the right direction. Those core strategies which have been found sound so far are moving in the right direction. Nonetheless, PINS experience shows that in many cases the overall strategy being proposed is not always easy to discern and the spatial dimension is not as clear as it should be. In particular, instead of concentrating on issues which are of specific importance to the area, there is often repetition of national and regional policy which does not assist in defining local distinctiveness against a clear hierarchy of policies. All must take responsibility for working towards evolution in the process and in PINS we hope that by sharing experiences we may helpfully contribute.

# 1: Pre-Submission Preparation

*Authorities should be able to show at examination what option or options were consulted upon at preferred options stage and how they arrived at the submission document<sup>1</sup>.*

1.1 At examination, LPAs will need to show a clear trail of options generation, appraisal, selection or rejection and the role that Sustainability Appraisal (SA) and community engagement have played in this process. There is a risk that, unless LPAs present this clearly, there may be problems in establishing the soundness of the DPD at examination, especially in showing that the proposals represent the most appropriate in all the circumstances having considered relevant alternatives. (soundness test vii, para 4.24 PPS12).

1.2 Options need to encompass the full range of reasonable spatial options. Meaningful options should be developed on such matters as the broad location and balance of development across the authority area, the management of the housing supply, the balance between employment and housing and the delivery of affordable housing. Infrastructure requirements resulting from the strategy should be identified as should the delivery mechanisms. The plan should say to the best of current knowledge how and when infrastructure will be delivered. LPAs should be clear that they are not presenting a "draft plan" at preferred options stage<sup>2</sup>, so the preferred option document should focus on the key choices to be made, presenting the options available in the necessary context. The alternative strategies explored at the issues and options stage do not need to be set out in the submitted Core Strategy.

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<sup>1</sup> CLG is recommending in the Planning White Paper that there will be a single period of plan preparation, effectively removing 'Preferred Options' (Regulation 26), and also that the examination begin *following* the final consultation on the plan (currently Regulation 29). If this is carried through to the Bill, Authorities would also have to show how representations made at final pre-submission stage were taken into account.

<sup>2</sup> Any reference to 'Preferred Options' Stage or 'Issues and Options' Stage in this document refers to the current system. Proposals in the Planning White Paper are looking at creating a single plan preparation period, during which options are generated and selected for a plan which is then consulted upon prior to being submitted for examination.

1.3 LPAs need to ensure that the preferred options documents include details of the alternative options being considered and of any options proposed for rejection, as well as the reasons behind those choices. For Core Strategies the options should be alternative strategic spatial options - effectively alternatives for the future development of the area. There may also be strategic or other issues that may reasonably involve options, particularly those matters that involve quantifiable housing targets and thresholds, or open space standards. It is likely that SA work will be a key piece of evidence as LPAs explain the choices suggested, perhaps by outlining the advantages and disadvantages of the various options. If the strategy chosen is not endorsed by the SA the reasons for the choice of strategy contrary to the SA will need to be fully justified. Failure to do so is likely to result in a finding of unsoundness.

1.4 There is no point in producing unrealistic options. If an LPA is of the view that there are no alternative options the reasons for this view will need to be fully explained and justified. It is very unlikely that there will be no options in relation to Core Strategies. Options should not be excluded because they may be politically unpopular or because the LPA feels that they may be controversial. For lower level DPDs such as Site Allocations or issue specific Area Action Plans (AAPs), it may not be appropriate or possible to produce options, where the key choices have been made in the Core Strategy. Instead options should focus on how the DPD will implement the wider strategy, and the tactical, timing, locational or delivery options available.

1.5 Experience so far suggests that investing time at the issues and options phase is paid back when it comes to working up the preferred options material. A central purpose of the issues and options stage of the process should be to generate options by encouraging stakeholders and the community to think about the ways in which the area should develop. This should include broad, strategic approaches as well as the more restricted thematic possibilities.

1.6 It should be clear to consultees at preferred options stage that it remains open for them to express a preference for any option, including those the LPA suggest be rejected and that such a response may lead the LPA to re-think the option pursued at submission stage. Consultees should have sufficient detail about the various options to have a reasonably clear understanding of the different outcomes of those options. Similarly there is an onus on the consultees to seek to engage early and effectively.

1.7 Another important point is that all those promoting an alternative site or sites should do so at the issues and options stage so that these can be fed into the SA work being done by the LPA. Failure to do so means that anyone promoting an alternative site or sites for the first time at submission stage<sup>3</sup> has to carry out a SA showing how the change will impact on the sustainability of the plan as a whole (PPS12 paragraph 4.17). Furthermore it does not allow the LPA to consider objectively the full range of options before it produces its final plan.

1.8 Providing GOs early sight of draft documents, particularly as LPAs prepare for preferred options and submission stages, offers the opportunity for GOs to advise LPAs on any issues relating to soundness which they become aware of from experience within central government and PINS. PINS is currently working closely with GOs to bring lessons from examination experiences to the GOs' pre-submission scrutiny work, with particular focus on providing guidance on LPAs' preferred options documents.

*Appropriate assessment under the Habitats Directive may be necessary, and it is the responsibility of the LPA to ensure that the submitted DPD has met the requirements of the Habitats Directive and amending Habitats Regulations.*

1.9 LPAs should screen their plans to see if they are likely to have a significant effect on any European site, in which case an Appropriate Assessment (AA) under the Habitats Directive will be necessary<sup>4</sup>. In carrying out the screening LPAs should apply the precautionary principle. If

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<sup>3</sup>The Planning White Paper seeks to place the examination after the period of final consultation. Therefore, the practice of promoting new sites 'at submission stage' would no longer be possible, but could still occur at final pre-submission consultation stage. However, promoting sites for the first time at this late stage would still not be encouraged for the reasons stated in paragraph 1.7 above.

<sup>4</sup> On 20 October 2005, the European Court of Justice (ECJ) ruled that, as a result of the failure to make land-use plans subject to Appropriate Assessment of their implications for European Sites, Article 6 (3) and (4) of the Habitats Directive 92/43/EEC had not been transposed completely. The necessary amendments will be made to the UK Conservation (Habitats &c) Regulations, 1994 (Habitats Regulations) and the Conservation (Natural Habitats, &c) (Amendment) (England and Wales) Regulations 2007 are expected to come into force in mid July 2007.

there is any uncertainty whether a plan is likely to have a significant effect, the plan must undergo an AA. CLG has recently published draft guidance for Regional Planning Bodies and LPAs preparing Regional Spatial Strategies (RSS) and Local Development Documents (LDDs), on how to carry out AA for spatial plans<sup>5</sup>.

1.10 An AA should be capable of influencing the options being considered to ensure none would have an adverse effect on the integrity of a European Site. The onus is on the LPA to submit a sound plan, underpinned by a robust and credible evidence base. Therefore in practice, the AA must be done before the LPA submit the DPD. Frontloading Natural England involvement is essential.

1.11 Where an LPA has been through the process of evidence gathering and initial screening for AA, but concluded that there is no likelihood of a significant effect, the Inspector will expect to see evidence of this screening process. This information should be part of the evidence base submitted with the DPD.

*Evidence should be complete on submission. LPAs should be clear that evidence should inform the Plan and not be put together after submission to justify what is already in the submitted document.*

1.12 PINS expectation is that the LPA will provide a full and comprehensive evidence base with the submitted DPD. Given that the options should also be informed by evidence, we would expect the evidence base to be substantially completed at preferred options stage. The "Evidence" boxes on pages 15-21 of the Planning Inspectorate's guide "Development Plan Examinations – A Guide to the Process of Assessing the Soundness of Development Plan Documents"<sup>6</sup> (PINS DPD guide) suggests the range of evidence which may be required, depending on the type of DPD and nature of the area. It will be difficult for an LPA to argue the plan is based on evidence which was not available when the plan was submitted – the implication will be that the evidence has not informed the content, but rather has been produced to retrospectively justify the content.

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<sup>5</sup> View at: [http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals\\_id1502353.pdf](http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals_id1502353.pdf)

<sup>6</sup> View at: [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/Soundness\\_of\\_dpd.htm#guidance](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/Soundness_of_dpd.htm#guidance)

1.13 All material to be relied upon by the LPA needs to be in the submission evidence base. We have encountered problems with early examinations where the LPA seeks to introduce evidence late at the examination and parties want to send in counter evidence and make counter representations, sometimes orally. As the LPA is expected to submit a "sound" document it is not appropriate for the plan making authority to provide additional unasked for material in this way. Similarly representors should have sought to participate from an early stage of production and should not need to supplement their original submissions with further "evidence" unless invited to do so by the Inspector. This was clarified in a revision made to PINS model representation form in June 2006<sup>7</sup>.

1.14 This is very different to the approach which was common practice at LP and UDP inquiries (where a few paragraphs on the representation form would be followed by boxes of evidence as the inquiry approached) but it is an important part of the necessary culture change to achieve a properly frontloaded preparation process.

*LPAs should recognise that the submitted plan should be the last word of the authority (Section 20(2)(b) of the Planning and Compulsory Purchase Act 2004 Act and paragraph 4.15 of Planning Policy Statement 12). Post-submission changes should be the exception<sup>8</sup> (box under paragraph 4.18 PPS12).*

1.15 If proper front loading has taken place, there should be no need for pre-hearing changes, other than in exceptional circumstances. It is clear that to date there has been insufficient appreciation of the critical importance of frontloading by all interested in or affected by the planning of an area. This includes LPAs, key stakeholders such as statutory bodies and infrastructure providers and the development industry. Problems have arisen in the early examinations where LPAs have sought changes in response to submission stage representations. If the plan preparation process has been engaged in by all effectively there should be no surprises and no need for an LPA to provide any more material than that provided

<sup>7</sup> View at: Refer footnote 6 above.

<sup>8</sup> The Planning White Paper seeks to place the examination after the final consultation period. Therefore, this would no longer be an issue. However, the theory still applies to the plan, in that it would be expected that the LPA submit for final consultation the Plan which they believe to be the last word of the Authority, and should only seek changes in exceptional circumstances (as all major issues should have been covered in earlier preparation and involvement of all key stakeholders).

in the submission documentation. If the LPA consider it necessary to make material changes to the submission document it suggests that they have not submitted what they consider to be a "sound" plan.

1.16 Effective consultation with statutory bodies by maintaining dialogue from the earliest stages in the plan preparation process should be productive. Such bodies may be able to provide generic guidance and specific evidence on which the LPA can rely or they may be able to engage with the LPA to carry out collaborative work, where there might be a joint benefit in pooling resources. Statutory bodies need to be aware of the critical importance of the Core Strategy to the achievement of their strategies where these have a land use impact and to ensure that they have an input to the preparation process when consulted.

1.17 Consultation bodies need to focus on the important issues and ensure that, rather than simply pointing out problems, they seek to suggest how the plan can be altered to properly accommodate the issues they raise. If front loading has been done properly, this will pay dividends to the LPA at submission in the form of either fewer or more focussed representations which do not raise issues that the LPA has not already considered.

1.18 The important point to note is that as was made clear during the passage of the Bill through Parliament, the scope for the Inspector to make changes to the plan is constrained. An Inspector cannot make a change if that change is not itself sound in terms of all the tests or if that change would potentially undermine the consultation process and/or the sustainability credentials of the plan. Anybody seeking to influence a DPD must therefore get involved throughout the plan preparation stages. Furthermore the Inspector is not there to rectify matters that the LPA has itself not been able to resolve because, for example, the LPA does not have adequate evidence on which to base their strategy or proposals. The Inspectorate is taking fully to heart the policy set out in PPS 12 that the presumption is that the submitted document is sound unless it is shown to be otherwise as a result of evidence considered at the examination, and it is the document the LPA wishes to adopt.

1.19 LPAs which rely on making considerable post-submission changes, even if relatively minor, should bear in mind that a document may be found to be unsound if it requires so many changes that the final document no longer closely resembles the submitted version. The document is likely to fail as it will be too far removed from

the document that was originally consulted on and therefore community involvement will have been undermined. There may also be issues about whether the SA requirements have been met.

1.20 Where exceptionally pre-hearing changes are put forward by the LPA, such changes must be supported by a statement setting out how they impact on the SA and on community involvement as set out in the text box headed "Pre-Examination Changes" on pages 37 and 38 of PPS12. In practice a pre-examination change will not need to be advertised if it is a point clarifying something or correcting an obvious minor error. However, if the change alters the sense of a policy or how it was to be applied or introduces new material it will need to be advertised. Effectively this will take the process back to the submission stage at best and possibly further. Thus where an LPA seeks change to any substantial extent it may be that the Inspector will decide that the change is too substantial to be accommodated in the submitted document and recommend that the document be withdrawn as unsound.

*LPA's should consider the chain of conformity in preparing their documents. Lower level DPDs should be in conformity with the Core Strategy. If the Core Strategy is unsound those lower level DPDs are probably unsound. Submitting a lower level DPD in advance of a Core Strategy may be appropriate where there is a sound and up-to-date strategic framework or where there are significant delivery issues that require early consideration of, for example, an Area Action Plan and there is some higher level policy to which it relates.*

1.21 Paragraph 2.9 of PPS12 suggests that the Core Strategy will normally be the first DPD to be produced, except where there are up to date saved policies and the priority in the Local Development Scheme (LDS) is the preparation of another DPD. In practice, the correct sequence is proving particularly important, especially where the Core Strategy is controversial, since DPDs derived from the Core Strategy must be in conformity with it<sup>9</sup>. Inspectors will generally find it very difficult to examine a lower level DPD e.g. an AAP in advance of the Core Strategy because there will be no policy framework within which to consider the AAP. Only where there is, for example a particular housing need or an urgently needed regeneration package and there is an existing higher level policy framework to set the scene is it appropriate to consider lower level DPDs in advance of the Core Strategy.

<sup>9</sup> Regulation 13(6), The Town and Country Planning (Local Development) (England) Regulations 2004. View at: <http://www.opsi.gov.uk/si/si2004/20042204.htm>.

1.22 The important thing is that the Core Strategy is clearly seen to be and is the "lead" DPD, unless there is some up-to-date, relevant and strategic framework in place. The finding of unsoundness in relation to Lichfield's Core Strategy has demonstrated the risk in submitting multiple DPDs - if the Core Strategy is found to be unsound, it is most likely that the lower level DPDs submitted will also be unsound.

1.23 Where LPAs are preparing DPDs in parallel with the Core Strategy it is unwise and unhelpful to submit all of the DPDs for examination at the same time. Until it is clear that there is no fundamental issue of soundness with the Core Strategy the examination of lower level DPDs is neither sensible nor practical as it can lead to wasted effort and cost by all involved. This advice is consistent with that issued by the former ODPM to Chief Planning Officers in November 2004.

*LPAs should carry out a proper and objective self-assessment (the Planning Advisory Service provide a toolkit<sup>10</sup>) and ensure that all procedures are properly followed.*

1.24 Section 20(2) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) and paragraph 4.15 of PPS12 refer to LPAs being satisfied that the DPD is sound when submitted for examination. PINS DPD guidance encourages LPAs to carry out an objective self-assessment process against the tests of soundness, the results of which should be submitted alongside the plan (paragraph 1.5.1).

1.25 Whilst a self assessment is not a formal requirement, the submission of an LPA self assessment as part of the evidence base with the submitted DPD will help the Inspector significantly and may help to speed up the examination self assessment, like SA, should be carried out as a formative part of plan preparation and not treated as an end task. Ideally this should have been done by the LPA throughout plan-making but if not it should be done prior to submission so the LPA can satisfy itself that it is submitting what it considers to be a sound plan.

1.26 The Planning Advisory Service toolkit template provides for a comprehensive record of self assessment from the start of DPD preparation process through to the examination. Experience shows that LPAs carrying out a rigorous self assessment are more likely to produce a sound plan.

<sup>10</sup> The PAS Toolkit can be downloaded at: <http://www.pas.gov.uk/pas/core/page.do?pageId=14614>.

## 2: Post Submission Process<sup>11</sup>

*Representations should be about the DPD (Reg 29(1), The Town and Country Planning (Local Development)(England) Regulations 2004).*

2.1 It is helpful if the LPA in advertising the opportunity to make representations makes clear the purpose of the post-submission consultation. The Inspector will be examining the submitted DPD and in doing so will identify issues relevant to the DPD. It is undesirable that the examination process be potentially slowed down by representations that are not relevant to the content of the submitted DPD. It is a matter for the LPA to consider whether, for example, they may be more relevant to another DPD which the LPA is preparing or to another part of the LPA's service.

2.2 The fundamental change of emphasis in the new system means that representations seeking a change to a DPD should be couched in terms of why the DPD is unsound and what would be needed to make it sound. But we are aware of the difficulties some representors have found in seeking to relate their representations to tests of soundness. Representations cannot be rejected merely because they are not couched in terms of the soundness tests, but all representors need to bear in mind that the Inspector is looking at the soundness of the plan.

2.3 The representations are clearly important but the Inspector's role is no longer solely focused on individual objections to the plan. Thus for example representations couched in terms of "please include our site" are not productive: anybody making such a representation will need to show why the plan is unsound without the relevant site and why it would be sound with the site added. Anyone wishing to have a site included should engage fully in the front loading process and not leave it to the examination stage, where they will be expected to show how the inclusion of the site(s) would affect the SA of the plan.

2.4 Inspectors have to reach conclusions on the issues of soundness (to which the representations relate), not the representations. Where representations made at preferred options stage are made again in similar terms on the submission of the DPD, LPAs should have considered the

matters at preferred options stage and will not need to do further work in response to the representation.

2.5 As the submitted DPD is the LPAs final decision after extensive front loaded consultation, wholly new issues ought not to arise at examination stage. In view of this, LPAs should not generally need to take representations back to members.

2.6 PINS has published guidance endorsed by the Plain English Campaign, aimed at aiding the understanding of the general public about the examination process, including making representations<sup>12</sup>.

*The examination is not the time to be submitting new material. It is in everyones interest to ensure relevant evidence/information be put before and considered by the LPA during the preparation process.*

2.7 This is no longer an inquiry system with an exchange of proofs but an entirely different process. The examination process starts on submission of the DPD and the Inspector will at an early stage look to identify what the key issues are. In order for the Inspector to be able to do this he or she will need to have all material before him or her on completion of the post submission consultation stage. Therefore all those making representations should seek to ensure that the representations are complete and comprehensive. This will also allow the Inspector to consider all the evidence before him/her and identify and request any additional material that may be needed to inform the issues. It is therefore not helpful to the process to submit further unsolicited evidence. Similarly LPAs do not need to produce topic/issues papers post submission unless specifically requested to do so by the Inspector.

2.8 Evidence data or other material relevant to the representation should have been presented to and been considered by the LPA in the plan preparation process. This is another illustration of the crucial importance of the frontloading process.

<sup>11</sup> The Planning White Paper proposes moving the examination to after the final consultation period. If this change is accepted, then the parts of the following section dealing with representations on the 'final plan' would become part of the 'pre-submission' process.

<sup>12</sup> View at: [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/Soundness\\_of\\_DPD.htm#guidance](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/Soundness_of_DPD.htm#guidance).

### 3: The Examination

*The examination process starts on submission.*

3.1 There is a general perception that the examination is the hearing part of the process. However, the examination process starts on submission at Regulation 28<sup>13</sup>.

3.2 The opening of the examination on submission provides considerable flexibility for the way in which the Inspector may conduct the examination, including use of exploratory meetings and additional hearing sessions, which are discussed at more length below.

3.3 The “pre-examination meeting” (PEM) takes place after the DPD is submitted. Given the examination process begins on submission, the term PEM might more accurately be referred to as the pre-hearing or procedural meeting. However, the term is now well embedded within the new system and we shall continue to refer to the PEM for now for the sake of consistency with the existing guidance. Where the DPD in question is straightforward, for example a short topic or thematic DPD, the Inspector may deal with the whole examination by written representation (subject to the right to be heard).

3.4 At the end of the last programmed hearing session the Inspector will announce the estimated date for the delivery of his/her report. The examination process continues beyond the scheduled hearing sessions whilst the Inspector writes the report, however, this is not a further opportunity to make supplementary post hearing representations. Material submitted after the hearing sessions should generally be only that which has been specifically requested by the Inspector.

*The Inspector may hold early exploratory meetings to clarify any significant issues relating to soundness. If necessary, the Inspector will raise any fundamental concerns about the soundness of the document under examination at the PEM.*

3.5 Because the examination starts on submission there is scope for the Inspector to hold early exploratory meetings (before the PEM) to clarify matters which may affect the examination process. Evidence will not generally be tested at

<sup>13</sup> Under proposals in the Planning White Paper, the examination will start following the final consultation period into the Plan. This will still be at the point of submission, but submission will now be after all consultation has closed.

an exploratory session but the Inspector could voice concerns about an incomplete or inadequate evidence base. The Inspector may use the meeting to explore with the parties what additional material is needed to properly inform the examination. Discussions at the exploratory meeting will be held in public and a note of the meeting will be agreed with those who participated, and placed in the examination library.

3.6 If the Inspector is forming an early view that the submitted DPD has serious shortcomings that may point to potential unsoundness the Inspector will bring this to the attention of all the parties at an early stage either in writing or by an exploratory session. This is fundamental in ensuring that time and money is not wasted especially by LPAs and PINS.

3.7 It will generally be difficult for the Inspector to draw a conclusion of unsoundness prior to holding the hearing sessions. However, where there are very clearly serious shortcomings the Inspector could find the DPD unsound without proceeding to the hearing part of the examination.

*The Inspector may hold procedural meetings or hold hearing sessions at various stages throughout the plan process (subject to meeting the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004).*

3.9 The Inspectorate is taking a firm line to ensure that an appropriate benchmark is set for quality having regard to the evolving nature of the new LDF system. There is little benefit to anyone in allowing documents that are plainly unsound to pass as sound. This will not assist the development of a robust plan led system.

3.10 From the material that we have seen it is clear that there remains some lack of appreciation of the need for a radically different approach to plan making. LDFs are not meant to be LP/UDPs in new clothes. Some LPAs seem to be finding it difficult to move from an approach which seeks to produce a document that will allow development control decisions to be taken (the negative regulatory approach) rather than starting with the concept of providing a picture of how the area will develop spatially over the plan period and providing a policy framework that will deliver it (the positive delivery approach). The aim of the Core Strategy should be to articulate what the area should be like in the future and how this is to be achieved.

3.11 Core Strategies should be focussed on spatial policies that are very specifically aimed at

addressing the issues identified as relevant to that area. They should also, where appropriate, refer to specific 'strategic' sites (i.e. those which are key to the delivery of the overall strategy). DPDs are intended to be about delivery and hence need to be rooted in what can be achieved and how this is to occur. Many of the early Core Strategies are somewhat general and contain "policies" that are in reality aspirations. For example many Core Strategies contain general "good design policies" but are silent on how the LPA is going to implement and monitor this "policy".

3.12 There is a widespread failure to appreciate that Core Strategy policies need to add a local dimension to national or regional guidance/policy. If there is no specific local dimension there is no need for the national/regional policy to be repeated. A simple statement that for example, in the case of the green belt, national policy will be applied is all that is required, along with definition of the boundaries of the green belt and any major developed areas within it.

3.13 Many LPAs argue that for the sake of completeness and to assist the general public it is necessary to include the detail of national/regional policy. However including all this material makes the document far too long to be readily accessible to the lay reader. The aim of helping the lay reader is therefore jeopardised. Furthermore scope for including national or regional policy provides representations to be made about matters over which the LPA has no control and which should not be opened up for examination. What the LPA should focus on is their local interpretation of that higher level policy framework in the context of local issues they are seeking to address.

3.14 One of the aims of the new system is to produce concise documents. This aim is frequently being undermined by the practice of providing excessive detail about the justification for a policy or approach being adopted. In many instances the justification is very obvious. Excessive accompanying text is more about public relations than explaining the policy.

## 4: The Report

*The Inspector will not be able to recommend changes in a binding report unless he/she can be sure the plan as changed would not be vulnerable to challenge on the grounds that the proper procedures had not been followed [in particular the SA process and proper community involvement].*

4.1 The Inspector produces a report which is binding on the LPA. Therefore the Inspector is constrained in making changes which must be specific and include the precise wording of any changed policies as well as any changes required to the supporting explanatory text. The LPA has no further opportunity to revise what the Inspector has changed.

4.2 To make any significant change an Inspector would have to be certain that the change meets all the tests of soundness, would not undermine the sustainability credentials of the plan and would meet natural justice considerations. This means that any such change should normally relate to a matter which was considered during the plan preparation process.

4.3 Where a plan is potentially unsound, it is a particularly difficult judgement for the Inspector to gauge whether it is practicable to make the changes required to make the plan sound. The Inspector may ask the LPA to scope further changes during the examination, including appropriate advertisement and SA work, but LPAs should be alert to the possibility that such scoping work may be abortive if the Inspector determines the changes required (in the light of the evidence the LPA has produced) go to the heart of the plan and they have not been properly considered during the plan preparation. Thus the Inspector will find the plan unsound. This was the unfortunate outcome of the additional work the LPA carried out in the case of Ryedale's and Lichfield's Core Strategies.

4.4 It is not the role of the Inspector to make changes to improve a sound plan i.e. make the DPD "more" sound. Section 20 (5)(b) of the 2004 Act requires only that the DPD is "sound". However, soundness test vii (para. 4.24 PPS 12) is a qualitative test through which the clarity and effectiveness of the document will be tested. Inspectors are allowing the final minor editorial changes such as realignment of paragraph numbers, spelling errors etc. to be dealt with by the LPA and will provide a general clause in the report to enable LPAs to undertake this. However, it is desirable that LPAs ensure that such matters are identified prior to or at fact check stage so that the Inspector can make appropriate recommendations for the changes.

## 5: DPD Content

*Core strategies are where tough decisions need to be made: strategic decisions cannot be left to subsequent DPDs.*

5.1 LPAs should be clear at the outset that the Core Strategy is where real and probably tough decisions have to be made. It is erroneous to presume that important strategic decisions can be devolved to subsequent DPDs, where it becomes more difficult to determine the effects at the strategic level. The Core Strategy should provide a clear guide for the preparation of the subsequent DPDs or provide a base against which those DPDs can be assessed. A Core Strategy must provide a strategic framework for lower level plans to target the delivery of issues and objectives of the Core Strategy through subsequent DPDs. It should also provide a framework for development management.

5.2 Taking housing as an example, the Core Strategy must not leave the question of the general allocation of the level of housing to settlements open on the grounds that this can only be done once housing sites have been identified in a housing or Site Allocation DPD. The strategy should be driving the allocation of sites not the other way around. In this way, where it is clear that there are certain sites, key to the delivery of the overall strategy, whose location is not open to extensive debate (either because of existence of barriers to growth elsewhere or because of overwhelming positive qualities of the site), then it is entirely appropriate for such sites to be mentioned in the Core Strategy.

5.3 It is clear that a number of LPAs are having difficulty in getting the strategy clear first before moving on to thinking about the detail of the policies needed to put the strategy into effect. Failure to think of the strategy as the first priority results in Core Strategies that do not adequately reflect the concept of spatial planning. Such Core Strategies fail to move from the control of land uses approach to a more dynamic and positive approach based on a spatial vision of the type of place that is being aimed at.

5.4 LPAs will find it useful to consider the main elements of a Core Strategy (as set out in PPS12) as a means of thinking about the structure, content and internal coherence of the DPD. So there should be a logical relationship between the visions from which the Core Strategy objectives are derived, which in turn inform the spatial strategy, the core policies and an implementation and monitoring framework. The Planning Advisory Service published "Core Strategy Guidance"<sup>14</sup> in

December 2006 which aims to assist LPAs by providing an idea of what parts of a Core Strategy might look and feel like. It has been prepared by a working group comprising representatives from CLG, GOs and PINS. CLG also sent a letter alongside PPS3 indicating how LPAs may wish to consider the need for production of DPDs, in particular Site Allocations DPDs.

*DPDs should show how national policy and the Regional Spatial Strategy are developed to give local distinctiveness (otherwise the DPD adds little value to what is already available). Examples of adding value would be providing greater detail which elaborate higher policy (e.g. choosing a particular target within a prescribed range) or making an exception to higher policy provided that there is a justified reason to do so, based on relevant evidence of a local need.*

5.5 There are dangers of the Core Strategy simply setting out a shopping list of what is in national policy or the RSS. A brief explanation of the national/regional context may be helpful but a repetition of higher level policies serves no purpose. If the Core Strategy wishes to focus on a subject area already covered by higher level policy, it should translate the national policy/RSS into the local context with appropriate adjustments for local circumstances (hence "general conformity") based on local evidence. If it does not do this, it is difficult to see what value it adds.

5.6 The Core Strategy should be clear and coherent in developing national and regional policy to provide a strategy specific to the local area (i.e. providing local distinctiveness) and giving spatial expression to the Community Strategy. LPAs should consider "Does the plan add to the sum of knowledge?" Taking the Green Belt as an example there is a perfectly good national policy. Other than defining the boundaries within the LDF, the question for a Green Belt LPA should be not how do we word a Green Belt policy but what is our strategy for the Green Belt given present circumstances and the amount of development we are seeking to accommodate? Can the Green Belt be left as it is or is there a need for some revision (either extension or reduction) of the Green Belt?

<sup>14</sup> View 'Core Strategy Guidance' at: <http://www.pas.gov.uk/pas/core/page.do?pageId=31030>.

5.7 Core Strategies should not contain bland general policies that are little more than public relations statements. For example “Housing development must contribute to the creation of sustainable and mixed communities. Proposals must provide housing types and tenures that address local housing needs”. How does this add to national policy? Is it a policy or an aspiration that takes us nowhere in real terms? How does it address the real issues identified and enable the creation of locally distinctive places?

5.8 If what the LPA says could be replicated across the country and merely reiterates national or regional policy it adds little value and merely leads to a waste of examination time and resources. Policies in a LDF should be locally distinctive. The insertion of locally specific targets into a policy developed at national or regional level may contribute to the preservation of the key element of local distinctiveness whilst providing consistency between different parts of the country/region.

*Inspectors need to establish whether the plan will achieve what is intended by being able to measure the policies/proposals. Derivation of targets should be properly explained. There should also be a clear evidence base for specific numbers and percentages.*

5.9 DPDs should be firmly focused on delivery. Thus the implementation and monitoring section of a DPD is of equal importance as the policies in the DPD. A number of Core Strategies seen to date have been particularly weak on implementation and monitoring. It is not adequate to deal with monitoring in a Core Strategy by simply saying that it will be dealt with in the Annual Monitoring Report (AMR). The Core Strategy needs to set the framework for the AMR by identifying key targets and indicators against which the LPA can measure the effectiveness of the strategy/policies and proposals.

5.10 Implementation and delivery targets must be clear and related to policy considerations, e.g. affordable housing targets need to have a parent affordable housing policy and need to be firmly rooted in a proper understanding of the likelihood of funding for affordable housing. Derivation of targets should be properly explained and should be clear in their relationship to the strategy. There should be a clear evidence base for specific numbers and percentages. The question of implementation and monitoring requires far more rigorous thinking and tougher decision making than has been evident in some instances.

*Building in flexibility: Inspectors need to be clear whether and how the LPA’s approach might accommodate a change resulting from the emerging RSS (in London, the Spatial Development Strategy).*

5.11 Many DPDs are being developed in the face of uncertainty about policy issues addressed in the draft RSSs. It is important that this does not delay progress unnecessarily. Perhaps the most prominent issue is that of housing provision. A particular issue concerns the lack of potential flexibility in the way that Core Strategies deal with changes flowing from the review of RSSs especially where these have reached an advanced stage – e.g. awaiting examination.

5.12 For Core Strategies, Site Allocation DPDs and perhaps some Area Action Plans, this potential for change does make it more difficult to offer consultees certainty about the precise implications of developing plans. In these circumstances, it may be appropriate to set out how the DPD, once adopted, would be used to manage the changing circumstances. So a Core Strategy might describe the general approach to meeting need for additional housing provision based on current RSS requirements. It could also explain how the approach could be adjusted in practical terms if housing provision needed to change or be phased differently once the RSS review has concluded. In other words, that it is not constrained by one set of figures for housing development in the area or by political rather than planning considerations.

5.13 Flexibility is also about considering “what if” scenarios, e.g. if the strategy is heavily reliant on a specific type of infrastructure or a major site. The plan should address the issues that could arise if the chosen option cannot be delivered when required.

## 6: Conclusion

6.1 The above guidance is based on over 100 DPDs which PINS has received for examination as at June 2007. It is designed to help LPAs and others to prepare the DPDs they require within the framework of the current processes. The lessons learned have also helped to inform the changes proposed in the Planning White Paper to which this document is cross referred. It is to be hoped that these lessons will lead to a step change in the delivery of sound documents for examination.

You may obtain printed copies of this document from PINS Policy Unit (email [Martin.Smith@pins.gsi.gov.uk](mailto:Martin.Smith@pins.gsi.gov.uk), phone 0117 372 6313) or you can download it from PINS website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## Annex: Note on the Waste Content of Core Strategies

### *Why prepare the note....?*

The note has been prepared to **disseminate experience of preparing the waste content of core strategies**. It draws extensively from a workshop<sup>15</sup> held in April to **consider the lessons to be learnt from experience to-date**. The note has been drafted as a 'living document' which can be refreshed as necessary and is set within the framework provided by the Planning White Paper<sup>16</sup>.

### *What does the note cover....?*

This note **focuses on the waste content of the core strategies prepared by waste planning authorities** (WPAs). It should also be of interest to district councils in two-tier areas because the core strategies of all planning authorities have substantial contributions to make to delivering sustainable development through driving waste management up the waste hierarchy. As PPS10<sup>17</sup> states, positive planning helps deliver sustainable waste management:

- (i) through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and,
- (ii) by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

The note sits within the policy framework provided by extant planning policy statements<sup>18</sup> and their supporting practice guidance. It is intended to be read alongside this policy framework and is not in itself intended to be prescriptive on what the waste content of a core strategy should contain or look like. Nor does it attempt to repeat all material of relevance to the preparation of core strategies<sup>19</sup>.

### *What is wanted from the core strategy....?*

Quite simply, the core strategy of a WPA should set out **policies and proposals for waste management which ensure sufficient opportunities for the provision of waste management facilities in appropriate locations including for waste disposal**<sup>20</sup>. The content should be in line with the regional spatial strategy (RSS) where this has been updated in the light of PPS10. Where this is not yet the case, any emerging revisions to the existing RSS will be an important but not determinant contribution to content<sup>21</sup>. The core strategy should also be informed by any relevant municipal waste management strategy.

### *So what does this mean in practice....?*

The core strategy provides **the spatial portrait of an area - of how it is now, the vision of how it will be and the strategy for getting there**.

It should for waste, as for any other area of planning, succinctly **articulate the issues faced, options considered, key decisions made and the proposed solutions that together build the strategy**. This means getting to grips with the dynamics of waste generation and waste management. The companion guide supporting PPS10<sup>22</sup> provides advice on both how to do this and how to integrate this thinking with, and into, wider plan-making, both horizontally and vertically. It also means knowing **what the potential is and could be** for delivering sustainable waste management. This is important because positive planning is concerned with opportunities and not just constraints. The narrative which sets this out should draw clearly from and signpost to the supporting evidence base, sustainability appraisal and

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<sup>15</sup> The workshop included participants from Communities and Local Government, the Planning Inspectorate and planning authorities and planning consultants with experience in developing core strategies.

<sup>16</sup> Planning for a Sustainable Future

<sup>17</sup> PPS10 Planning for Sustainable Waste Management

<sup>18</sup> In particular, PPS10 Planning for Sustainable Waste Management and PPS12 Local Development Frameworks

<sup>19</sup> See below 'Pointers for practice'

<sup>20</sup> See paragraph 16 of PPS10

<sup>21</sup> And see paragraph 14 of PPS10

<sup>22</sup> Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10

any appropriate assessment. In this work, it is important to avoid seeking levels of precision that soak up disproportionate effort in data collection and in prescription stifle technological innovation.

Good plans do not sit on shelves. This is why the core strategy should also **set out a monitoring and implementation framework**. The companion guide to PPS10 helps with this.

Remember that the core strategy provides the framework within which any other local development document nests. The **difficult decisions should be taken in the core strategy** and should not be relegated to subsequent DPDs or SPDs.

To ensure sufficient opportunities for the provision of waste management facilities in appropriate locations, the core strategy should **set out how sites and areas suitable for new or enhanced waste management facilities will be identified<sup>23</sup>, including the criteria that will guide actual allocations and the broad locations where these will be sought<sup>24</sup>.**

In doing so, the core strategy can make a significant contribution to the framework of considerations within which decisions are taken on planning applications. The clarity of this framework can be improved by **allocating strategic sites and areas** critical to the delivery of the strategy's vision **including sites to support the pattern of waste management facilities set out in RSS in accordance with the broad locations identified in the RSS<sup>25</sup>**. The Planning White Paper makes it clear that it is acceptable for core strategies to include strategic sites, and that this can reduce the need in some cases to produce further more detailed planning documents.

### ***So what does a good core strategy look like....?***

The shaping, development and presentation of the waste content of a core strategy is not independent of whether the WPA is, for example, preparing the waste component of the core strategy for an all-purpose unitary authority or is a county council working within a minerals and waste development framework. Whatever the circumstances, however, WPAs should **aim for core strategies with the following characteristics**:

- places and areas are **distinctive and distinguishable** therefore strategies should be **spatial and bespoke** and not just an assembly of development control policies;
- strategies should be **evidence-based** but **concise** through not repeating national or regional policy and by avoiding the inclusion of unnecessary detail when the core strategy can **signpost to the supporting evidence base**;
- strategies should make **good use of graphical material, including a key diagram**, where this aids understanding and succinctness;
- **avoid unnecessary prescription** on matters such as technology except where this is integral to the choice and delivery of the sites and areas that together make up the land platform for new waste management capacity;
- **write positively**, the core strategy is there to **help secure delivery**. Planning is pivotal to the adequate and timely provision of the facilities needed to move waste management up the waste hierarchy.

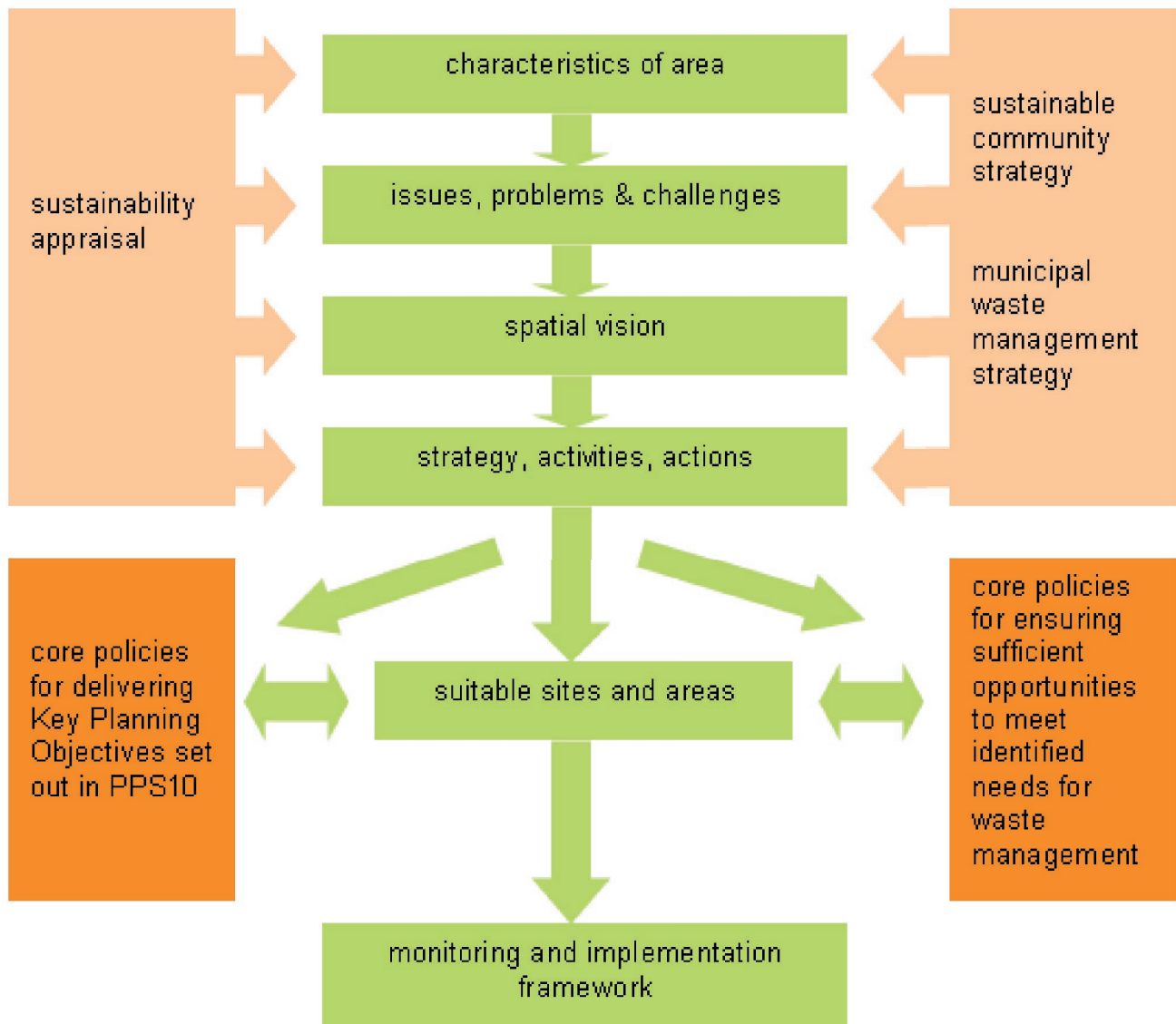
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<sup>23</sup> See paragraphs 17 and 18 in PPS10

<sup>24</sup> See paragraph 2.10 in PPS12

<sup>25</sup> See paragraphs 11/ 12 in PPS10 and 1.17 in PPS11

**Core Strategy Key Elements\***



\* adapted from Figure 1 of the Planning Advisory Service's Core Strategy Guidance

## **Pointers for Practice**

Office of the Deputy Prime Minister (2004) *Creating Local Development Frameworks: a Companion Guide to PPS12*

The Planning Inspectorate (2005) *Development Plans Examination - A Guide to the Process of Assessing the Soundness of Development Plan Documents*

Communities and Local Government (2006) *Planning for Sustainable Waste Management Companion Guide to Planning Policy Statement 10* (and sources of practice advice listed under the "Key Signposts")

The Planning Inspectorate (2006) *Local Development Frameworks: Early Experiences Examining Development Plan Documents*

Planning Advisory Service (2006) *Core Strategy Guidance*

Communities and Local Government and Royal Town Planning Institute (2007) *Planning Together, Local Strategic Partnerships and Spatial Planning: a practical guide*

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