

Local Planning Regulations

Consultation questions

We are seeking your views on the following questions on the Government's proposal for new local planning regulations.¹ **If possible, we would be grateful if you could respond by email.** Alternatively, we would be happy to receive responses by post.

Email responses to: lpregsconsultation@communities.gsi.gov.uk

Written responses to:

Martin Bridgman
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	Helen Gregory
Position:	Principal Policy Advisor
Name of organisation (if applicable):	Brighton & Hove City Council
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Telephone number:	01273 208497

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

¹

See <http://www.communities.gov.uk/planningandbuilding/publications/consultations>

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

(iv) Please tick the one box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

(b) Consultation questions

1(a) - Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

1(b) If you have any comments please enter these below

Agree with the following caveat. It is recognised that this consultation asks for comments on how the revised regulations have responded to the *proposed* planning reform programme. However these revised regulations may be subject to change if the Localism Bill and National Planning Policy framework change before they are enacted/published.

2(a) Do you agree with the list of bodies included in the duty to cooperate?

- Agree
- Neither agree or Disagree
- Disagree

2(b) If you have any comments please enter these below

Following publication, the Local Planning Regulations may need to be updated to reflect the Government's intention to replace Primary Care Trusts.

3(a) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

3(b) If you have any comments please enter these below

The council supports the approach to consolidating the changes made since 2004 and streamlining requirements to reduce repetition. This will simplify the document and make it easier to understand.

Welcome also the removal of reference to complex Local Development Framework terminology in the regulations. However a few points of clarification are required:

1) With regard to the Local Development Scheme. By removal of the current Regulations 10-11 it is not clear whether there is still a requirement to bring the Local Development Scheme and revisions into effect as set out in the Act.

2) Query the removal of objectives relating to design and access under Regulations Part 3 (7). Given that the Act requires that in complying with the duty for sustainable development, regard should be have to the desirability of achieving good design. Could be presumably still be covered by proposed 7(e) but would welcome that clarification/ confirmation.

3) Further clarification as to the role and status and preparation process of the Statement of Community Involvement is required.

Previous changes to the P&CP Act (Subsection (3)(a)) removed the requirement for the statement of community involvement to be specified in the local development scheme and subsection (4)(c) removes the requirement for an independent examination of the statement of community involvement. Further given the removal of details on public participation' on the SCI (current Regulation 26) it is not clear what the requirements for preparing and revising a SCI are. Further it appears to no longer be a required document (see 30(c) of current regulations) to be submitted to the Secretary of State under proposed regulations 23 unless it is considered that this is covered under 23 (e) 'such supporting documents'.

4(a) Are there any ways in which the regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

Yes

No

4(b) If 'Yes', please specify below.

Is there any possibility of clarifying in the Regulations more

clearly the status of documents i.e. what are local development documents and what are development plan documents and how this relates to use of the term Local Plans? It is considered that 37(3) of the Act: 'A development plan document is a local development document which is specified as a development plan document in the Local Development Scheme' is complex LDF terminology which requires a clearer explanation in the Regulations.