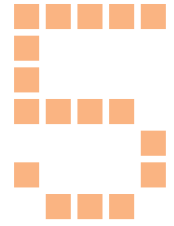


## PLAN PREPARATION

# Local Development Frameworks: why, when and how to get involved



This is Sheet 5 of The Planning Pack. This pack has been written by Planning Aid, with assistance from Urban Forum. The Planning Pack is endorsed by the Royal Town Planning Institute

## Introduction

This information sheet provides information on how to get involved and influence the making of 'Local Development Frameworks'. It is Sheet 5 of a series of 17 that forms an information pack to help you understand and get involved the planning system.

**Local Development Frameworks (sometimes referred to as LDFs) are prepared by local planning authorities. Local planning authorities include: County Councils (waste and minerals), Unitary Authorities, Borough Councils, District Councils and National Parks. The purpose of Local Development Frameworks are to guide new building and land use in the public interest and to seek to ensure that a balance is struck between the need for development and the conservation of the environment. A brief introduction to development plans is given in Sheet 4.**

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

## Why get involved?

The documents within the Local Development Framework for your area set out the local planning authority's policies and proposals for building and land use over the next ten years or so.

The Local Development Framework will 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.

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 that it is the right of the public to participate in Development 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 Development Framework the site is allocated for housing. You are told by a planning officer that the application is unlikely to be refused since it is in accordance with the 'Development 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 Development Plan.

## What if you don't get involved?

For many people, the first time they come across a Local Development Framework, 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 Development Plan Documents (at the evidence gathering, issues and options and preferred options stage) 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. These could have been discussed to identify which sites might be more appropriate for other uses, such as housing. The open space might have been designated as open space in the Development 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

plan and an important piece of open space is lost forever.

Remember that the Development Plan is the most 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 Development Frameworks

The majority of people are only interested in saying 'no' to development plans, that is in 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

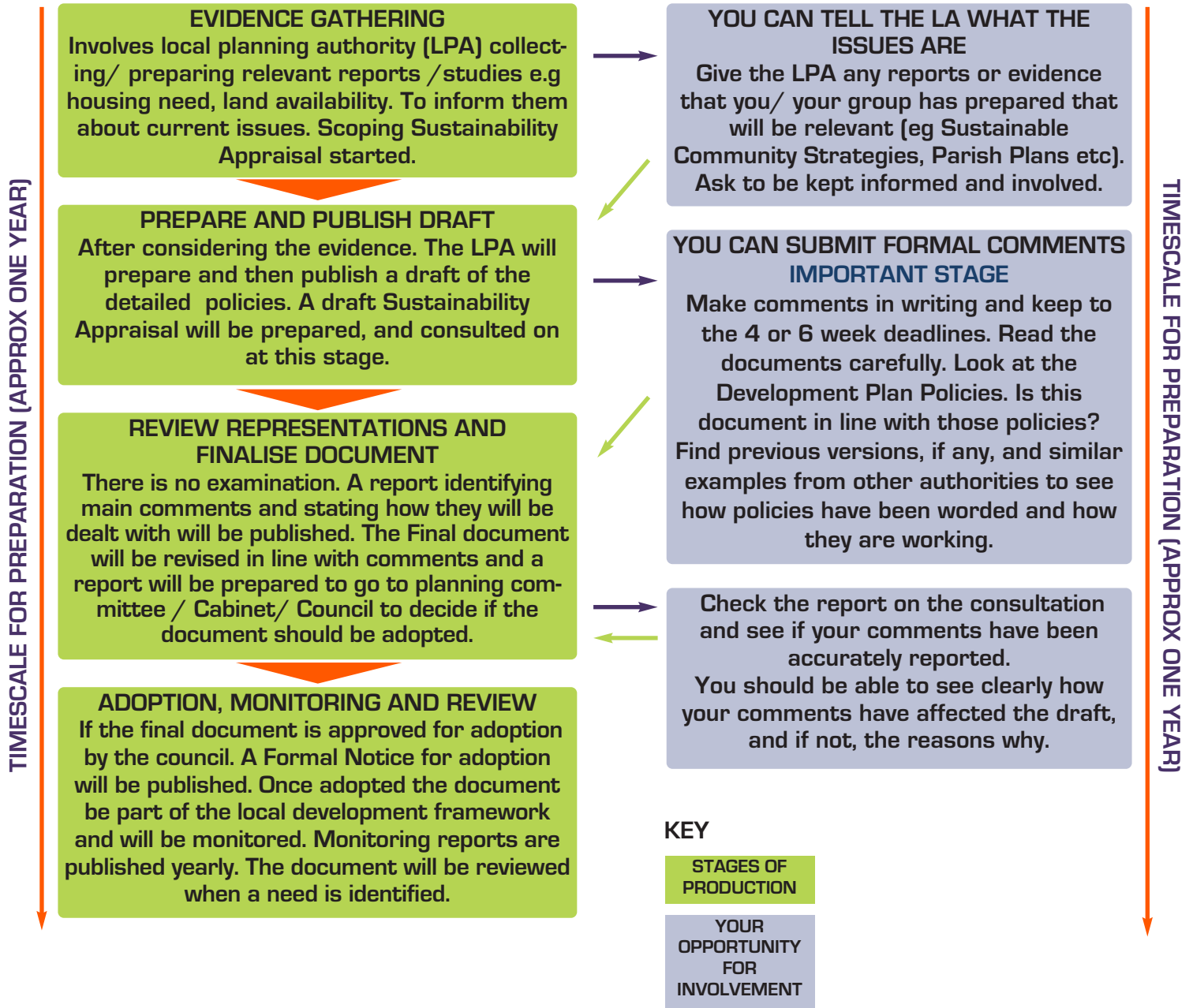
As a general rule, the sooner you can get involved in the preparation of Local Development Documents that form the Local Development Framework the better. The earlier you can make your views known to the local planning authority, the more chance you have of getting them reflected in the final plan. So, what does this mean in practice?

All Local Development Documents go through a set process of preparation, involving a number of key stages (see Sheet 4 and below). 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.

The diagrams below describe the steps you can take at each stage in the preparation of local Development Plan Documents and Supplementary Planning Document respectively.

If you have ideas about how your area could be developed, for example possible sites for development, and information

## Getting involved in the preparation of a Supplementary Planning Document



## Getting involved in the preparation of a Development Plan Document

**KEY**

STAGES OF PRODUCTION

YOUR OPPORTUNITY FOR INVOLVEMENT

TIMESCALE FOR PREPARATION (APPROX THREE YEAR)

TIMESCALE FOR PREPARATION (APPROX THREE YEAR)

**EVIDENCE GATHERING**  
Involves local planning authority (LPA) collecting/ preparing relevant reports /studies e.g housing need, land availability. To inform them about current issues. Scoping Sustainability Appraisal started.

**TELL THE LPA WHAT THE ISSUES ARE**  
Give the LPA any reports on local needs/ actions you/ your group have prepared e.g Community Strategy, Parish Plan, Towns Plan. Or think about preparing a short report on your area.

**ISSUES AND OPTIONS**  
The evidence is considered, the key issues are highlighted. Different ways or Options to address the issues are identified, through consultation. Initial Sustainability Appraisal report, consulted on.

**WHAT ARE THE ISSUES IN YOUR AREA?**  
Have all the main issues been highlighted? How can they be addressed? What sites should be developed for what use? What areas should be protected? Use national, regional and other local policies to help you.

**PREFERRED OPTIONS**  
The favourite Options identified from consultation will be developed and include draft policies, proposals and alternatives to deliver the areas vision. Sustainability Appraisal Report issued.

**YOU HAVE 6 WEEKS TO MAKE COMMENTS**  
**IMPORTANT STAGE**  
Study the documents carefully. Have all options/sites been considered? Make comments on draft policies/ proposals and suggest alternatives in writing. Use the SA report and other supporting documents, examples from other places to help you.

**PREPARATION AND SUBMISSION OF DOCUMENT**  
The LPA will consider all comments and provide a report to say how they will deal with them. The LPA will then revise the draft document, Sustainability Appraisal Report, and justify policies. The draft is sent to the government for testing, and made available for comment

**YOU HAVE 6 WEEKS TO MAKE COMMENTS**  
**IMPORTANT STAGE**  
Have all your comments been considered? Support the parts you like, especially if they are in line with your comments. If not send your previous comments at this stage. Use the inspectors 9 tests to structure/support your comments.

**INDEPENDENT EXAMINATION**  
An independent Inspector will examine the final document against 9 tests, taking into account your comments, and decide if it is Reasonable/ Sound document

**IF YOU MADE A FORMAL COMMENT EARLIER YOU CAN APPEAR AT EXAMINATION**  
You would have been given the option to say if you wanted to attend the examination or rely on your written comments at the previous stage. You can submit more evidence. Verbal and written evidence count as the same.

**BINDING REPORT**  
Having considered the evidence the Inspector will publish a report, with recommendations for changes to the document. The LPA must follow these recommendations

The Inspectors report will be available publicly. The LPA and Inspector can only agree to make factual changes to the report.

**ADOPTION AND MONITORING**  
Once changes are made in line with the Inspectors report, the LPA should adopt the document. A report monitoring the effectiveness of the document will be produced annually

about your areas needs and aspirations, you should provide your ideas at the first two stages, called 'Evidence Gathering' and 'Issues and Options'. Otherwise your suggestion cannot be considered fully or consulted on properly and so may not be taken into account. It is also important that you submit formal written comments on policies and proposals at the Pre-submission and Submission stages of the Development Plan Document preparation, and on the draft stage for Supplementary Planning Documents. No other opportunity exists for you to make formal comments to proposals and policies after the Examination stage.

## How to get involved effectively

The diagrams above set out the opportunities for involvement at each stage of plan preparation. The following provides some key points on how to make the most of those opportunities:

### 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 prepare or 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. (see Sheet 7 for further information on Statements of Community Involvement)
- >> 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 your, or your groups, up to date contact details.

### Get involved early

Use opportunities for involvement to your best advantage. At the evidence gathering, issues and options stages you can put forward your ideas, needs and aspirations. Use locally based reports and action plans to support any comments you put forward. For example, if you or your group have been involved with, or prepared, a Parish Plan, Village Design Statement, Town Plan or Community Strategy Action Plan and they back up your ideas for the area, use these to validate

your comments.

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

Not got a local/Parish Plan for your area? If you want to find out what your community needs and wants there are lots of Community Planning Activities/Tools that you can use to help you find out your area's needs and aspirations. Visit [www.communityplanning.net](http://www.communityplanning.net) or contact your Regional Planning Aid Service, if you are eligible.

### 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, your local Planning Aid Service 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 (including the Regional Spatial Strategy), the latest version of the plan in preparation, the sustainability appraisal, National Planning Policy Statements, 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; 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 the Department for Communities and Local Government for Examination an Inspector assesses the document against nine tests, called 'Tests of Soundness'. These tests look at how the document has been prepared, how it fits in with other policies and strategies (national, regional and local), and whether the final policies/proposals are appropriate. The Inspector will look for specific evidence or proof that these tests have been met. The nine tests and examples of evidence for each test are identified in the box below. Use these nine Tests of Soundness

# Is the Development Plan Document Sound

## Procedural Tests – How has the document been prepared

1. The Development Plan Document has been prepared in accordance (in line) with the Local Development Scheme. Tips: get a copy of the Local Development Scheme Was the document in the Local Development Scheme? Does it cover the subject mentioned?
2. The Development Plan Document has been prepared in line with the Statement of Community Involvement, or with the minimum requirements set out in the regulations where there is no Statement of Community Involvement. Tips: look at the Statement of Community Involvement and the local planning authority's consultation statement. Was the Statement of Community Involvement followed, and are the points made in the consultation statement accurate?
3. The plan and its policies have been subjected to Sustainability Appraisal. Tips: look at the sustainability appraisal report. How has it been prepared? What information has been used?

## Conformity tests

4. It is a spatial plan which is consistent with national planning policy and in general conformity with the Regional Spatial Strategy or Spatial Development Strategy (London) for the Region. And it has properly had regard to (considered) any other relevant plans, policies and strategies relating to the area or to adjoining areas. Tips: look at a copy of your Regional Spatial Strategy, national Planning Policy Statements, the Local Transport Plan, and any supporting studies produced by the local planning authority. Does the document being consulted on conform to the conclusions and policies made in these documents?
5. It has had regard to the authority's Community Strategy. Tips: look at the community strategy. Does the consultation document help to deliver the overarching objectives?

## Coherence, Consistency and Effectiveness

6. The strategies/policies/allocations in the plan are coherent and consistent within and between Development Plan Documents prepared by the authority and by neighbouring authorities where cross boundary issues are relevant. Tips: look at the other planning documents produced by the local planning authority. Will the consultation document help to deliver other policies? Are there policies and proposals that are inconsistent with wider objectives/policies? Is the document consistent with the plans of neighbouring authorities?
7. The strategies/policies/allocations represent the most appropriate in all circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base. Tips: look at the sustainability appraisal, supporting studies and other locally prepared plans e.g. parish plans. What do they say about the sites proposed? Your local knowledge will be particularly useful here.
8. There are clear mechanisms for implementation and monitoring. Tips: has the local planning authority made clear how it will monitor the policies in the plan?
9. It is reasonably flexible to enable it to deal with changing circumstances?

(below) as a Checklist to help you structure your comments. At the submission stage you must relate your comments to the Tests of Soundness and you will have to say whether you think the document meets these tests and is 'sound', or does not meet the tests and is 'unsound';

- >> 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 (relate to the nine tests – 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 (see inset box on tests of soundness if you are getting involved at the last stage when the document is submitted to the Government to be tested by an Inspector);
- >> Concentrate on the planning issues involved. These are known as material considerations (see below for more information);
- >> 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 planning policy statements, regional policies, 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 and parish plans) Your local knowledge is invaluable, but try not to get sidetracked 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.**



## What is a material consideration?

This is a question to which there is unfortunately no easy answer.

**A material consideration can be pretty much anything relating to planning matters, depending on the particular circumstances of your case. For example it could be: something in a planning policy statement (PPS), supplementary planning document (SPD), the conservation status of a site/area, or local road capacity.**

**Potential effect on property values, land ownership, legal covenants are not relevant to planning and are not material considerations.**

### How to identify material considerations

There are a number of things that you can do to identify material considerations:

- >> Check the local planning authority's register of planning applications for past applications on your site or in your area – reasons given for any refusals will give a clue as to the relevant planning issues at that time;
- >> Check past committee reports relating to planning decisions in your area – these will set out the arguments for and against particular proposals;
- >> Check out any planning appeal decisions in your area - these will set out the main planning considerations taken into account by the Inspector.

**One word of caution – planning policies do change over time and reasons for past planning decisions may no longer be valid today. However, the main planning issues will probably remain the same, even if the importance attached to them may have changed.**

See Sheet 9 for more information.

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