

# **Wiltshire & Swindon Waste Development Forum**

## **Meeting 1: Commencement, Background and Future Programme**

### **Topic Paper 1: The New Planning System**

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#### **Introduction**

The purpose of this Topic Paper is to briefly outline some of the main changes to the planning system to be introduced by the Planning and Compulsory Purchase Act (2004) (P&CPA).

The Government is undertaking a major programme of reform to create a planning system in England that is more flexible and responsive to the interests and demands of today's society. The Planning and Compulsory Purchase Act introduces significant changes to the planning system including the way policy is developed at a national, regional and local level.

Due to the technical nature of the language surrounding the new planning system a glossary has been provided in **Appendix 1** to clarify the acronyms used in this Topic Paper.

#### **National Policy**

Government policy in respect of planning matters is currently contained in a combination of existing Planning Policy Guidance notes (PPGs) and Minerals Planning Policy Guidance notes (MPGs), which are gradually being replaced with up to date Planning and Minerals Policy Statements (PPSs and MPSs).

To date the following PPSs and MPSs have been issued:

- PPS1: Delivering Sustainable Development
- PPS6: Planning for Town Centres
- PPS7: Sustainable Development in Rural Areas
- PPS11: Regional Planning
- PPS12: Local Development Frameworks
- PPS22: Renewable Energy
- MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction

In addition, a number of consultation PPSs and MPSs have been issued, including Draft PPS 10 – Planning for Sustainable Waste Management (more detail is provided on this PPS in Topic Paper 2). All of these documents can be viewed at [www.odpm.gov.uk](http://www.odpm.gov.uk).

#### **Regional Policy**

Regional Planning Guidance (RPG) Notes, which set out the planning strategy for a region, will be replaced with Regional Spatial Strategies (RSSs), which in the case of the South West will be the South West Regional Assembly (SWRA).

The RSS will become part of the development plan and rather than setting out guidance like the RPG it will contain more detailed proposals on development and use of land in the region and will replace the strategic function of Structure Plans which are currently prepared by County Councils and Unitary Authorities.

Under the terms of the Planning and Compulsory Purchase Act, RPGs will be afforded development plan status until the RSS for the region has been adopted. The relevant RPG for the south west is RPG10, which was adopted in September 2001 and covers the period to 2016. The RSSs will be subject to consultation and public examination prior to adoption. It is anticipated that RPG 10 will be replaced by a RSS in 2006/2007.

Further information on the RSS for the South West can be found at [www.gosw.gov.uk](http://www.gosw.gov.uk) & [www.southwest-ra.gov.uk](http://www.southwest-ra.gov.uk)

## **Local Policy**

District and Borough planning authorities will be required to prepare Local Development Frameworks (LDFs) instead of area wide Local Plans. Reforms of Minerals and Waste Local Plans will mirror the changes for district wide local plans and in areas where a 'two-tiered system' exists (County and District authorities like in Wiltshire) Structure Plans will be abolished.

However, in spite of the changes to the overall structure of local and strategic planning, the County Councils (along with Unitary Authorities) will retain the responsibility for minerals and waste planning and are required to prepare Minerals and Waste Development Frameworks.

The Minerals and Waste Development Framework will be prepared by Wiltshire County Council (WCC) and Swindon Borough Council (SBC) and will comprise:

- a portfolio of local development plan documents (DPDs);
- a Local Development Scheme (LDS);
- Supplementary Planning Documents (SPD); and
- a Statement of Community Involvement.

The process of preparing DPDs, which will be subject to appropriate Sustainability Appraisal and Strategic Environmental Assessment, is set out in **Appendix 2**. A brief explanation of the process required by SA/ SEA is provided below.

## **Sustainability Appraisal and Strategic Environmental Assessment**

Under the P&CPA Sustainability Appraisal (SA) is a requirement for all RSSs, DPDs and SPDs and is intended to aid the Regional Planning Bodies and Local Planning Authorities in meeting the objective of contributing to the achievement of sustainable development in

preparing their plans<sup>1</sup>. During the preparation of these documents Regional Planning Bodies and Local Planning Authorities are also required to undertake a strategic environmental assessment of their policies and proposals in accordance with the requirements of the recently implemented 'SEA' Directive<sup>2</sup>.

The ODPM advises that, rather than undertake two assessments which share many similar characteristics, much of the same baseline information and seek to address a range of impacts that can not be easily decoupled from each other, that it is possible to satisfy both of these requirements to undertake SA and SEA through a single appraisal process.

Consequently, the approach being taken to cover these key assessment tasks is to run a process of sustainability appraisal including SEA alongside the preparation of each stage of the DPDs produced by either a Regional Planning Body or a Local Planning Authority, producing one appraisal report for each relevant document that includes the requisite Environment Report specified by the SEA Directive.

This approach is now in place for the Wiltshire and Swindon Minerals and Waste Development Documents and is being implemented under the Wiltshire Minerals and Waste Development Scheme and the Swindon Local Development Scheme (see below and Topic Paper 2).

To assist with the technical aspects of the appraisal process and to provide an independent assessment of the impacts of their proposed policies and proposals, WCC and SBC have appointed sustainability consultants C4S (Centre for Sustainability) to oversee the SA/ SEA work for the following documents currently under preparation:

- The review of the Wiltshire Local Transport Plan (LTP);
- The review of the Wiltshire and Swindon Minerals Local Plan (MLP); and
- The review of the Wiltshire and Swindon Waste Local Plan (WLP).

This work will provide a detailed assessment of the options proposed against a range of detailed social, environmental and economic indicators, making use of available data and information to identify which options will represent the most sustainable approach to providing for transport, infrastructure in Wiltshire and for minerals and waste planning in Wiltshire and Swindon.

The process of SA/ SEA will run from the beginning of these review processes until the point the new Local Transport Plan for Wiltshire and the new Wiltshire and Swindon Minerals Development Documents (MDDs) and Waste Development Documents are adopted.

Once adopted, and in parallel with the requirements of the P&CPA regarding the preparation of MDDs and WDDs, a process of monitoring and review of the implementation of the policies and proposals is required as part of the SA/ SEA process which will then be used to inform subsequent review of these documents

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<sup>1</sup> Detailed guidance on Sustainability Appraisal is provided in the ODPM document 'Sustainability Appraisal of regional Spatial Strategies and Local Development Frameworks' (September 2004).

<sup>2</sup> European Directive 2001/42/EC: The Assessment of the Effects of certain Plans and Programmes on the Environment.

More information on the SA/ SEA process can be found on the ODPM website or at [www.sea-info.net](http://www.sea-info.net) – a web based information service provided by C4S.

### **What is a Minerals and Waste Development Framework and what will ours look like?**

Minerals and Waste Development Frameworks (MWDF) apply to the County level of planning. In our area this means that the MWDF will replace the existing, jointly prepared, Wiltshire and Swindon Minerals and Waste Local Plans.

The M&WDF will comprise a series of local development documents (LDDs). Some of which will have 'development plan status' and therefore authorities will be obliged to produce, others that will not. It will also contain other documents such as the Statement of Community Involvement (SCI), the Minerals and Waste Development Scheme (MWDS) and, in due course, an Annual Monitoring Report (AMR).

**The M&WDF together with any existing saved plans (or elements of saved plans)<sup>3</sup> and the Regional Spatial Strategy (RSS) will provide the basis for future minerals and waste planning in the County and Borough.**

The DPDs will provide a framework for delivering the planning strategy for the area that they cover. They must conform to the RSS and will be subject to independent examination. Following examination the Inspector will publish a binding report providing recommendations that the LPA must make prior to adoption. DPDs must include:

- Core Strategy
- Site specific allocations of land;
- Area Action Plans (if appropriate) and
- A Proposals Map (with inset maps, where necessary)

WCC and SBC have produced a Local Development Scheme (LDS) (the MWDS) which sets out the programme for the preparation of the Local Development Documents (LDDs). Wiltshire's MWDS was approved by the Secretary of State in April and will be available for general inspection from June 2005. Swindon's LDS (incorporating local, minerals and waste planning elements) is still in draft format and is expected to be approved in late summer 2005.

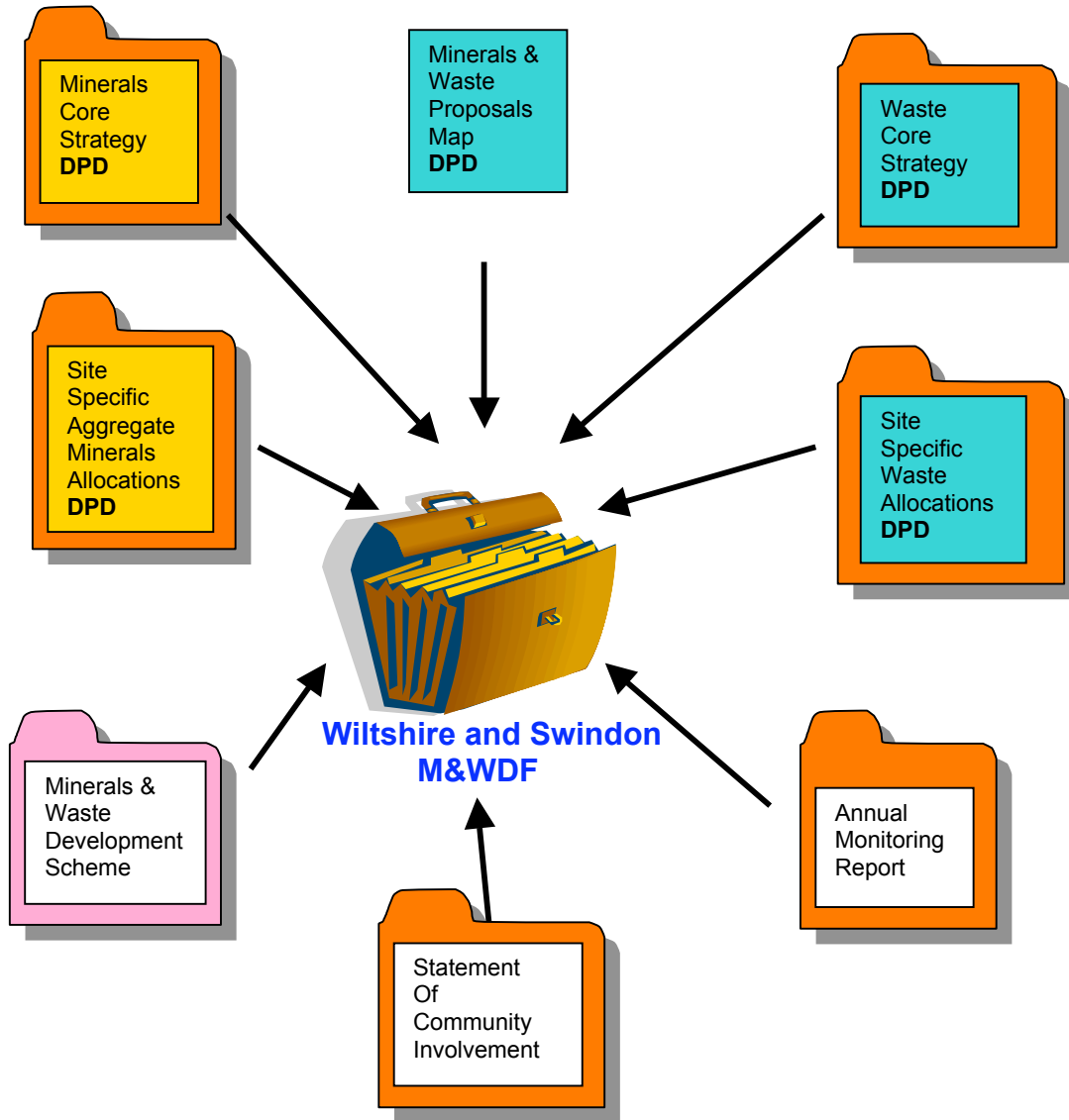
Supplementary Planning Documents (SPDs) may also be prepared on a wide range of issues should the Waste Planning Authorities (WPAs) wish to provide guidance to supplement the policies and proposals in the DPDs. SPDs will replace Supplementary Planning Guidance and will not form part of the development plan or be subject to independent planning examination. The P&CP Act does not allow for existing SPG to be saved.

The following figure seeks to illustrate the process outlined above:.

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<sup>3</sup> The new planning arrangements make provision for existing development plans to be saved for the period of 3 years from the point of their adoption or from commencement of the Act (28<sup>th</sup> September 2004). There is also provision to save certain elements (policies / proposals) for longer than 3 years if sufficient justification can be provided.

**Figure 1: The Proposed Wiltshire and Swindon Minerals and Waste Development Framework**



**KEY**



**Required (Must be produced) Scheme**



**Project Plan (Minerals & Waste Development Scheme)**

Transitional arrangements allow for existing adopted plans to be saved for three years from the date of commencement of the Act. If a plan is saved it will remain part of the formal Development Plan for the area and its policies will continue to apply for the saved period or until they are replaced by another plan.

In some cases the Government may decide that it is appropriate to save some plans, or elements of them, for a period of longer than three years. However, all LPAs are expected to have a Local Development Framework (which could comprise a Plan adopted under the transitional arrangements) in place by March 2007.

Local Authorities will also be required to set out how they intend to achieve continuous community involvement in the preparation and revision of all local Development Plan Documents (DPDs). They will also have to set out how, and when, the community will be engaged in significant development control decisions. This will be done through a document known as a Statement of Community Involvement (SCI).

### **Statement of Community Involvement**

The SCI will set out the standards which the LPA intend to achieve in respect of involving the community in the preparation, alteration and continuing review of all LDDs and in development control decisions. It should also set out how the LPA intends to achieve these standards.

The SCI will be subject to public consultation and independent examination but will not constitute a development plan document. The SCI process is set out in Appendix 2. A statement of conformity with the SCI should be prepared for all LDDs. Wiltshire's SCI was placed on deposit for public consultation on 20<sup>th</sup> May 2005 and comments can be submitted until 8<sup>th</sup> July 2005.

### **Joint Working**

Where existing Plans are produced by two or more Local Authorities (for example, the Wiltshire and Swindon Minerals and Waste Local Plans), new legislation will make provision for joint working between LPAs to continue, in the preparation of LDDs where circumstances make this appropriate. This is the case in Wiltshire and Swindon.

## Appendix 1 – Glossary of Terms

Acronym	Definition
AMR	<b>Annual Monitoring Report:</b> A report into how plan preparation is progressing against the milestones set within the M&WDS
DPD	<b>Development Plan Document:</b> A LDD but forms part of the “Development Plan” for the area
EU	<b>European Union</b>
LDF/ MWDF	<b>Local Development Framework:</b> The name given to the ‘folder’ that will contain the Local Development Documents <b>Minerals &amp; Waste Development Framework:</b> Same as LDF but applicable to Minerals Waste Development Documents
LDS	<b>Local Development Scheme:</b> A 3 year project plan setting out timescales and commitments to produce LDDs
LTP	<b>Local Transport Plan</b>
MDD	<b>Minerals Development Document:</b> The replacement to the existing Minerals Local Plan as well as constituting other ‘non-development plan’ documents like Statements of Community Involvement etc
MLP	<b>The Adopted Wiltshire and Swindon Minerals local Plan</b>
MPG	<b>Minerals Policy Guidance notes:</b> National planning policy on all minerals planning matters produced by the ODPM
MPS	<b>Minerals Policy Statements:</b> Replacement national planning policy documents on all minerals planning matters being produced by the ODPM to supersede existing MPGs
MWDS	<b>Minerals &amp; Waste Development Scheme:</b> The same as a LDS but applicable to the County level of planning
MWMS	<b>Municipal Waste Management Strategies:</b> Strategy produced by Waste Disposal Authorities detailing their programme for the delivery of sustainable management of municipal wastes arising in their Authority area
ODPM	<b>Office of the Deputy Prime Minister:</b> Government department with national responsibility for all planning matters
P&CPA	<b>Planning and Compulsory Purchase Act 2004</b>
PPG	<b>Planning Policy Guidance notes:</b> National planning policy on all land use planning matters, including waste planning, produced by the ODPM
PPS	<b>Planning Policy Statements:</b> Replacement national planning policy documents on all land use planning matters, including waste planning, being produced by the ODPM to supersede existing PPGs
RPG	<b>Regional Planning Guidance:</b> Regional planning policy guidance on all land use planning matters of importance to

RSS	<b>Regional Spatial Strategy:</b> Replacement regional planning policy guidance to supersede existing RPGs as required by the P&CPA
SA	<b>Sustainability Appraisal:</b> Detailed assessment process to be carried out for all DPDs to appraise the sustainability of the impacts of policies and proposals contained in the DPDs against social, environmental and economic objectives and to shape the most acceptable and appropriate policies and proposals for that area
SBC	<b>Swindon Borough Council</b>
SCI	<b>Statement of Community Involvement:</b> A statement expressing an authority's policy on engaging / consulting communities and wider stakeholders in respect of policy documents and development control planning applications
SEA	<b>Strategic Environmental Assessment:</b> Rigorous environmental assessment of the impacts of plans and programmes, including DPDs, to determine the most environmentally acceptable and appropriate policies and proposals for that area. Will be implemented under the P&CPA as the environmental element of undertaking SA of DPDs
SPD	<b>Supplementary Planning Document:</b> Will replace SPG's under the new planning arrangements
SPG	<b>Supplementary Planning Guidance:</b> A document produced under the 'old' Local Plan Regulations to support and expand upon policies in local plans
SWRA	<b>South West Regional Assembly:</b> Body responsible for regional planning and waste strategy matters in the South West
WCC	<b>Wiltshire County Council</b>
WDD	<b>Waste Development Document:</b> The replacement to the existing Waste Local Plan as well as constituting other 'non-development plan' documents like Statements of Community Involvement etc
WLP	<b>The Adopted Wiltshire and Swindon Waste Local Plan 2011</b>
WPA	<b>Waste Planning Authority:</b> Local Authority responsible for the preparation of waste planning policy and the determination of waste planning applications for their local authority

## Appendix 2 – Producing a Development Plan Document

