

CABINET MEMBER FOR ECONOMIC DEVELOPMENT, PLANNING AND TRANSPORTATION

**Venue: Town Hall, Moorgate
Street, ROTHERHAM.**

Date: Wednesday, 21st October, 2009

Time: 9.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Report re: Opening of Tenders. (copy attached) (Pages 1 - 2)
 - to record the opening of e-tenders.
4. Release of LABGI Allocations for Sustainability Initiatives. (report attached) (Pages 3 - 9)
Emma Bridge, Policy Officer, to report.
 - to consider release of LABGI allocations.
5. CLG Consultation Documents - Publicity for planning applications. (report attached) (Pages 10 - 15)
Nigel Hancock, Planning Improvement Manager, to report.
 - to consider the document.
6. CLG Consultation - streamlining information requirements for planning applications. (report attached) (Pages 16 - 22)
Nigel Hancock, Planning Improvement Manager, to report,
 - to consider the consultation document.
7. CLG Consultation - Improving Permitted Development. (report attached) (Pages 23 - 32)
Nigel Hancock, Planning Improvement Manager, to report.
 - to consider the consultation document.

Extra Item:-

8. Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards (report herewith) (Pages 33 - 41)
 - Deborah Fellowes to report.
 - to approve the consultation response.

9. Exclusion of the Press and Public.
The following item is likely to be considered in the absence of the press and public as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relates to finance and business affairs):-

10. Approval of List of Framework Contractors for the Yorbuild Construction Framework (report herewith) (Pages 42 - 50)
 - Brian Barrett , Design Consultancy Manager, to report.
 - to approve list of contractors and delegate authority to receive requests.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Economic Development, Planning & Transportation
2.	Date:	19th OCTOBER, 2009
3.	Title:	OPENING OF TENDERS
4.	Directorate:	Chief Executive's

5. Summary

The purpose of this report is to record the opening of tenders.

5. Recommendation:-

That the action of the Cabinet Member in opening the e-tenders be recorded.

7. Proposals and Details

E-tenders for the following were opened by the Cabinet Member for Economic Development, Planning and Transportation on 29th September, 2009:-

- Procurement of Workwear and Protective Clothing, Environment and Development Services Directorate

8. Finance

To secure value for money.

9. Risks and Uncertainties

- Obtaining necessary workwear and protective clothing to enable staff to carry out their duties
- Health and Safety Requirements
- Identification of Council staff

10. Policy and Performance Agenda Implications

Health and safety requirements
Image of the Council and its staff

11. Background Papers and Consultation

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ROTHERHAM BOROUGH COUNCIL – REPORT TO DELEGATED POWERS

1.	Meeting:	Cabinet Member for Economic Development, Planning and Regeneration
2.	Date:	19 October 2009
3.	Title:	Release of LABGI Allocation for Sustainability Initiatives
4.	Programme Area:	Environment & Development Services/ Chief Executive's Directorate

5. Summary

The aim of this report is to provide an update on spending against the £25,000 LABGI funding allocated for Sustainability initiatives and seek approval of further spend against this budget

6. Recommendations

- 1) **That £20,800 of LABGI funding for Sustainability be released for use against the projects listed in this report.**

7. Proposals and Details

The Local Area Business Growth Incentive is a Government led initiative introduced in 2005, the aim being to encourage councils to actively promote business development. The Council received £1,496m which can be used to fund capital and revenue expenditure in 2008/09 and 2009/10. A report submitted to Cabinet on 30th July 2008 outlined a number of proposals where funding could be utilised and it was agreed that £25,000 would be allocated for Sustainability initiatives. A report was then taken to Cabinet on 7th January 2009 outlining a number of broad themes to utilise this funding. These were as follows:

- World Environment Day
- Rotherham Show
- Awareness raising and training opportunities
- Reducing energy usage and eradicating fuel poverty
- ABLE Rotherham
- Dearne Valley Eco-Vision
- Car Club

Subsequent discussions with the Council's Sustainable Development Officers Group and the LSP's Sustainability Partnership have further focussed proposed spending to the areas outlined below:

- World Environment Day – This day is commemorated each year on 5 June and is one of the key ways in which the United Nations stimulates worldwide awareness of the environment and enhances political attention and action. Rotherham has held celebrations for the last two years, but these have been very limited as there have been no resources available for this opportune awareness raising event
- Awareness raising and training opportunities - A need has been recognised for raising awareness of sustainable development, and in particular climate change, amongst Members, partners and council staff. Climate change has increased in profile and Local Authorities are expected to play a key role in tackling and adapting to climate change. New Bills, policies and initiatives from central government, such as the Climate Change Act and Carbon Reduction Commitment, are placing tougher requirements upon Councils and their partners. A series of training and awareness raising sessions would ensure that Rotherham as a borough is aware of what needs to be done and able to rise to the challenges being placed by central government and also members of the public
- ABLE Rotherham – The aim of ABLE Project is to transform an urban green space site into a fully operational, sustainable and ecological resource centre incorporating; a fish farm, aquaponics, horticulture, an orchard, bee hives, rural crafts and an education centre whose key focus, alongside the achievement of recognised qualifications, will be the wider personal social health and citizenship development of disadvantaged young people in Rotherham. It will have long term benefits to the borough which include working with disengaged/excluded pupils, pupils who are interested in sustainability, sciences, the environment and reduction of the NEET cohort. The project will also encourage the development of small enterprises

- Dearne Valley – An Eco-Vision is currently being developed for the Dearne Valley to transform it into the lowest carbon community of its type in the UK. The vision – from carbon production, to carbon reduction – will be achieved in three big moves over the next 20 to 30 years involving natural regeneration, community infrastructure and ecological know-how

The Sustainability Partnership proposed that any projects funded from this budget should link to at least one of the Sustainability Partnership's three priorities of Climate Change, Waterways and Biodiversity.

To date, £1,340 has been spent from this budget. This was allocated as follows:

World Environment Day - £1,000

On 5 June 2009, approximately 100 pupils from schools across Rotherham came together to celebrate World Environment Day in the world's first ever mobile solar powered cinema. The event was organised in conjunction with Rotherham's Local Democracy Campaign which aims to get young people interested and involved in their local council and community. Pupils worked together to come up with ideas and ways of improving their local environments and made pledges to do something as a school, with support from various council services; the Youth Service, Area Assemblies, Healthy Schools and local Elected Members. These pledges will be supported by the Area Partnership managers and schools to enable them to be turned into reality.

Feedback from the event was extremely positive with 98 out of the 99 pupils who responded to an evaluation form stating that they had learnt something from the event and 78% stating that they would be likely to take action following the event. Positive publicity was also received through articles in Rotherham News and the Yorkshire & Humber Sustainable Schools Newsletter.

Environmental Futures 08 - £340

This money ensured that Rotherham was represented at the Environment Agency's Annual Conference. An insight into future activity was given by a range of high profile speakers including Hilary Benn MP, Lord Chris Smith (Chair of the Environment Agency), Dr Chris West (Director of UK Climate Impacts Programme), Sir Michael Pitt, Paul Coen (then Chief Executive of the LGA), and Ed Miliband MP. Following the conference, a report was circulated to the Sustainability Partnership, Councillors and the Council's Sustainable Development Officers Group. This outlined key messages, findings and future action in order to facilitate learning within the borough.

At the last meeting of the Sustainability Partnership a number of further projects were put forward for potential funding. These proposals were narrowed down to the following six projects:

- Green Check for Schools - £6,000
- The Aquaculture Programme Pilot - £2,800
- Pond Restoration at Maltby Comprehensive School - £3,000
- Improvement to the pond / ditches at the Muddies (Greenland Plantation) off Braithwell Road, Maltby - £3,000

- Living Churchyards - £3,000
- Bees in urban parks - £3,000

Further details on each of these project areas are included in Appendix 1.

It was felt that these projects all contributed to the Sustainability Partnership's key priorities as well as wider LSP Themes. CMT is requested to support funding being allocated to these projects. Further discussions are currently taking place on how to most effectively utilise the remaining £2, 860.

8. Finance

£25,000 was allocated from LABGI to support Sustainability initiatives. £1,340 of this budget has been spent so far with a further £20,800 of spend being proposed in this report. This leaves £2,860 still to be allocated by the end of this financial year.

9. Risks and Uncertainties

The main risk involved is that the identified projects do not add demonstrable value to the progression of sustainable development in the borough. This risk is minimal however as all the proposed projects were developed in conjunction with the Council's Sustainable Development Officers Group and the Sustainability Partnership.

10. Policy and Performance Agenda Implications

The Sustainability Budget supports the cross cutting theme of sustainable development. It will contribute in particular to the following Strategic Priorities:

- Promote innovation, enterprising behaviour, competitiveness and sustainability (Achieving)
- Ensuring high quality of education for all children and young people (Learning)
- Encourage more widespread participation in and enjoyment of culture and sport (Alive)
- Improve the local environmental quality of our neighbourhoods (Safe)
- Coordinate innovative partnerships to improve sustainable infrastructure, address and adapt to climate change (Safe)
- Promote understanding, respect and belonging within communities and the borough (Proud)

11. Background Papers and Consultation

Cabinet Reports 30th July 2008 and 7th January 2009

Consultation has been undertaken with the Sustainable Development Officers Group and Sustainability Partnership

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Appendix 1: Proposed projects for sustainability funding

Project title	Details	Amount	Funding themes	LSP Themes
Green Check for Schools	<p>Green Check, a school based Environmental Management System, is a tried and tested way of introducing and embedding sustainable development. The programme, facilitated by Groundwork, uses a highly participative approach to educate and empower children and school staff to choose more sustainable behaviours. The result is that schools are continually working towards improving their environmental performance, for example reducing the amount of waste they produce or reducing their energy consumption.</p> <p>The programme supports the DCSF Sustainable Schools Strategy and has clear links with Every Child Matters, Extended Schools, Healthy Schools, Eco Schools, food in schools, global dimension work and school travel planning.</p> <p>The benefits for schools include:</p> <ul style="list-style-type: none"> • Financial savings through a reduction in resource use and waste production • Curriculum enhancement - the activities undertaken will be tied into most areas of the National Curriculum • Development of ownership and personal and social responsibilities • Providing a vehicle for developing community cohesion • Working with schools to seek out further funding e.g. for school grounds improvements, energy saving initiatives <p>This money would be used to support five schools through Green Check. These schools have been identified as wishing to undertake Green Check but have been unable to identify funding for the programme. Three of these schools will be located within the Dearne Valley Eco-Vision area and could facilitate further roll out across the Dearne Valley.</p>	£6,000	<ul style="list-style-type: none"> - Climate Change - Biodiversity - Awareness raising and training opportunities - Dearne Valley Eco-Vision 	Learning Proud Sustainable Development

Project title	Details	Amount	Funding themes	LSP Themes
Sustainable Development in Practice – The Aquaculture Programme Pilot	<p>A pilot project would be supported within the Dearne Valley for incorporating wormery and aquaponic units into schools.</p> <p>The Aquaculture Programme Pilot will:</p> <ul style="list-style-type: none"> • Use a free standing Aquaculture/Aquaponic/Wormery unit to engage pupils in working with aquaculture, aquaponics and wormeries • Engage employers from the local fisheries and aquatic industry, to deliver presentations covering their area of expertise and to offer work experience placements • Provide engaging curriculum opportunities to motivate young people as part of a personalised learning programme and in the future link to wider qualifications in aquaculture. <p>An Apprentice Environmental Engagement Facilitator is already employed by Rotherham Council’s Children and Young People’s Services and would be able to help pupils and school staff to understand, manage and maintain the aquaculture, aquaponics and wormery.</p> <p>A school has also expressed an interest in making the mini aquaponics units for other schools but does not have the resources to purchase the materials. If funded, it would be able to build the units and share expertise and skills with other schools. Schools that currently have wormeries would be able to assist other schools to settle in new units.</p> <p>The indicated funding would provide enough materials for a unit to be built for each of the four Comprehensive schools linked to the Dearne Valley. They would then each be partnered to a primary school to further facilitate learning.</p>	£2,800 (£700 per unit)	<ul style="list-style-type: none"> - Climate Change - Biodiversity - Awareness raising and training opportunities - Dearne Valley Eco-Vision - ABLE Project 	Learning Sustainable Development
Pond Restoration at Maltby Comprehensive School	<p>This is a spring-fed pond which is suffering from neglect and from the partial collapse of the limestone headwall. Potential works would involve silt removal and repair of the headwall. This would significantly raise the level of water held by the pond which in turn would improve the range of plants there and the associated wildlife (at the moment it is dominated by water cress). There is a lot of will to do this project but no funds have been identified.</p>	£3,000	<ul style="list-style-type: none"> - Climate Change - Waterways - Biodiversity - Awareness raising and training opportunities 	Safe Learning Sustainable Development

Project title	Details	Amount	Funding themes	LSP Themes
Improvement to the pond / ditches at the Muddies (Greenland Plantation) off Braithwell Road, Maltby	<p>This is a pond / wetland habitat site with a large population of great crested newts as well as a number of other amphibian species. The site is under significant threat of neglect and is deteriorating in quality. The site is allocated for residential development and although owned by RMBC is held in the property bank awaiting a decision about its future.</p> <p>A proposal has been put forward through the Local Development Framework for the site's allocation to be changed to green space or green belt and for it to be managed for nature conservation, however there is no security for the site at present. Management of this site would support a range of UK and Rotherham Biodiversity habitats and species.</p>	£3,000	<ul style="list-style-type: none"> - Climate Change - Waterways - Biodiversity - Awareness raising and training opportunities 	Safe Sustainable Development
Living Churchyards	<p>Yorkshire Wildlife Trust has a scheme that enhances the wildlife interest of churchyards through management and community involvement. RMBC Green Spaces are currently looking at closed church yard maintenance in terms of safety issues and this work could be combined with some vegetation management and wildlife improvements. There are also a couple of churches listed as Local Wildlife Sites that may be interested in being involved in this.</p>	£3,000	<ul style="list-style-type: none"> - Climate Change - Waterways - Biodiversity - Awareness raising and training opportunities 	Safe Sustainable Development
Bees in urban parks	<p>A number of urban parks are managed through RMBC that have limited wildlife interest due to intensive management. There is the potential to create a few demonstrator sites for areas with native and exotic plant borders / beds / that would be of benefit to bees and other insects. Increasing the numbers of bees was identified as an area for future action by the Sustainability Partnership in June 2008.</p>	£3,000	<ul style="list-style-type: none"> - Climate Change - Waterways - Biodiversity - Awareness raising and training opportunities 	Safe Sustainable Development

Budget spent to date = £1,340

Further funding allocated = £20,800

Remaining budget = £2,860

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. Meeting:	Delegated Powers
2. Date:	19 th October 2009
3. Title:	CLG Consultation Documents – Publicity for planning applications
4. Programme Area:	Environment and Development Services

5. Summary

This report is in response to the Government's recently published consultation paper on publicity for planning applications – the deadline for submission of responses is 23rd October 2009.

6. Recommendations

That the Cabinet Member notes the report and agree the responses suggested to each question.

7. Proposals and Details

7.1 Publicity for planning applications.

- 7.1.1 This consultation paper sets out the Government's proposals for publicity for planning applications. It is the Government's response to The Killian Pretty Review which recommended that local planning authorities should be given greater freedom over how they should publicise new applications, by no longer being required to publish notices in newspapers. The Review stated that removing such requirements would enable local planning authorities to take decisions on a more proportionate, effective and local approach to publicising applications.
- 7.1.2 Informing the public about new planning applications is an important part of a democratically accountable and inclusive planning process. People need to be aware of a proposed development in order to have the opportunity to express their views and influence the outcome.
- 7.1.3 This consultation paper addresses specific requirements on local planning authorities to publicise certain applications. By publicity, the meaning is giving notice of an application so that neighbours and other interested parties can make their views known.
- 7.1.4 This consultation paper seeks views on three possible changes to the planning system:
1. making web publication mandatory for a period of 21 days for planning notices where there is currently a mandatory requirement to advertise in a newspaper,
 2. removing statutory requirements to publicise certain applications in newspapers; and
 3. making the statutory period 21 days for displaying site notices for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area.
- 7.1.5 It is estimated that the current legislative requirements cost local planning authorities in England approximately £12.5m per annum.
- 7.1.6 A pilot project was approved by Parliament and run by the London Borough of Camden from 2004. The aim of the project was to improve access to the planning system through removing statutory requirements to advertise certain applications in newspapers and considering alternative methods of engagement. The project found that a limited number of residents found out about applications through newspaper advertisements and that a locally determined approach to communication can reach a greater range of people, with benefits in terms of inclusion and empowerment for the public.
- 7.1.7 On the other hand, there are arguments against changing the current arrangements. The Newspaper Society submitted evidence to the Killian Pretty Review on the importance the public attach to reading public notices in

local newspapers. The use of newspaper advertisements has long been used as a way of ensuring that something has been exposed to the public, so to an extent it is culturally ingrained.

7.2 AMENDMENT 1

Making web publication mandatory for a period of 21 days for planning notices which currently require a newspaper advertisement. This option could be pursued whether there is any change to the arrangements for newspaper advertisement or not.

7.2.1 At present, under planning law, a local planning authority must publish a wide range of statutory planning notices online if the authority maintains a website for the purpose of advertisement of applications. This could be strengthened by introducing a mandatory requirement to publish online those applications which are currently required to be advertised by notice in a local newspaper.

7.2.2 QUESTION 1

What are your views on making web publication mandatory for a period of 21 days for planning notices where there is currently a requirement to advertise in a newspaper? This option could be pursued whether we change the arrangements for newspaper advertisement or not.

RMBC currently publish all applications (including those advertised in the press) on the website. This proposal would standardise our current procedures and we would expect to have to create a formal notices page on our website which does not currently exist

7.2.3 QUESTION 2

Do you think it should be mandatory for notices for all planning applications to be made available on a local authority website?

RMBC currently publish all applications on the website. This proposal would standardise our current procedures.

7.3 AMENDMENT 2

7.3.1 Removing statutory requirements to publicise certain applications in newspapers.

7.3.2 The Town and Country Planning (General Development Procedure) Order 1995 (Article 8 paragraph 3) contains requirements to publicise in a local newspaper a statutory notice for those applications for planning permissions that;

- are an environmental impact assessment (EIA) application,
- do not accord with the provisions of the development plan in force in the area,
- affect a public right of way; and
- are for a major development.

7.3.3 QUESTION 3

The requirements to advertise in newspapers for certain types of planning applications and consents, and possible amendments to these, are identified in the following Table. What are your views on these possible amendments?

Table 1				
Nature of application		Current requirements to publicise	Possible amended requirements	Current statutory provision
'Paragraph 2 applications' (as described in article 8 of the Town and Country Planning (General Development Procedure) Order 1995	Applications accompanied by an environmental statement *	Advertisement in a local newspaper for 14 days and where possible publication of the notice on a website and site notice for 21 days	Advertisement on a local planning authority website for 21 days and Site notice for 21 days	Article 8, Para 3 of the GDPO 1995 (SI 1995/419)
	Proposal departs from the development plan			
	Development affecting public right of way			
Major development ** 'Paragraph 4 applications'	Advertisement in a local newspaper for 14 days and where possible publication of the notice on a website and either site notice for 21 days or neighbour notification	Advertisement on a local planning authority website for 21 days and either site notice for 21 days or neighbour notification	Article 8, Para 4 of the GDPO 1995 (SI 1995/419)	
Listed building or conservation area consent	Advertisement in a newspaper for 21 days and where possible publication of the notice on a website and site notice for 7 days	Advertisement on a local planning authority website for 21 days and site notice for 21 days	Regulation 5 Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)	
Development affecting the setting of a listed building or the character or appearance of a conservation area	Advertisement in a newspaper for 21 days and where possible publication of the notice on a website and site notice for 7 days	Advertisement on a local planning authority website and site notice for 21 days	Regulation 5A Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) as amended by SI 2004/2210	

RMBC agree that that the removal of the requirement to publicise applications in the local newspaper should not be at the expense of affording members of the public the opportunity to find out about proposed developments that may affect them. It is our opinion that the proposals in the above table to provide a mix of internet and local publicity would continue to offer sufficient notification procedures to ensure that nobody was disadvantaged by such a change.

7.4 AMENDMENT 3

7.4.1 Making the statutory period 21 days for the display of site notices for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area.

7.4.2 Research has highlighted confusion over the varying time periods for different forms of publicity and their associated periods (14 days for site notices for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area and 21 days for all others). The research concluded that a more simplified and consistent approach would aid transparency.

7.4.3 It would therefore seem beneficial to make periods for displaying site notices more consistent. This could involve extending the site notice display period for the following consent types from seven to 21 days: listed building and conservation area consent; development affecting the setting of a listed building, or the character or appearance of a conservation area. This would require amendments to regulations 5 and 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

7.4.4 QUESTION 4

Do you consider that the period for publicising site notices for listed building and conservation area consent should be increased to 21 days?

RMBC currently gives 21 days publicity for all applications subject to the display of a site notice. This proposal would standardise our current procedures.

8. Finance

These proposals would remove the requirement to place any publicity for planning applications in the local press. Last year (08/09) the planning department spent approximately £31,000 on such publicity. This proposal is likely to be introduced from April 2010 and result in savings of a similar amount for each subsequent year.

9. Risks and Uncertainties

N/A

10. Policy and Performance Agenda Implications

N/A

11. Background Papers and Consultation

Publicity for planning applications: Consultation by the CLG

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1. Meeting:	Delegated Powers
2. Date:	19 th October 2009
3. Title:	CLG Consultation Documents – Streamlining information requirements for planning applications
4. Programme Area:	Environment and Development Services

5. Summary

This report is in response to the Government's recently published consultation paper on Streamlining information requirements for planning applications – the deadline for submission of responses is 23rd October 2009.

6. Recommendations

That the Cabinet Member notes the report and agrees the responses suggested to each question.

7. Proposals and Details

7.1 Streamlining information requirements for planning applications

7.1.1 This consultation paper sets out the Government's proposals for changes to the information requirements for planning applications. It is the Government's response to the Killian Pretty Review recommendation that there should be a more proportionate approach to information requirements.

7.1.2 It is proposed to revise policy, to amend legislation and to update the associated guidance:

- A new policy statement on information requirements and validation will form part of the new development management framework¹.
- Amendments will be made to The Town and Country Planning (General Development Procedure) Order 1995 (GDPO).
- An updated guidance document will be prepared.

7.1.3 The GDPO sets out a list of items, known as the 'national list', that applicant's for planning permission are required to provide with their application. The GDPO also entitles local planning authorities (LPAs) to request any additional documents that they consider necessary, as long as these items do not contravene the national list. LPAs publish a list of these items, known as a 'local list'.

7.1.4 However, current CLG guidance also sets out a 'recommended national local list' of items which local authorities may choose to include in their local lists. Many authorities have chosen to include all of these items. Some authorities also exercise their right to request additional items.

7.1.5 It is proposed to amend the existing guidance to remove the 'recommended national local list' of information requirements. Local planning authorities will instead be expected to revise their own local lists in accordance with a set of policy criteria.

7.1.6 The proposed principles are:

- Necessity
- Precision
- Proportionality
- Fitness for purpose and
- Assistance

7.1.6 **QUESTION 1**

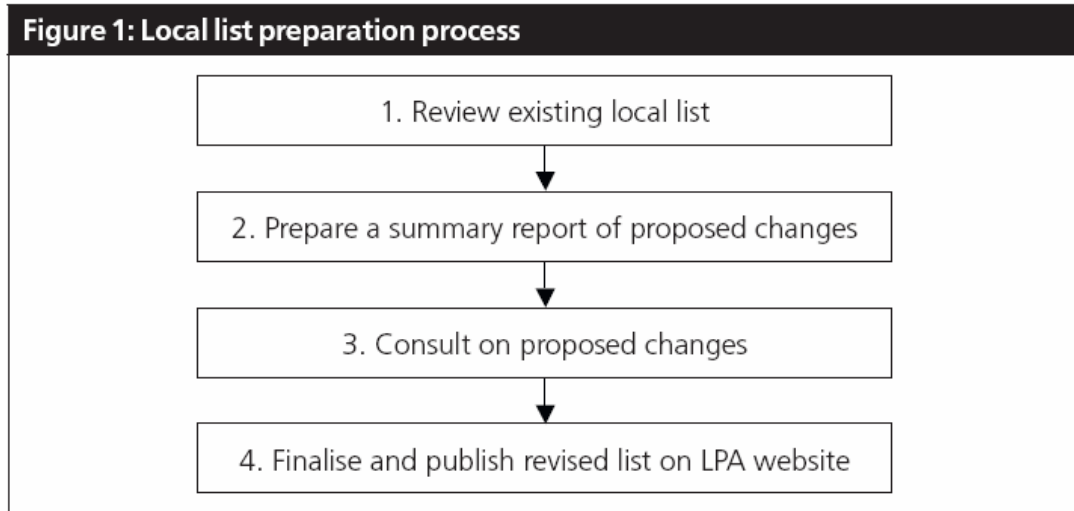
Do you agree with the proposed policy principles? If not, what amendments to these principles do you suggest?

RMBC agree that the policy principles will enable each LPA to set a local validation list that is much more clear, reasonable and proportionate.

7.1.7 It is proposed that LPAs should review their existing local lists in accordance with the policy principles set out in section 7.1.6 above. Where revision is

necessary, the revised local list should be published on the LPA's website by the end of December 2010.

7.1.8 In CLG's proposed guidance they will outline the steps that they expect LPAs to take in order to review their local lists. These are shown in Figure 1



7.1.9 **QUESTION 2**

Do you consider that revising local lists in this manner will encourage a more proportionate approach to information requests by LPAs?

RMBC agree that this procedure will enable each LPA to set a local validation list that is more proportionate.

7.1.10 **QUESTION 3**

Do you consider that implementation by December 2010 is a realistic timescale? If not, what would be more appropriate?

RMBC consider that December 2010 is more than adequate to implement these proposals as our existing local list is due for review now anyway.

7.1.11 A national list of information requirements is specified in the GDPO. These items are mandatory and must be supplied by the applicant before their application can be validated by the local planning authority. Some of these items are specified more precisely than others in the GDPO. Of particular relevance is the provision that LPAs may request *“any other plans, drawings and information necessary to describe the proposed development”*.

7.1.12 The current Government guidance on national list items goes further than the GDPO and suggests further detail about the scale and type of maps and plans that may be requested by the LPA.

7.1.13 The Government proposes to provide clearer guidance on national list items, removing the detail in the current guidance that goes further than the GDPO, and making it clear that local planning authorities should only require plans

that are relevant to the determination of the application and of an appropriate scale.

7.1.14 QUESTION 4

Do you agree that requirements for particular map scales, block plans, floor plans, site sections, floor and site levels, and roof plans should be set out by the local planning authority, using a proportionate approach?

RMBC consider that the current guidance provides certainty for the applicants and should be revised to provide a minimum national standard that all local planning authorities would have to adopt. Without a national standard, there will be inconsistencies between different local authorities resulting in confusion for agents that submit to more than one geographical area.

7.1.15 Development proposals for large and complex schemes are often submitted with very large volumes of supporting information. The economics of development are such that delays can significantly increase the cost of a scheme, so applicants are keen to minimise the risk of invalidity by providing LPAs with as much detail as possible.

7.1.16 For major development applications, the Government proposes that applicants should submit a summary of the whole application. This summary would be no longer than 20 pages and would identify the key impacts of the whole proposal. Key messages from the design and access statement and the non-technical summary of the Environmental Statement would be included in this summary (where these are prepared as part of the application), along with any other key conclusions of any other supporting documents.

7.1.17 QUESTION 5

Do you agree with the proposal to summarise major applications?

RMBC consider that a summary document for major applications would help in the determination of the application and provide concise information that was more understandable by consultees and the general public.

7.1.18 QUESTION 6

Should the proposals for a summary document apply only to applications defined as 'major development'? If not, for what types of schemes might a summary document be useful?

RMBC consider that a summary document would be useful for any application that involves more than a couple of supporting documents. It need not be long but is useful when pulling together all the necessary information.

7.1.19 There is no formal process for central Government to monitor the effectiveness of these lists or how they are used, and they do not intend to introduce such a process at the present time. However, as part of the work in developing a new performance indicator they will carefully examine the opportunities to monitor and measure LPA performance in the validation of planning applications. Annex B of the *Progress Report* seeks views on the broad options for developing a new performance indicator.

7.1.20 **QUESTION 7**

Do you agree that this approach is appropriate? Are there any other measures, apart from the consideration of validation as part of wider performance measurement that should be taken to ensure improved local lists are developed and used?

RMBC consider that the proposed approach is not appropriate and have concerns about using validation data as part of wider performance measurement.

7.1.21 **QUESTION 8**

Do you consider that the proposals described in this section and Appendix 3 will effectively support a more proportionate approach to information requirements and validation?

RMBC agree that these measures will support a more appropriate approach.

7.2 Design and access statements (DAS).

7.2.1 The Planning Act 2008 introduced a statutory duty to have regard to the desirability of achieving good design. Planning Policy Statement 1 states that “*good design is indivisible from good planning*”. The GDPO sets out a detailed list of contents for design and access statements (DAS). In this context it is important to strike the right balance between ensuring a more proportionate approach to the information required without undermining the valuable contribution that a DAS can make to improving the quality of development. The overall objective is to achieve well-designed development in an efficient and effective way.

7.2.2 The Commission for Architecture and the Built Environment (CABE) produced a guidance document about design and access statements in 2006. This emphasises the circular’s message that the DAS need not be very long, but the amount of detail they contain should reflect the complexity of the application. However, the KP Review found that this message is not always getting through and some DAS’s are “*disproportionately long and complicated*”, especially for minor forms of development.

7.2.3 It is proposed to amend the provisions for design and access statements in the General Development Procedure Order.

Two main changes are proposed:

1. to simplify the requirements for all design and access statements (DAS), by requiring a more straightforward explanation of how the context of the development influences its design; and
2. to reduce the range of applications that require a DAS, by eliminating the mandatory requirement to prepare a DAS for certain small scale applications and applications to amend or remove conditions on existing permissions as per the following table.

Table 2: Proposed requirements for design and access statements		
Type/location of application	Current status	Proposed status
Householder development in World Heritage sites, Conservation Areas or requiring Listed Building consent	DAS required	DAS required
Householder development in National Parks, AONBs, the Broads or SSSIs	DAS required	DAS not required
Householder development outside of the areas listed above	DAS not required	DAS not required
Minor non-residential development ²³ outside of the designations listed below	DAS required	DAS not required
Minor non-residential development in World Heritage sites, Conservation Areas or requiring Listed Building consent	DAS required	DAS required
Minor non-residential development in National Parks, AONBs, the Broads or SSSIs	DAS required	DAS not required
Applications for the removal or variation of conditions on existing permissions (s.73)	DAS required	DAS not required

7.2.4 **QUESTION 9**

Do you agree with the changes to DAS proposed here?

Yes RMBC agree

7.2.5 **QUESTION 10**

Do you agree with the range of application types and designated areas that would be exempted?

Yes RMBC agree

7.2.6 **QUESTION 11**

Do you agree that the issue of context should be discussed in relation to the scheme as a whole (rather than specifically related to the sub-headings of amount, layout, scale, landscaping or appearance)?

Yes RMBC agree

7.2.7 **QUESTION 12**

Are there other exemptions/changes that we should also consider?

RMBC do not consider that there are any other exemptions or changes that should be considered at this time.

7.3 Agricultural Holdings Certificates

- 7.3.1 The agricultural holdings certificate is intended to ensure that agricultural holdings tenants have as much advance warning as possible that the land upon which they depend for their livelihood may be required for a non-agricultural use.
- 7.3.2 The Killian Pretty Review found that one source of delay in the determination of planning applications was a failure to sign the agricultural holdings certificate. Because this certificate is a legal requirement, an unsigned application is not valid.
- 7.3.3 It is proposed to retain the requirement for all applicants for planning permission to sign the agricultural holdings certificate. It is proposed to amend the standard application form to make this requirement clearer.

8. Finance

There are no financial implications as part of these proposals

9. Risks and Uncertainties

N/A

10. Policy and Performance Agenda Implications

N/A

11. Background Papers and Consultation

Streamlining information requirements for planning applications: Consultation by the CLG

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1. Meeting:	Delegated Powers
2. Date:	19 th October 2009
3. Title:	CLG Consultation Documents – Improving Permitted Development
4. Programme Area:	Environment and Development Services

5. Summary

This report is in response to the Government's recently published consultation paper on improving permitted development – the deadline for submission of responses is 23rd October 2009.

6. Recommendations

That the Cabinet Member notes the report and agrees the responses suggested to each question.

7. Proposals and Details

7.1 Improving permitted development.

7.1.1 This consultation paper sets out the Government's proposals for changes to the planning system in relation to:

- non-domestic permitted development – i.e. development that may be legitimately undertaken without the need to apply for planning permission from the local planning authority (LPA)
- non domestic prior approval – an intermediate planning tier between permitted development and planning application which requires limited information from applicants with regard to prospective developments, and where consent is deemed granted if LPA does not object within a given time-period
- the procedure by which Article 4 Directions – local restrictions to national permitted development rights – are made by LPAs
- regulation of hard-surfacing for certain non-domestic uses

7.1.2 This paper is the Government's response to the Killian Pretty recommendation that the number of minor applications that require full planning permission should be substantially reduced. This paper also responds to Sir Michael Pitt's Review of the summer 2007 floods by proposing changes to the regulation of hard-surfacing that may be laid for certain non-domestic uses. The proposals take account of the economic downturn by proposing that business be allowed to undertake minor extensions to their premises without the costs of preparing and submitting a planning application.

7.2 Permitted development

7.2.1 The proposals for retail and town centre uses including shops are to provide new permitted development rights to allow for alterations and extensions to existing buildings up to 50 square metres, to a maximum of 25 per cent of existing floor space. The extensions would be subject to the following additional limitations:

- single story and a maximum height of 5 metres
- no closer to a highway or communal parking area than any existing building
- no closer than two metres to any boundary
- similar materials to the existing building to be used
- not within the curtilage of a listed building
- not in front of an existing building
- no loss of turning/manoeuvring space for vehicles

7.2.2 There would be no new permitted development rights for shops to create new freestanding buildings, other than trolley stores, since shops and restaurants generally operate out of a single building. Freestanding trolley stores would be permitted subject to the following limitations:

- not more than 20 square metres floor area
- not within 20 metres of the boundary with a residential property
- not more than 2.5 metres high

7.2.3 **Question 1**

What are your comments on the proposals for shops?

RMBC are in favour of these new permitted development rights

7.3 Offices

7.3.1 Class B1 Business of the Use Classes Order covers use as an office other than a use within class A2 (financial and professional services), for research and development of products or processes or for any industrial process. There are currently no specific permitted development rights for offices. The proposal for offices is to allow new permitted development rights to extend an existing building up to 50 square metres, to a maximum of 25 per cent of existing floorspace. There would be no right to erect new freestanding buildings since offices are unlikely to require additional buildings for operational purposes. Extensions would be subject to the following additional limitations:

- height no greater than existing building, unless within 10 metres of a boundary, in which case the maximum height would be 5 metres
- not within 5 metres of a boundary
- not visible from a highway
- similar materials to existing building
- not within the curtilage of a listed building
- no loss of turning/manoeuvring space for vehicles

7.3.2 **Question 2**

What are your comments on the proposals for offices?

RMBC are in favour of these new permitted development rights

7.4 Institutions (universities, colleges, hospitals)

7.4.1 Permitted development rights exist for schools, colleges, universities, hospitals, council-run care homes and other council buildings. Other institutional uses do not have permitted development rights. The current permitted development rights are set out principally in Parts 32 (educational or medical uses) and 12 (local authority uses) of the GPDO. These rights are not always clearly expressed. They present a number of inappropriate restrictions which are discussed by WYG.

7.4.2 WYG found that universities, colleges and hospitals had the strongest case for a relaxation of permitted development rights where they occupy substantial sites. Following their recommendation the Government proposes new permitted development rights for these land uses of 100 square metres for

extensions to existing buildings and/or one new building per existing building. These allowances would be subject to the following limitations:

- maximum height of 5 metres for new buildings
- additional floorspace not to exceed 25 per cent of the size of the original building
- extensions to be no higher than existing building or 5 metres if within 10 metres of a boundary
- new buildings and extensions to be no closer than 5 metres to any boundary and no closer to a highway than any existing building
- not within the curtilage of a listed building
- maximum 50 per cent ground coverage
- similar materials to existing buildings

7.4.3 **Question 3**

What are your comments on the proposals for institutions?

RMBC are in favour of these new permitted development rights

7.5 Schools

7.5.1 Schools often have a range of buildings albeit on smaller sites than universities. The limitation proposed for new permitted development rights for schools (including residential schools) is extension and/or creation of one new building per existing building up to 50 square metres. This right would not be allowed to lead to an increase in the number of pupils since such a rise can adversely affect neighbours (for example as a result of increased traffic). Building would not be permitted on playing fields. Other limitations would be the same as those shown above for universities, colleges and hospitals.

7.5.1 **Question 4**

What are your comments on the proposals for schools?

RMBC are in favour of these new permitted development rights

7.6 Industry and Warehousing

7.6.1 The proposals here are to add to the existing permitted development rights of industry and warehousing to extend existing buildings by up to 1,000 square metres, by allowing the construction of one new building per existing building up to 100 square metres. Both the existing and new allowances would apply also to research and development of products or processes. The new allowance would be subject to the following limitations:

- maximum 1,000 square metres floorspace extension per building (500 square metres in sensitive areas) up to a maximum of 25 per cent extra floorspace
- height no greater than existing building or maximum of 5 metres if within 10 metres of a boundary

- not within 5 metres of a boundary or visible from a highway
- no loss of turning/manoeuvring space for vehicles
- similar materials to the existing building
- not within the curtilage of a listed building
- maximum 50 per cent ground coverage of the curtilage collectively resulting from extensions and section of new buildings. This would ensure that the rights to erect new buildings do not result in an unacceptable proliferation of such buildings on large sites.

7.6.2 **Question 5**

What are your comments on the proposals for Industry & Warehousing?

RMBC are in favour of these new permitted development rights

7.7 Air Conditioning Units

7.7.1 The status of air conditioning units in the planning system is currently imprecise. Some LPAs consider that planning permission is required for air conditioning units given their potential environmental, visual, and noise impacts. An alternative interpretation of the GPDO is that permitted development rights encompass air conditioning units on roofs and possibly elsewhere (i.e. if they are presumed to constitute development within the curtilage of a building). WYG recommended that prior approval should apply to air conditioning unit installation.

7.7.2 **Question 6**

Should permitted development be expanded to include air conditioning units?

Yes RMBC are in favour of new permitted development rights for air conditioning units as it would clarify the current situation.

7.7.3 **Question 7**

What impact on climate change do you think expanding this Permitted Development would have?

This could be covered under other legislation.

7.7.4 If air conditioning units were to be permitted development we would need to define what limitations would apply. The limitations could include:

- noise arising from the operation of the unit not exceeding 40dB (LAeq 5min)16 at one metre from a window of a habitable room in the facade of any neighbouring property.
- units would only be attached to buildings on town centre uses (as defined above), including shops, institutions, offices and industrial buildings. 40dB expressed in this way is the same noise limit as that proposed for micro wind turbines in the consultation on changes to permitted development rights for householder microgeneration in April 2007. This noise limit is

considered appropriate for the established technology of air conditioning units.

- units, including any noise attenuating shrouds, would not exceed 8 cubic metres (i.e. 2m X 2m X 2m).
- units would not be installed other than at the rear of a building.
- units would be 5 metres or more from a boundary.
- units would not be visible from a highway in a conservation area or World Heritage Site.

7.7.5 **Question 8**

In the event that air conditioning units were to be made permitted development, do you agree with the limitations proposed above?

No, this would overcomplicate the matter with the necessity to assess noise levels and shrouds etc.

7.8 Prior Approval

7.8.1 Different forms of prior approval apply to different types of development, notably agriculture and telecommunications. If the LPA does not object after 28 days for certain agricultural development proposals (such as building extensions, alteration of private ways, or excavation work), or 56 days for telecommunication applications, developments are deemed to have planning consent. Prior approval for telecommunications allows for consultation, whereas the agricultural procedure does not (unless the LPA considers it necessary).

7.8.2 The form of prior approval proposed here would allow for deemed consent to be granted after 28 days if the LPA did not comment within this period. Applications would be made on the standard application form. There would be no requirement to consult on the grounds that in general the developments are uncontentious. LPAs could consider the design, appearance and siting, but not the principle, of the proposed development. Consents might carry conditions. If a prior approval application were rejected, an applicant could submit an application for planning permission. WYG propose that fees for further developments that would operate under prior approval would be raised to that of minor householder applications (£150) to better reflect the work involved on the part of the LPA.

7.8.3 **Question 9**

What are your views on the proposed prior approval regime described above?

RMBC consider that the use of prior approval offers limited control to the LPA. We consider that it is much more appropriate to use either permitted development or make them subject to planning control.

7.8.4 Shopfronts

7.8.5 WYG proposed that alterations to existing shopfronts, excluding security shutters or grilles, should be subject to prior approval. The reasoning for this

is that, in general, shop front alterations are relatively non contentious developments with limited impact. Shopfront alterations also form an important part of the continuous process of town centre revitalisation and renewal. Prior approval would ensure that the ability of LPAs to maintain control over the design of shopfronts would be maintained, given that any decisions could be based on associated design guidance. The Government agrees with this approach and also with WYG's recommendation that full planning permission should continue to apply for alterations to shopfronts in Conservation Areas, as well as in World Heritage Sites. The need for planning permission in such areas would give LPAs the ability to reject a new shopfront on principle where the existing shopfront is considered worthy of retention.

7.8.6 Question 10

What are your comments on the proposals for shopfronts?

RMBC consider that the use of prior approval offers limited control to the LPA. We consider that it is much more appropriate to use either permitted development or make them subject to planning control.

7.8.7 Automated Teller Machines (ATMs)

7.8.8 The Government agrees with WYG's recommendation that 'hole-in-the-wall' style ATMs on exterior walls should be subject to prior approval in most areas. ATMs are in general relatively non contentious developments but some may have associated impacts necessitating LPA consideration. The police sometimes have concerns over siting ATMs in relation to crime areas. The proposed way forward to deal with these concerns would be the establishment of local supplementary guidance on the siting of ATMs agreed between the LPA and the relevant police authority.

7.8.6 Question 11

What are your comments on the proposals for ATM's?

RMBC consider that the use of prior approval offers limited control to the LPA. We consider that it is much more appropriate to use either permitted development or make them subject to planning control.

7.8.7 Question 12

Do you agree that shops, offices, and institutions should be allowed to lay up to 50 square metres of permeable hard-surfacing as permitted development?

Yes

7.8.8 Question 13

Do you agree that industry's current permitted development right to lay an unlimited amount of hard-surfacing should be amended so that industry should be able to lay an unlimited amount of hard-surfacing provided provision is made for surface water to drain to a permeable area (unless there is a risk of contamination, in which case hard-surfacing would have to be impermeable)?

Yes

- 7.9 The use of Article 4 Directions by LPAs to withdraw permitted development rights locally form part of the Government's wider policy as set out in the Planning White Paper published in 2007. Given that the Government's general policy is reducing the burden of the planning system on users where appropriate, equally the burden of establishing Article 4 Directions on LPAs (effectively locally-defined restrictions to national permitted development rights in exceptional circumstances where a local problem arises) should also be minimised.
- 7.9.1 Section 189 of the Planning Act 2008 limits the liability of LPAs for compensation when permitted development rights are withdrawn through an Article 4 Direction so that compensation may only be payable if an application is made and refused within 12 months of the withdrawal. It also provides that if a LPA gives at least 12 months notice of the withdrawal of permitted development rights, no compensation will be payable. We propose that Article 4 Directions will be the prescribed manner for withdrawal.
- 7.9.2 The Government intends to commence Section 189 in April 2010. At the same time it will apply the provisions of Section 189 to the withdrawal of permitted development rights for domestic buildings as consulted upon in August 2007. The Government also proposes in this consultation paper to apply these provisions to withdrawal of permitted developments rights for non-domestic uses. Subject to the outcome of consultation, regulations to achieve this would come into force in April 2010 alongside the commencement provision.
- 7.9.3 In addition to commencing the compensation provision in Section 189 of the Planning Act 2008, the Government proposes to make the following changes through secondary legislation to the process by which Article 4 Directions are made:
- remove the need for Secretary of State approval for all Directions made under the GPDO to remove permitted development rights, but retain a reserve power for the Secretary of State to revoke or revise them
 - require LPAs to consult on proposals for Directions for a minimum of 21 days before confirming them. The method of consultation will be for the LPA to determine, but they should be mindful of advice available to them on good practice
 - Directions will be notified by serving notice on the owner/occupier of the land to which the Direction relates. Or, where an LPA considers that individual service is impracticable, it may give notice of the making of the Direction by site display at not less than two places within the specified areas of the Direction, for a period of not less than six weeks. Directions will come into effect at a date determined by the LPA. There is also a requirement to publish the Direction locally
 - there will remain a provision for LPAs to act quickly, if necessary, in order to deal with a threat to the amenity of their area. The LPA will be able to make a direction removing permitted development rights immediately.

Such a Direction would last six months and would expire unless confirmed by the authority following consultation

7.9.4 Question 14

Do you think that the proposed changes to Article 4 Directions represent a sensible balance between freeing up opportunities for low impact development and protecting areas which need special protection?

Yes

7.9.5 Question 15

Do you think that Section 189 of the Planning Act 2008 (which limits LPA liability to compensation to 12 months following local restriction of national permitted development rights) should apply to Article 4 Directions made in respect of non-domestic permitted development rights?

Yes

7.9.6 Question 16

Do you agree that LPAs should be able to make Article 4 Directions without the approval of the Secretary of State?

Yes

7.9.7 Question 17

Do you agree that LPAs should be required to consult before making Article 4 Directions?

Yes

7.9.8 Question 18

Do you agree that the notification requirements are appropriate and allow owners/occupiers to be informed whilst allowing an LPA to act quickly if necessary?

Yes

8. Finance

It is difficult to accurately predict the impact of these proposals on planning application fees but as a comparison, we did receive 11 applications in 2008/2009 with a total fee of £2,455 that would have otherwise been considered to be permitted development and not therefore subject to a planning fee.

9. Risks and Uncertainties

N/A

10. Policy and Performance Agenda Implications

N/A

11. Background Papers and Consultation

Improving permitted development: Consultation by the CLG

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Delegated Powers
2.	Date:	21st October 2009
3.	Title:	Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards
4.	Directorate:	Chief Executive's Department

5. Summary

The paper provides Cabinet Member with an overview of the recently published Government consultation paper, outlines some of the key issues for Rotherham and the Yorkshire and Humber and seeks approval of Rotherham's response.

6. Recommendations

The Cabinet Member is requested to approve the submission of Rotherham's response to the consultation paper as outlined in Appendix A.

7. Proposals and Details

On 6 August 2009, the Departments for Communities and Local Government (CLG) and Business Innovation and Skills (BIS) published a joint consultation paper on a draft Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards.

Following consultation, the new Policy Statement will replace existing Government policy/guidance on Regional Spatial Strategies (RSS) and Regional Economic Strategies (RES). A summary of consultation responses is due to be published by the end of January 2010; and the final Policy Statement is expected to be published in "early 2010".

The Local Democracy, Economic Development and Construction (LDEDC) Bill was introduced in Parliament in December 2008 to implement the legislative aspects of these proposals; and this latest consultation paper follows on from an initial policy document on the LDEDC Bill and Regional Strategies published in January this year.

The LDEDC Bill is expected to gain Royal Assent in October this year and the provisions within it on the establishment of Leaders' Boards will be enacted almost immediately, with the rest of the Bill (including the Local Economic Assessment Duty) and provisions relating to Regional Strategies coming into force from April 2010.

Draft Policy Statement on Regional Strategies

The consultation document also sets out draft guidance on the process and procedural arrangements for preparing Regional Strategies (in our region the Integrated Regional Strategy (IRS) and key expectations on their form and content. The consultation document includes a Draft Policy Statement on Regional Strategies, draft regulations and a draft supplement to guide the sustainability appraisal.

The draft policy statement reflects the guidance issued earlier in the year to accompany the LDEDC Bill going through Parliament. The draft regulations provide more 'process/legal' requirements on matters such as the project plan and the statement of policies on community involvement. The guidance on Sustainability Appraisals emphasises the need for the appraisal to be an integral part of the strategy making process. It also highlights the importance of effective options generation and testing, perhaps reflecting recent experiences of RSS legal challenges. The draft Policy Statement reaffirms that Regional Strategies should:-

- focus on the long term, setting out a clear vision for all parts of the region over a 15-20 year time frame;
- set a strategic framework to promote sustainable economic growth, contribute to sustainable development and tackle climate change;
- guide the activities, plans and investment decisions of public sector agencies, local authorities and other regional partners;
- prioritise development and investment in places and sectors;

- include regionally specific policies, that do not just repeat national policy;
- be founded on a robust and credible evidence base; and
- be annually monitored and accompanied by a separate Implementation Plan.

Broad parameters for the content of Regional Strategies are set out in the draft Policy Statement. These are largely pitched as 'headings', such as how the region can meet its housing need and best deliver sustainable economic growth. Further details on what the Government expects for three priority policy outcomes (economic, housing and climate change) are due in the Autumn. The guidance importantly leaves scope for Regions to determine the approach and focus of their strategies, for example in identifying sub-regions to be included within the strategy and deciding on the key priorities for the Region. This is welcome, however, two concerns about the guidance are initially apparent:-

a) The limited attention to transport – particularly the lack of integration between this guidance on Regional Strategies and DfT's approach to determining longterm transport investment priorities through its DaSTS (Delivering a Sustainable Transport system) that is now underway.

b) The need for the Regional Strategy evidence base to be informed by outputs from the statutory local economic assessment (LEAs) duty – given that this new duty will not come in to force until April 2010 and the timeline for preparing the IRS, the guidance should allow Regional Strategies to be initially underpinned by the outputs from sub-regional economic assessments (which can still have a strong local dimension) and then in due course by the statutory local assessments. This appears to reflect the fact that Government thinking is not as advanced at that in Yorkshire and Humber on the role of City Regions and collaborations across Economic Geographies.

Draft Guidance on Leaders' Boards

The Guidance specifies that Leaders' Boards should be:

“streamlined, representative and authoritative...comprised of elected members drawn from participating authorities, which will enable local government to act collectively at the regional level to fulfil their responsibility in relation to the revision and implementation of the Regional Strategy jointly with the RDA. They are a mechanism for democratic input into the regional strategy and ensure that we join up Councillor input at the regional level.”

The consultation paper sets out that “participating authorities” in each region – which includes all relevant District, Unitary and County Councils and National Parks Authorities - are required to prepare and agree a “scheme” for the establishment and operation of a Leaders' Board for their region. It is also expected that the RDA, Yorkshire Forward, will need to be consulted on the scheme, given the implications for the Joint Regional Board.

In Yorkshire and Humber an “interim” Leaders' Board – consisting of 8 local authority Leaders, two per Functional Sub Region - has already been in place for almost 12 months; and, in general, there is little in the draft guidance that would demand any

change in how the existing Board operates or is managed.

A “scheme” to formalise our current Leaders’ Board structure and arrangements will, therefore, be developed by LGYH for consultation amongst participating authorities and wider stakeholders within the region after the LDEDC Bill is enacted in October; and with a view to coming into force before 1 April 2010.

The Guidance states that where an interim Leaders’ Board has already been operating and can be shown to have wide ranging support, then a reduced consultation period of six weeks on the scheme is likely to be appropriate.

According to the draft Guidance, the scheme will need to set out specifically:-

- how the Leaders’ Board will be streamlined, effective, authoritative and representative (politically, including independents, as well as in terms of sub regions);
- the voting rights of all Board members on matters related to the IRS;
- how it will engage with the RDA, in particular in terms of joint decisions;
- procedures to deal with situations where agreement cannot be reached with the RDA;
- procedures to ensure the delivery of effective and timely decision making; and
- how the Leaders’ Board will refresh or re-elect its membership or change its rules.

Implications for Rotherham:

The above comments have been developed via Local Government Yorkshire and Humber as clearly the major implications will be felt at a regional level. The lack of focus within the guidance on the impact of local policy and the lack of clarity about sub regional roles, means that the ability of Rotherham to influence regional policy may be hindered. Where possible these comments and concerns have been built into the response attached at **Appendix A**.

There has been a lot of work done already within Yorkshire and the Humber and it is well progressed with its regional model already. Rotherham has to date played an influential role in these emerging structures as the Leader is currently the Chair of LGYH and a member of the Joint Regional Board. It is therefore recommended that the Council also supports the composite response that has been submitted by LGYH.

8. Finance

There are no specific direct financial implications to the consultation, although the Regional Strategy will ultimately influence investment decisions in the region.

9. Risks and Uncertainties

Given that this is a response to a national consultation, these are minimal for the Council.

10. Policy and Performance Agenda Implications

The paper has implications for the development of the Regional Integrated Strategy for the Yorkshire and Humber, which will in turn have key policy implications for planning, economic development and regeneration, housing and transport in the future.

11. Background Papers and Consultation

CMT approved the response on 12th October 2009.

Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards

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Appendix A

Consultation Questions

Please state whether you agree to your response being made public. Yes

1. DRAFT POLICY STATEMENT ON REGIONAL STRATEGIES

1.1 Do you consider that the scope of the Policy Statement enables regional flexibility while providing sufficient certainty and consistency about how new Regional Strategies should be prepared? Do you wish to suggest any improvements?

Yes X No..... Comment...see comments for 1.2 below

1.2 Do you agree with the scope of Regional Strategies set out at Paragraph 3.4? Do you have any suggestions as to how this can be improved further?

Yes X No..... Comment...Specific reference to the transport agenda and guidance would have been much more helpful. It is assumed that Transport is subsumed within the “infrastructure category” however specific reference would be preferred. More guidance on the implications for wider related issues would also have been welcome, particularly in overcoming competing interests that the regional strategy will have to overcome.

1.3 Do you agree with the sub-regional approach at Paragraph 3.6. If not, what do you think needs to be improved?

Yes X No... Comment...More generally the role of the sub regions and local policies could be strengthened in the document. It is very top down, driven by national policy. Terms like “locationally specific” and “economic geographies” are used in the document and more detailed inclusion of this implications of this could usefully be included. The acknowledgement of the differing geographies of local economies is, however, to be welcomed. Rotherham, along with its neighbour authority Sheffield, have done considerable work on its single economy and a number of local policy decisions have been taken on the back of this. The role of this within the Regional Strategy is in our opinion, key.

1.4 Is the policy framework at Paragraphs 4.8 and 4.9 on the content of Regional Strategies appropriate to ensure Regional Strategies focus on the key priorities for the region?

Yes..... No X Comment...The issues previously referred to in 1.1 and 1.2 are relevant here also.

1.5 Is there a need for more detail in the policy on how responsible regional authorities should decide on the priorities for their Regional Strategy? If yes, what should this detail comprise?

Yes X No..... Comment...Consideration of wider but related issues would be welcomed and more of a “bottom up” approach to the setting of priorities. In Yorkshire and the Humber, the premise for regional planning is to build on and add value to local plans. This is not necessarily consistent with this guidance.

1.6 Is the policy on the project planning and the preparation of a Project Plan appropriate? If not, how can it be improved?

Yes X No..... Comment.....

1.7 Is the policy on Statements of Policies on Community Involvement at Paragraph 5.17 appropriate? If not, how can it be improved?

Yes X No..... Comment.....

1.8 Is the policy framework on the role of Sustainability Appraisals and the appraisal of issues and options in relation to the Regional Strategy process appropriate?

Yes X No..... Comment.....

1.9 Is the policy framework to guide the Examination in Public process appropriate?

Yes X No..... Comment.....

1.10 Appendix A describes the broad stages of the Regional Strategy revision process. Does this provide the appropriate level of detail to guide responsible regional authorities in preparing their Strategies? If not, how can it be improved?

Yes X No..... Comment.....

1.11 Paragraph 5.49 sets out the key expectations of Implementation Plans. Are these appropriate and do they provide sufficient clarity?

Yes X No..... Comment.....

1.12 Paragraph 5.60 sets out the broad policy for the preparation of annual monitoring reports. Is this appropriate and does it provide sufficient clarity?

Yes X No..... Comment.....

1.13 Paragraph 6.1 set out the approach to the preparation of documents to support the Regional Strategy. Does this make it clear how documents should relate to the Regional Strategy?

Yes X No..... Comment.....Although it is clear the type, nature and purpose of such documents is not. It is not sufficient to give this area the three lines within the document that are present. This could be the area of key important for local authorities and sub regions therefore more detailed guidance is required. Referring to 1.3 above, the Sheffield Rotherham study referred to would be a key supporting document and further guidance on its role would be welcomed.

2. DRAFT REGULATIONS

2.1 Do you have any comments on the proposed scope and detail of the proposed regulations set out at Annex 2?

Yes No Comment.....

3. ESTABLISHMENT OF LEADERS' BOARDS: DRAFT GUIDANCE ON THE PREPARATION OF SCHEMES

3.1 Do you agree with the range of considerations under each of the three broad criteria that the Secretary of State will take into account when considering schemes for the establishment and operation of a Leaders' Board, as set out in the guidance at Annex 3? If not, how should they be changed?

Yes No..... Comment However, paragraph 2b could prove to be too rigid. Local government Yorkshire and Humber has a structure that enables participation of members at different levels.

4. SUSTAINABILITY APPRAISAL OF REGIONAL STRATEGIES: DRAFT SUPPLEMENT TO "A PRACTICAL GUIDE TO THE STRATEGIC ENVIRONMENTAL ASSESSMENT DIRECTIVE"

4.1 Do you support the approach proposed for the new guidance at Annex 4, taking the Practical Guide as the main document with a supplement on Sustainability Appraisal?

Yes..... No..... Comment.....

4.2 Do you think that the Practical Guide and the supplement together provide enough guidance to undertake Sustainability Appraisal that are compliant with legislation and meet the Regional Strategy's objective of promoting sustainable development?

Yes..... No..... Comment.....

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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