

SUBJECT: The Preparation and Approval of Policy

1 INTRODUCTION - PURPOSE

- 1.1 This short paper outlines the agreed procedure for the preparation and approval of new policy documents. The procedure applies to design guidance, development control guidance and other forms of non statutory policy (what can be termed supplementary planning guidance). It does not apply directly to those forms of statutory policy, such as the Structure Plan, Local Plans, Subject Plans and Action Plans, for which the basic consultation and adoption stages are set out in the Development Planning Act 1992.
- 1.2 The whole of the procedure set out below should of course be followed, but actions which are of particular importance and which must always be carried out have been highlighted.

2 THE STAGES OF POLICY PREPARATION

- 2.1 **The need for, and purpose of, new planning policy guidance of all forms should be clearly identified and endorsed, either in the Business Plans for individual Units or through discussion and agreement with Unit Managers and/or the Director.**
- 2.2 Following this, there are a number of basic stages, which will take place in a generally sequential manner, but which may on occasions involve some degree of overlap, as the formulation of policy is essentially an iterative process with continuing refinement until an agreed final draft is prepared
- the initial formulation of a draft policy document
 - internal consultation
 - the formulation of an internally agreed draft policy document
 - external consultation
 - the formulation of an agreed final draft policy document
 - presentation to, and endorsement/adoption by, the Planning Authority
- 2.3 This procedure does not deal in further detail with the initial preparation or formulation of a draft policy document, since the precise methodology will depend upon the nature of the policy document.

3 INTERNAL CONSULTATION

- 3.1 **Consultation should take place with those Units of the Directorate that are likely to have a contribution to make to the contents of the document.** This will of course vary according to the nature of the policy itself. Consultation should initially be directed to the Unit Managers, who will then determine the most appropriate members of their staff to comment on the policy document. The Directorate's Management Team should also be involved in the consultation exercise.
- 3.2 Since most forms of policy are likely to have implications for the assessment and determination of applications for development permission, **as a general principle, consultation should always be carried out with the Development Control Unit, via the DCU Manager and the Team Managers.**
- 3.3 In order to facilitate and expedite the preparation of draft documents, there is a need to set a reasonable but achievable time limit for the receipt of comments from those Units that are consulted. Reminders should be sent a short time before the expiry of the deadline and consulted Units should make an effort to respond within the stated time. Exceptionally, where a response can not be given by the deadline then the originators of the policy document should be made aware of this, in good time, and a new deadline negotiated, agreed and adhered to.
- 3.4 The extent and frequency of consultation will in part be determined by the complexity and implications of the policy. It will normally be necessary to consult more than once, since the initial draft should be refined to take into account comments and the redrafted document should be circulated again. There may be a need for further consultation after that, depending on the nature of the comments made on the second draft.
- 3.5 Views expressed by consultee Units should be carefully considered and acted upon where thought appropriate. In those cases, where there is a divergence of views, particularly on significant issues, then these should be the subject of discussion and agreement, with a clear indication given for not accepting particular comments.

4 EXTERNAL CONSULTATION

- 4.1 Once the draft document has been agreed internally, normally by the Manager of the Unit responsible for its preparation, then formal external consultation may be undertaken. It may have been appropriate or necessary, prior to this, to discuss the likely substance of the policy with external agencies, or for example, to obtain information or advice essential to the formulation of the policy. However, formal consultation should only be undertaken once an internally agreed draft document has been prepared.
- 4.2 Formal external consultation should be carried out with those agencies or bodies that have a statutory or advisory role in the substantive area with which the policy is concerned, or that are able to make a useful and valid contribution to the form and content of the document. Normally, this will include the Planning Consultative Committee (PCC).
- 4.3 **External consultation must always take place with the Chamber of Architects**, following the agreement by the Directorate that the Chamber will be given the chance to make an input into new policies. Consultation with the Chamber should take place as early as possible in the process and should be done formally through the Director's office and a reasonable timelimit given for a response. This should be dictated by the complexity of the document, but normally it should not be less than 21 days.
- 4.4 Following the receipt and consideration of comments from external agencies, the draft document should be revised as appropriate. If the comments require significant changes to the substance of the internally agreed document, it may be necessary to reconsult internally. It may also be necessary to meet external respondents to discuss their comments, if there is a wide divergence of views.

5 PRESENTATION TO, AND APPROVAL BY, THE PLANNING AUTHORITY

- 5.1 The final draft document should be prepared and agreed with the Unit Manager and the Director. It can then be forwarded to the Director for presentation to the Planning Authority.
- 5.2 **It is important that all forms of planning policy are endorsed and adopted by the Planning Authority.** Without this adoption, they remain informal, internal policies.
- 5.3 Once policies have been adopted by the Planning Authority **the final approved version** (which should be amended if so required by the Authority) **should be circulated internally** to all relevant Units, including the DCC Secretariat to be passed on to DCC members, and to Planning Authority members. There should be

a clear indication on the document of its precise status and of the date of Planning Authority approval. **A copy should also be sent to the Chairmen of the Appeals Board.**

- 5.4 The form, if any, of external distribution will depend on the nature of the document. The adoption of new policy documents should be brought to the attention of private architects. Usually, a copy of the policy document should be circulated to all private architects (normally accompanied by a Circular which draws their attention to the policy, and to any other matters which need to be communicated). Where documents are large or bulky, as, for example, in the case of Local Plans, they should be informed through a Circular. This should be done immediately following the adoption of the policy by the Planning Authority. A press release (and, perhaps, a newspaper advertisement) will also be appropriate to bring the new policy to the notice of the public in general.