

# Planning for a Sustainable Future – the Planning White Paper and associated consultations

## Development Control, item 7

<b>Committee:</b>	<b>Development Control</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>25<sup>th</sup> July 2007</b>	<b>7</b>
<b>Title:</b>	<b>Planning for a Sustainable Future – the Planning White Paper and associated consultations</b>	
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### Summary

In May the Government published its White Paper on planning. It is accompanied by four associated consultations entitled:

Planning Performance Agreements: a new way to manage large-scale major planning applications

Planning Fees In England – proposals for change

Changes to Permitted Development Consultation Paper 2: permitted development rights for householders

Improving the appeal process in the planning system – making it proportionate, customer focused, efficient and well resourced.

The closing date for comment is 17<sup>th</sup> August. This report was considered by the Environment Committee on 19<sup>th</sup> June, and was brought forward at that early stage because there is no other meeting of that Committee until September. The Environment Committee resolved that to oppose “the proposals for a major infrastructure commission set out in the Government white paper, these views will be forwarded to the DCLG following the views of the DC Committee”. Reports on the other four associated consultations are reported elsewhere on this agenda.

### Recommendations

That the views set out in this report, together with other views of Members, are forwarded to DCLG

### Background Papers

Planning for a Sustainable Future and associated documents. These are accessible via the consultations section on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk))

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**Impact**

Communication/Consultation	<b>The Council is a consultee</b>
Community Safety	<b>None</b>
Equalities	<b>Some of the proposals are to make the planning system more accessible to all</b>
Finance	<b>None</b>
Human Rights	<b>None specific</b>
Legal implications	<b>None at this stage</b>
Ward-specific impacts	<b>All</b>
Workforce/Workplace	<b>None</b>

**Situation**

- 1 The Government’s vision as set out in the White Paper is for a planning system which supports vibrant, healthy, sustainable communities, promotes UK international competitiveness and enables the infrastructure which is vital to our quality of life to be delivered in a way that is integrated with the delivery of other sustainable development objectives, and ensures that local communities and members of the public can make their views heard. The Government considers that planning should be at the heart of local authorities.
  
- 2 The White Paper summarises the claimed successes of Government reforms to the planning system since 1997: these include
  - Speed of local decision making – in 2001/2 under a quarter of planning authorities were meeting Best Value Targets for speed of decision, now three-quarters are doing so
  - Speed of national decision making – the time taken by the Secretary of State to determine recovered appeal cases has been halved, with 85% taking less than 16 weeks
  - Customer centred e-planning: all local authorities are linked to the Planning Portal which deals with electronic planning applications and planning content
  - Supporting planners by increasing capacity – by the end of 2005 there were nearly 2000 students on accredited planning courses, with 400 post graduate bursaries
  - More efficient land use – three quarters of new houses are built on brownfield land
  - Increased housing supply – more houses are being built
  - Revitalised town centres
  - Good design.

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- 3 The White Paper argues that the long term challenges for planning are increasing. These include:
- Meeting the challenge of climate change. Planning can help meet our targets for reduction in emissions of greenhouse gases by the supporting zero carbon buildings, reducing the need to travel, making walking and cycling attractive, supporting integrated public transport and speeding up the shift to low carbon and renewable energy.
  - Supporting sustainable economic development by helping business respond quickly to changes in market conditions in the global economy.
  - Increasing the supply of land for housing. The population is increasing, ageing and becoming more prosperous.
  - Protecting and enhancing the environment and natural resources. Planning should contribute to improving the quality of water, land and air, and the conservation of renewable and non renewable resources and to sustainable waste management.
  - Maintaining security of energy supply.
- 4 Despite these improvements the White paper argues that we need to do more to meet these long term challenges. The problems that need to be addressed are:
- National policy is not sufficiently clear or responsive. There is little co-ordinated national policy. The Air Transport White Paper is one of the cited examples of good national policy.
  - The planning system is too bureaucratic, takes too long and is unpredictable. Business complains that decisions take too long. Plan making is complicated and time consuming. The planning system is in danger of being bogged down in a rise in householder planning applications. Appeal numbers are increasing and they are taking longer. The process for dealing with major infrastructure proposals is too slow – it took 7 years to get a decision on Heathrow Terminal 5, and other examples are cited.
  - Individuals and communities find it difficult to be heard. Complex and lengthy consultation on local plans can lead to consultation fatigue while failing to engage citizens. The adversarial nature of the inquiry system can be intimidating, and the time and cost means it often favours the well-resourced and well-organised.
  - Planning systems are confusing and unclear. Multiple consent regimes add to cost, complexity and transparency. The role of ministers in planning decisions is not well understood.
  - Decisions are not always taken at the right level. Some applications determined by the secretary of state are for 25 houses or less, equally some larger projects are determined locally

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- 5 To help it understand how the system could best respond to the challenges the Government commissioned Kate Barker to review land use planning and Rod Eddington to review the delivery system for Transport Infrastructure.
- 6 Both propose radical measures and the extent to which these have been taken into account is set out in the White Paper.

### The Government's Response

#### Summary of proposals

- 7 For key national infrastructure such as major airport and port projects, improvements to the Strategic Road Network, major new power generating facilities and facilities critical to energy security, and major reservoir and waste water plant works, it is proposed to:
  - □ produce, following thorough and effective public consultation and Parliamentary scrutiny, national policy statements to ensure that there is a clear policy framework for nationally significant infrastructure which integrates environmental, economic and social objectives to deliver sustainable development;
  - □ provide greater certainty for promoters of infrastructure projects and help them to improve the way that they prepare applications by making better advice available to them; by requiring them to consult publicly on proposals for development; and by requiring early and effective engagement with key parties such as local authorities, statutory bodies, and relevant highway authorities;
  - □ streamline the procedures for infrastructure projects of national significance by rationalising the different consent regimes and improving the inquiry procedures for all of them;
  - □ clarify the decision making process, and achieve a clear separation of policy and decision making, by creating an independent commission to take the decisions on nationally significant infrastructure cases within the framework of the relevant national policy statement;
  - □ improve public participation across the entire process by providing better opportunities for public consultation and engagement at each stage of the planning approval process; improving the ability of the public to participate in inquiries by introducing a specific “open floor” stage; and, alongside the introduction of new system, providing additional funding to bodies such as Planning Aid.
- 8 For the town and country planning system, it is proposed to:

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- produce a more strategic, clearer and more focused national planning policy framework with PPS1 – *Delivering Sustainable Development* at its heart, to provide the context for plan-making and decision-taking;
- publish a new Planning Policy Statement, *Planning for Economic Development*, which will further reinforce the Government's commitment set out in PPS1 to promoting a strong, stable and productive economy with access for all to jobs, to regeneration and improved employment prospects;
- improve the effectiveness of the town centre planning policy by replacing the need and impact tests with a new test which has a strong focus on our town centre first policy, and which promotes competition and improves consumer choice, avoiding the unintended effects of the current need test;
- finalise the Planning Policy Statement on climate change and introduce legislation to set out clearly the role of local planning authorities in tackling energy efficiency and climate change;
- work with industry to set in place a timetable and action plan to deliver substantial reductions in carbon emissions from new commercial buildings within the next 10 years;
- review and wherever possible extend permitted development rights on microgeneration to non residential types of land use including commercial and agricultural development;
- place planning at the heart of local government by aligning the Sustainable Community Strategy and the local development framework core strategy. We will also work with the Local Government Association and others to continue building capacity, promoting culture change in planning and we will issue 'place shaping' guidance;
- introduce changes to local development frameworks to ensure a more streamlined and tailored process with more flexibility about the number and type of plans, how they are produced and a more meaningful, engaged level of community involvement;
- introduce Planning Performance Agreements, which will help streamline the processing of major applications, and support a properly resourced planning service with changes to planning fees and consult on devolving the setting of planning fees to local authorities;
- introduce a new impact approach to householder development which will reduce the number of minor applications whilst protecting the interests of neighbours, the wider community and the environment, and then extend this approach to other types of development; and
- streamline the planning application process, reduce the number of applications called in by ministers and introduce a range of measures to substantially improve the appeals process.

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#### Officer Comment

- 9 This is a comprehensive document. Many of the proposed reforms are considered welcome, and these will be the subject of a further report to the Development Control Committee once Officers have had an opportunity to evaluate them. Indeed most of the reforms are development control issues. Whilst Members are entitled to comment on any aspect of the proposals they so choose, Officers consider that the views of this committee should be broadly confined to those areas within its remit. One exception to this would be the proposed reforms to the development consent regime for nationally significant infrastructure projects.
- 10 The White Paper suggests some 40 consultation questions under broad themes, which are followed here so far as is possible.

#### **Proposed reforms to the development consent regime for major infrastructure projects**

- 11 This is of particular concern to this Council because of the presence of the airport. However, it is considered unlikely that any necessary changes in legislation will be in place in time for the reforms to be implemented with regard to the G2 application. Officers consider that there is a need to reform the multiple consents regime for major projects. There are however considerable concerns that setting up an independent commission to take decisions on nationally significant infrastructure cases could diminish the weight given to local opinion. It is difficult to reconcile the vision of engagement of local communities while simultaneously proposing to take decisions away from them. Members must be aware however that the Secretary of State already has call-in powers which effectively take away local discretion. If a commission is set up it must be truly independent, and public involvement must be meaningful. It is not enough merely to be heard, people must see that their views influence the decision.

#### National Policy Statements

- 12 The concept of up to date national policy statements for key infrastructure sectors is welcomed. They should be the primary consideration unless local adverse consequences outweighed the benefits. However, the White Paper identifies adverse consequences as those incompatible with relevant EC and domestic law, with legislation to identify the relevant domestic law for infrastructure sectors. This could significantly dilute the areas of local concern to basic human rights, and, without further clarification, is opposed. National planning policies should be produced with full and meaningful public engagement.

#### Preparing applications for nationally significant infrastructure projects

- 13 A high standard of application is proposed, with pre application consultation with the community and statutory consultees. This is good practice and is to be encouraged with or without the proposed commission

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#### Determining applications for nationally significant infrastructure proposals

- 14 A range of thresholds for consent applications to be dealt with by the proposed commission is set out: of relevance to this Council is “a new tarmac runway or infrastructure that increases and airport’s capacity by over 5m passengers a year”. Others include power stations, gas infrastructure projects, commercial pipelines, strategic roads, ports, dams, water treatment and transfer projects, and final disposal of hazardous waste.
- 15 The commission would appoint a panel of 3-5 members to determine major applications, with the largest requiring the full board and smaller ones being referred to a single commissioner. The majority of evidence would be in writing, with discretionary calling of witnesses. There would be an “open floor” stage where parties could “have their say” within a defined period of time. The examination and decision process should be subject to a statutory maximum of 9 months. The consultation mentions the imposition of conditions by the Commission but not planning obligations. There would be a right of challenge set out in legislation to any decision by a member of the public or organisation affected by the proposals.

#### **Proposals to reform the town and country planning system**

##### Strengthening the role of local authorities in place shaping

- 16 The requirement for independent examination of statements of community involvement is proposed to be removed and replaced with the new duty to involve. It is proposed that a plan that fails certain tests can be sent back to an earlier stage rather than right to the start. Supplementary Planning Documents (SPD) will be able to be produced without reference to central government, and there will no longer be a need for a sustainability appraisal of each SPD. These proposed reforms are wholeheartedly supported, and will reduce much unnecessary bureaucracy and increase local accountability.
- 17 The remainder of the proposed reforms are detailed development control issues. These are reported elsewhere on this agenda.

## **Risk Analysis**

The risk analysis forms part of the consultation