

**DEVELOPMENT POLICY COMMITTEE
11 JULY 2007**

AGENDA ITEM 5

Subject	Summary of the 'Planning for a Sustainable Future' White Paper
Report by	Director of Planning and Building Control Services

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Purpose

This report summarises the proposals contained in the White Paper 'Planning for a Sustainable Future' and a number of associated consultation papers and examines the proposed changes within the planning process. It sets out the Borough Council's suggested responses to these documents.

Options

That the report be approved and the comments set out therein be passed to the Department for Communities and Local Government by the consultation deadline.

Recommendation(s)

- That the Director of Planning and Building Control Services responds to the Department for Communities and Local Government to the White Paper in the terms outlined in this paper.**

Corporate Implications

Legal:	None
Financial:	Cannot be quantified at present
Personnel:	Cannot be quantified at present
Risk Management:	None
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	Not appropriate at this stage
Health and Safety:	None
IT:	None
Other:	None

Consultees	Principal planning officers in Planning and Building Control Services
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Policies and Strategies

The report takes into account the following policies and strategies of the Council:

N/A

Corporate Priorities

The report relates to the following corporate priority/priorities [tick the relevant box]

Social Inclusion	<input type="checkbox"/>
Excellent Customer Services	<input type="checkbox"/>
Regeneration	<input type="checkbox"/>
Value for Money	<input type="checkbox"/>
Environment	<input type="checkbox"/>

1.Executive Summary

In May 2007 the Department for Communities and Local Government (DCLG) published a White Paper entitled 'Planning for a Sustainable Future', in conjunction with a number of other consultation papers. These include :

- (a) Planning Fees: proposals for change
- (b) Changes to permitted development rights for householders
- (c) Planning Performance Agreements: A new way to manage large-scale major planning applications
- (d) Improving the appeal process - making it proportionate, customer focused, efficient and well resourced

The Committee is invited to consider this summary report and agree the recommendations on the issues that are of most importance to Chelmsford. This report concentrates on details of, and responses to, the White Paper, whilst the Appendices contain details of the other consultation papers and proposed responses.

2.The White Paper

The White Paper sets out the Government's proposals for reform of the planning system. It builds on recommendations from the Barker Review of Land Use Planning and the Eddington Transport Study. It sets an ambitious programme of proposed reforms to the planning system to be taken forward in the next three years and covers four key areas :

- A better, quicker system to make decisions on major infrastructure projects with enhanced community engagement and an improved level of expertise.
- Simplifying the local planning system for householders to make it far easier to make home improvements like extensions and conservatories, where there is little or no impact on neighbours.
- Planning playing a greater role in tackling climate change.

- Ensuring the planning system continues to support vibrant town centres.

Main considerations

There are five core principles at the heart of the White Paper :

- Planning should be responsive;
- Planning should be streamlined, efficient and predictable;
- There should be full and fair opportunities for public consultation and community engagement;
- Planning should be transparent and accountable ; and
- Planning should be undertaken at the right level of government – national, regional or local.

To achieve these aims a wide range of proposals for consultation are suggested and the more appropriate ones are considered here.

Reforms to the development consent regime for nationally significant infrastructure projects.

There are a number of problems within the current system in respect of nationally significant infrastructure projects. These include :

- A lack of clarity of Government policy;
- Poor preparation of applications by some promoters;
- Slow and ineffectual procedure rules for inquiries;
- Over-complicated decision making process involving both Inspectors and ministers;
- Too many different consent regimes.

Major projects are defined as major airport and port projects, improvements to the Strategic Road Network; nationally significant energy infrastructure; nationally significant water and waste infrastructure. A three-stage process, as recommended by Eddington, could be the solution, with :

1. Ministers setting strategic objectives for national infrastructure;
2. Promoters then develop project proposals within a clear strategic framework, subject to requirements for public consultation;
3. Decisions on applications taken by an independent commission of experts from appropriate fields.

In order to achieve this the White Paper suggests that the Government will do the following :

1. Produce national policy statements for key sectors to ensure that there is a clear policy framework for decisions on nationally significant infrastructure. These would provide

clear direction by setting out strategic objectives for infrastructure capacity and development.

2. Help promoters of infrastructure projects to improve the way that they prepare applications by making better advice available to them, requiring them to consult the public and local communities effectively and requiring earlier engagement with key parties such as statutory environmental and heritage bodies and the Highways Agency.
3. Streamline the procedures for infrastructure projects of national significance by rationalising the different development consent regimes and improving the inquiry procedures for all of them.
4. Clarify the decision making process and achieve a clear separation of policy and decision making by creating an independent infrastructure commission to take decisions on nationally significant infrastructure.
5. Improve public participation across the entire process by providing better opportunities for public engagement at each stage of the development consent process. This would include more opportunity to scrutinise, consider and debate the Government's proposals for infrastructure development.
6. Explore devolving decisions on smaller infrastructure projects, where appropriate, to local authorities.

Reforms to the planning system generally.

There are a number of other suggestions for reform contained in the White Paper which include :

1. Producing a more strategic, clear and focused national planning policy framework with PPS1 – Delivering Sustainable Development, at its heart, to provide the context for plan-making and decision-making.
2. Publishing a new Planning Policy Statement, 'Planning for Economic Development', which will further reinforce the Government's commitment to promote a strong, stable and productive economy with access for all to jobs, to improve the effectiveness of town centre planning policy by replacing the need and impact tests with a new test which has strong focus on the Government's town centre first policy, and which promotes competition and improves consumer choice avoiding the unintended effects of the current need test.
3. Finalising the Planning Policy Statement on climate change and introducing legislation to set out clearly the role of local planning authorities in tackling energy efficiency and climate change.
4. Reviewing, and wherever possible extending permitted development rights on microgeneration to non-residential types of land use including commercial and agricultural development.

5. Working with industry to deliver substantial reductions in carbon emissions from new commercial buildings within the next 10 years by setting in place a timetable and action plan.
6. Placing planning at the heart of local government by aligning the Sustainable Community Strategy and the Local Development Framework Core Strategy. The Government will also work with the Local Government Association and others to continue to promote culture change in planning, and by issuing 'place shaping' guidance.
7. Introducing 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.

Members should note that the White Paper acknowledges the important role of Green Belts and does not propose to amend PPG2.

Implementation

It is intended that the proposals in the White Paper should be fully in place by 2009.

3. Other Consultation Papers

Details of the four other consultation papers are contained in the appendices. However briefly these include :

- **Planning fees** – three options for changes to non-householder planning fees which are 0%, 25% and 40% increases are proposed. The documents also consults on devolving the setting of fees to local planning authorities (see Appendix 1).
- **Changes to permitted development rights for householders** – this introduces 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. It is proposed that this approach is eventually extended to other types of development (see Appendix 2).
- **Planning Performance Agreements (PPAs)** – this is a new way to manage large scale major planning applications and will help streamline the processing of such applications and support a properly resourced planning service (see Appendix 3).
- **Improving the appeal process** – this will reduce the number of applications called in by Ministers and introduce a range of measures to substantially improve the appeals process (see Appendix 4).

4. Comments and Responses to the White Paper

Questions relating to the reforms for nationally significant infrastructure projects.

Q - Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the infrastructure planning commission?

Yes – and local authorities’ ‘Statements of Community Involvement’ should also be applied.

Q - Do you agree, in principle, that relevant local authorities should have special status in any consultation?

Yes – it is envisaged that local authorities will have a key role to play including co-ordinating and expressing local views.

Q - Do you agree, in principle, that the commission should be able to specify conditions as set out on paragraphs 5.49-5.51, subject to the limitations identified, and for local authorities to then enforce them?

It will obviously be essential for the commission to impose conditions in order to exert control over the projects. However, the very nature of the type of developments this procedure will apply to, will mean that the conditions are likely to be complex and cover technical matters which local authorities are unlikely to be able to monitor as they will not have the expertise or resources. Some projects may involve a number of authorities (e.g. for railways and roads). It would therefore be more appropriate for the Government to set up their own monitoring scheme for such projects where they will be able to call on expert advice and assistance more readily than local authorities are able to.

Questions relating to reforms to the town and country planning system generally.

Q - What types of non-residential land and property do you think might have the greatest potential for microgeneration and which should we examine first?

It is not practicable to rely solely on land use. Other criteria should be used such as minimum distance from residential property, and designated areas.

Q - We think it is important to enable a more joined up approach to community engagement locally. We propose to use the new ‘duty to involve’ to ensure high standards but remove the requirement for the independent examination of the separate planning Statements of Community Involvement. Do you agree?

Yes – the independent examination added little to the content of Chelmsford’s adopted SCI. This will help to speed up the process.

Q - Do you agree, in principle, that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?

Yes – although clear guidance will be needed on this.

Q - Do you agree, in principle, that there should not be a requirement for supplementary planning documents to be listed in the local development scheme?

Yes – this would allow an SPD to be prepared in response to changing circumstances without the need to seek Government approval for a variation to the LDS.

Q - Do you agree, in principle, that there should not be a blanket requirement for supplementary planning documents to have a sustainability appraisal, unless there are impacts that have not been covered in the appraisal of the parent DPD or an assessment is required by the SEA directive?

Yes – the current blanket requirement is onerous.

Q – What types of non-residential development offer the greatest potential for change to permitted development rights? What limitations might be appropriate for particular sorts of development and local circumstances?

The benefits of this will be to reduce the workload created by the non-contentious proposals so that authorities can concentrate on dealing with more complex issues, and Government figures will reveal which are the most appropriate areas, i.e. those minor applications where planning permission is usually permitted.

This would also be a good opportunity to explore other issues such as the ‘prior approval’ system for telecommunications equipment which is complex and can be more time-consuming than normal planning applications.

Q – What is your view on the general principle of introducing a streamlined process for approval of minor development that does not have permitted development rights and where the neighbours to the proposed development are in agreement?

If local authorities can deal with such minor applications speedily then there would be no advantage. This has already been introduced to some extent in Chelmsford using the accredited agent’s scheme, where applications are ‘fast tracked’. However in this process it is obviously still necessary to consult neighbours.

Q – Do you agree that it should be possible to allow minor amendments to be made to a planning permission?

Yes – provided there is no material impact on neighbours. In fact this would regularise normal practice.

Financial and staffing implications

One of the purposes of the changes proposed is to provide customers with a better service by removing some of the smaller applications thus freeing-up resources to deal with more complex issues. However, there is no certainty that, following the end of the consultation period, these proposals will become part of the planning process. Therefore no detailed analysis of the financial or staffing implications has been carried out. However, once the Government has confirmed which proposals will be implemented, a full analysis will be done and this will be reported to Cabinet.

Conclusion

That the Director of Planning and Building Control Services be authorised to respond to the consultation papers in the terms set out in this report.

List of Appendices

Appendix 1 Planning Fees in England : Proposals for change

Appendix 2 Changes to Permitted Development Consultation Paper 2 - Permitted Development Rights for Householders

Appendix 3 Planning Performance Agreements : A new way to manage large-scale major planning applications

Appendix 4 Improving the Appeal Process in the Planning System – Making it proportionate, customer focused, efficient and well resourced

Background Papers

Planning for a Sustainable Future White Paper

Consultation papers on :

- Planning Fees in England : Proposals for change
- Changes to Permitted Development Consultation Paper 2 - Permitted Development Rights for Householders
- Planning Performance Agreements : A new way to manage large-scale major planning applications
- Improving the Appeal Process in the Planning System – Making it proportionate, customer focused, efficient and well resourced