

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER **G44**

TO: DEVELOPMENT COMMITTEE

DATE OF MEETING: 11 July 2007

THE PLANNING WHITE PAPER: PROPOSED RESPONSE BY BABERGH

1. PURPOSE OF REPORT

This report is to advise Members of the Government's current consultation on its Planning White Paper, which proposes a broad range of further potential changes to the planning system in outline form. It also considers the implications of key aspects of these changes for Babergh and details a proposed response. The changes span both the development control and planning policy aspects of planning practice and accordingly, this report seeks the views and approval of Development Committee Members before proceeding to Strategy Committee (on 16th August 2007).

2. RECOMMENDATIONS

- 2.1 That Members note the scope of potential changes to the planning system proposed under the Government's current Planning White Paper: *Planning for a Sustainable Future*.
- 2.2 That Members agree the proposed response, subject to any comments they agree to incorporate.
- 2.3 The Committee is asked to make recommendations to Strategy Committee on the above matters.

3. FINANCIAL IMPLICATIONS

- 3.1 There are potential financial implications arising from this report. However, at the same time as publishing the White Paper, the Government issued the findings of a study it commissioned on planning costs and fees. This commented that whilst stripping out bureaucracy, the challenges presented by the new planning system and reforms proposed in the White Paper will result in an increasing volume of more complex and challenging work, which will have resource implications for local government. The full extent of these is dependent on the detail of the proposals as implemented. One example is possible reductions in planning fee income received by local planning authorities (unless there is a fee increase for other forms of development). There is also a likelihood of an increase in enforcement investigation/workload.

4. RISK MANAGEMENT

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
That Babergh does not protect its interests through non-submission of appropriate comments on the proposals	Low	Marginal. BDC will have a statutory responsibility to implement changes to the system that may flow from these outline proposals	Avoidance: seek to ensure allocation of appropriate time to consideration of these matters

5. KEY INFORMATION

- 5.1 In 2004 the Government introduced major reforms to the planning system. The White Paper sets out the Government's proposals for further reform of the current planning system, which will aim to put right aspects of the 2004 Act changes that have not worked very well in practice. These changes are also partly in response to the Barker Review recommendations on how the town and country planning system could be improved. The White Paper seeks to improve the speed, responsiveness and efficiency in land use planning and a reform of major infrastructure planning, among other objectives.
- 5.2 For the purposes of clarity, the White Paper's main proposals are set out below under similar chapter headings as described within the White Paper. Some of the proposals are subject to separate consultation by the Government, which has also issued consultation papers on proposed changes to appeals, the householder development consent system, planning fees and planning performance agreements. These matters are also expanded upon below.
- 5.3 The Government's intention is that the proposals should be fully in place by 2009, although primary legislation will be required to implement some changes.

Nationally Significant Infrastructure Projects

5.4 Significant changes are proposed to the current system, as follows:

- To reform the system for planning nationally significant infrastructure covering transport, energy, water and waste infrastructure.
- A three-stage process is proposed with ministers setting strategic objectives; promoters developing project proposals within this strategic framework subject to public consultation requirements; decisions on applications being taken by an independent commission of experts.
- Multiple consent regimes to be incorporated into a single consent.
- Thorough and effective public consultation at each stage

Response

The White Paper has accepted Barker's views on increasing the priority to economic development, which is particularly evident in the proposals for changes on major infrastructure projects. In view of the unlikelihood of such projects affecting this District directly, the proposals for a new three-stage process are unlikely to impact directly on the District. The proposed changes are supported in principle, provided the number of such projects is kept to a limited number of nationally significant schemes, that there is effective public consultation and community engagement embedded in legislation for each stage, and that social and environmental impacts are given equal consideration to economic / other benefits.

Improving the Planning System and Delivery of Sustainable Development

- 5.5 The Government proposes to act to address climate change in particular and to consider the following:
- Key themes are to develop a new framework for economic development, improve the effectiveness of town centre policy and embed climate change
 - More progress needed in the commercial sector on carbon reduction

- Legislation will be introduced setting out the role of Local Planning Authorities in tackling energy efficiency and climate change
- Increase permitted development for householder micro generation projects
- Finalise a Planning Policy Statement on climate change
- Produce new Planning Policy Statement on planning for economic development so that full regard is given to economic as well as social and environmental benefits of development
- Replace the needs tests for retail development with a new test focusing on a town centre first policy and which promotes competition and improves consumer choice
- Produce clearer, more focused, national planning policy in general.

Response

The intention to reduce the volume of national policy guidance is particularly welcomed, although concern is expressed as to the Government's ability to achieve this aim. This intention was expressed when Government moved from Planning Policy Guidance Notes (PPGs) to Planning Policy Statements (PPSs), but the reality has seen an ever-increasing raft of good practice guidance being issued to accompany policy statements.

Strengthening the Role of Local Authorities in 'Place Shaping'

5.6 These are relatively wide-ranging as follows:

- Guidance to be issued on aligning 'Sustainable Community Strategies' with the Core Strategy
- Remove the independent examination process for the 'Statement of Community Involvement'. A more comprehensive community engagement strategy will form part of the new Comprehensive Area Assessment.
- More flexibility in the process of plan preparation
- More flexibility in response to a successful legal challenge to a Plan
- Priority planning performance indicators will form part of the 200 national Performance Indicators
- A decision on the Housing & Planning Delivery Grant will be made as part of the Comprehensive Spending Review 2007, but it is intended that any planning element will focus on planning policy progress and joint working
- 'Planning Performance Agreements' to replace the statutory 13-week period for determining significant development applications
- Planning fees to be reviewed and will look at deregulating fee setting linked to performance
- Continue with bursaries to increase the supply of planners but will require two years of the first five after qualifying to be in the public sector.

Response

Outline proposals supported. Although the new Local Development Framework for planning policy preparation was only recently introduced (2004), the Government's recognition that it is too bureaucratic and inflexible is accepted. With circumstances changing rapidly, it is sensible to amend the process to allow for greater flexibility and to adapt consultation and community engagement to the type of development plan document under preparation.

A More Effective and Efficient System and Householder / Minor Development Consent (Planning Applications)

5.7 This area includes some important changes that will require careful consideration:

- Increase permitted development rights for minor developments (such as household and business premises extensions) and for renewable energy generation equipment, where these will have little impact on others (partly to reduce the need for / number of planning applications)
- Introduce a single set of rules governing all tree preservation orders;
- Streamlining information requirements for all applications, through the introduction of a standard application form with associated guidance and validation checklists and subsequently a further review of information requirements;
- Reviewing procedures and compensation on Article 4 Directions
- Looking at the possibility of voluntary neighbour agreements for minor developments not to require a planning application*
- Review legal procedures for applications
- Legislate for minor amendments (eliminating the need for a planning application)*
- Reduce the number of applications to be notified to or called-in by the Secretary of State.
- Review appeal procedures including reducing appeal period for householder developments from 6 months to 8 weeks
- Working towards allowing minor appeals against decisions taken by Officers under delegated powers to be determined within each local authority by a board of Councillors; extending the award of costs to written representation appeals; and giving consideration to introducing fees for appeals*

Response

There are some initial questions raised about how both allowing amendments to planning applications and streamlining information requirements will support the agenda of ensuring quality of development. The White Paper itself expresses concerns over how a new neighbour agreements system would work in practice, and these concerns over implementation are shared. Outline proposals supported except for those asterisked above.

Appeals (separate consultation)

5.8 The White Paper refers to a range of measures to improve the speed and efficiency of the appeals process. These include:

- Implementing fast tracked processes for householder and tree preservation order appeals;
- Enabling the Planning Inspectorate to determine the appeal method by applying criteria;
- Updating the provisions for awards of costs;
- Reducing the time limit for planning appeals when the same development is the subject of an enforcement notice;
- Measures to place enforcement appeals and lawful development certificate appeals on the same footing as that for planning appeals; and
- Introducing a fee for appeals.

Response

Proposals generally supported

Economic Development and Policy for Town Centres (subsequent consultation)

- 5.9 The White Paper states that the Government is fully committed to promoting the vitality and viability of town centres and protecting high streets. It also advises that a consultation paper will be issued in the summer on proposals for reviewing the needs test on retail proposals outside town centres set out in the current PPS6. It is generally acknowledged that the PPS has had a beneficial impact in reducing out-of-town retail developments. The wording of any replacement policy that aims to “promote competition and improve consumer choice” will have to be defined very clearly, to avoid creating any more favourable conditions to develop out of town sites at the expense of town centres. Concerns are to be raised in response to this. Government also proposes to introduce a new PPS on Economic Development and this is supported, as the last relevant guidance is now fifteen years old.

General Conclusions

- 5.10 As outlined above, the Government has set itself an enormous task to deliver the proposals set out within the White Paper. Most of the proposed changes will need to be subject to further consultation and many of the proposals require changes to regulations and/or legislation. Responding to the breadth of proposed consultative documents will in its self be a major challenge for the Council. The implications of the proposals are not entirely clear at this stage, and this will not become apparent until further guidance is released.

6. APPENDICES

None but the consultation papers and supporting information can be accessed at:
<http://www.communities.gov.uk/index.asp?id=1510503>

7. BACKGROUND PAPERS REFERRED TO:

- Planning for a Sustainable Future White Paper May 2007.
- Planning Costs & Fees Report for Communities & Local Government May 2007.

CONTACT: Rich Cooke

DIRECT LINE: 01473 825775