

Improving the town and country planning system

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Building on recent reforms

6.1 Major infrastructure projects are enormously important both for the future of the nation and for neighbourhoods affected. However, there are, as the previous chapter showed, relatively few of them. Most planning activity takes place locally and is overseen by local planning authorities and it is planning at this level which most often affects those proposing development and local people.

6.2 Chapter 1 explained how, since 1997, we have made significant progress in improving our planning system. In particular, we have embedded sustainable development at the heart of the planning system¹, and just as importantly improved the outcomes in terms of speedier and more consistent decisions.

6.3 On the whole the planning system works well and the main thrust of our proposals for the town country planning system set out in the remaining chapters of this White Paper is to build on recent reforms and further improve the system, rather than fundamentally re-engineer it (see box 6.1 below for an explanation of how the system currently works).

6.4 But we agree with Kate Barker that even while previous reforms are bedding down, further change is needed:

- to make planning more responsive to future challenges, such as globalisation and climate change;
- to strengthen the place shaping role of local authorities; and
- to address problems in the way the system currently operates.

6.5 The following three chapters set out the changes we propose, in terms of providing a positive framework for delivering sustainable development, supporting local government in its place shaping role and improving speed, efficiency and customer focus within the planning system.

¹ The Planning & Compulsory Purchase Act 2004 and PPS1: *Delivering Sustainable Development*.

Box 6.1

The current system

The planning system in England comprises three main elements: a framework of development plans; a process of development management (the determination of planning applications); and an appeals system. In addition to involvement in aspects of these main elements, the Government sets legislation and national planning policy, and issues guidance on planning policy and procedures.

Development plans

The Regional Planning Body prepares draft revisions to the Regional Spatial Strategy, which is subject to examination in public and approval by the Secretary of State (in London, the Mayor prepares a Spatial Development Strategy). The Regional Spatial Strategy is the top tier of the statutory development plan and provides a broad development strategy for the region for a fifteen to twenty year period. It is prepared within the context provided by the Regional Sustainable Development Framework. The Regional Spatial Strategy (RSS) both shapes, and is shaped by, other regional strategies, including the Regional Economic Strategy (RES).

Local planning authorities² must prepare a local development framework for their area, in general conformity with the Regional Spatial Strategy. This comprises a portfolio of documents setting out the spatial strategy for the area. The spatial strategy includes a core strategy, which sets out the vision for the area; core policies and a monitoring and implementation framework. It is supplemented by further development plan documents, for example, setting out site specific allocations, and supplementary planning documents, such as design guides and area development briefs which supplement policies in the development plan documents. A Local Development Framework will also include:

- a local development scheme – which sets out a timetable for the production of the development plan documents and supplementary planning documents; and
- a statement of community involvement – a description of how the local planning authority will involve the public in the development of the Local Development Framework and planning applications.

Development Management

This is the process by which planning permission for development is obtained. The vast majority of planning applications are decided by local planning authorities. They must determine planning applications in accordance with the statutory development plan, unless material considerations indicate otherwise. The courts are the final arbiters of what constitutes a material consideration but they must be genuine planning considerations and relate to the application concerned, for example, the size and design of the development and its impact on the neighbourhood and the availability of infrastructure.

Appeals

If a planning application is refused or not determined within a defined period, the applicant has the right to appeal. The vast majority of appeals are determined by planning inspectors appointed by the Secretary of State for Communities and Local Government. Appeals must be lodged within six months of the decision and may be dealt with through written representations, an oral hearing, or a public inquiry. Appeal decisions can be challenged in the courts through judicial review of the process and procedures.

The Secretary of State calls in a very small number of applications to be decided at a national level, and she also recovers a similar number of planning appeals from planning inspectors, for her decision. These are cases where issues of more than local importance are involved.

2 Other than county councils. The requirements for local minerals planning that apply to county councils are set out in Minerals Policy Statement 1 – Planning and Minerals and the requirements for waste planning are set out in Planning Policy Statement 10 – *Planning for Sustainable Waste Management*

6

Meeting future challenges

6.6 We must continue to ensure the planning system can help respond to new challenges such as rapid changes in technology, globalisation, demographic developments and, of course, climate change. We have recently put in place new planning policies to improve the responsiveness of planning to key issues such as the need for more housing, reducing flood risk and protecting and enhancing biodiversity. But we need to do more. In Chapter 7, we outline our proposals for: a new planning policy statement on sustainable economic development; streamlining the body of national planning policy; and ensuring that planning helps us respond to the challenges of climate change. Our aim is to:

- provide a clear and positive policy framework within which sustainable economic development can be delivered;
- make it easier for local planning authorities to apply policy to their plan making and development control decisions; and
- encourage action through the planning system to help tackle climate change.

Local authority place-shaping role

6.7 The Local Government White Paper, published in October 2006, set out our commitment to rebalancing the relationship between central government, local government and local people. There is a need to strengthen the role of local authorities in place shaping and put planning at the centre of their activities. We want to encourage local authorities to use their powers and influence to pursue that role actively, working closely with the local community, and ensure that they have the right tools and resources to do so.

6.8 In Chapter 8 we set out further measures on deregulating local plan making, working with the local authority sector on developing capacity and a new performance framework for planning. We propose a new approach to planning fees, and the introduction of Planning Performance Agreements between developers and planning authorities, to provide greater certainty about how major planning applications will be handled.

Local government as a strategic leader and place-shaper

In a rapidly changing world, areas need strong and strategic leadership from local government. This was described by Sir Michael Lyons* as the “place-shaping” role of local government.

Place-shaping involves local authorities and their key partners considering how they can respond to local priorities and meet the challenges of the future. This includes how a place can adapt to demographic shifts, assess and mitigate the impact of climate change on the locality, build cohesive communities and secure a viable economic future.

To do this local authorities need to bring together various local agencies, from across the public sector, community and voluntary sector and the private sector, to work in partnership to achieve these local priorities. This partnership approach is vital in enabling areas to respond to and tackle the locality's problems and challenges in a co-ordinated and well-informed way.

As the democratically elected body for the area, with the mandate and influence to form partnerships and ensure that local needs and priorities are delivered, local government is ideally placed to play this place-shaping role.

Over the past few years a growing number of local authorities have used the introduction of Local Strategic Partnerships, Community Strategies, Local Development Frameworks and Local Area Agreements, as well as new freedoms and flexibilities, to develop their place-shaping role.

Strong and Prosperous Communities, the Local Government White Paper, set out a framework and new measures to support the strategic place-shaping role of local government. The Local Government and Public Involvement in Health Bill will give many of the measures a statutory basis.

* Place-shaping: A shared ambition for the future of local government: March 2007

A more efficient planning system

6.9 Despite improvements that have been made, local communities, businesses and individuals are not routinely receiving the level of service in handling applications that they have a right to expect. This is true, particularly in relation to very large schemes and on the time taken to determine appeals. Unnecessary delays can have significant, hidden economic costs, such as reducing competition within markets by delaying or deterring new entrants. But improvements must be achieved without weakening the quality of decision making or effective public participation.

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- 6.10** Chapter 9 sets out proposals to remove the need for planning permission for minor householder extensions and eventually to extend this approach to other types of property. We set out a range of measures to simplify the planning application process, including measures to streamline information requirements, starting with the introduction of a standard, electronic application form. We also propose rationalisation of the process for making tree preservation orders and a reduction of Secretary of State involvement in casework. Finally, we have a set of proposals to improve the appeals system, to allow the processing cases more efficiently, with improved customer focus.
- 6.11** The Government is confident that, taken together, these measures promise significant improvements in the operation of the planning system. However publication of the White Paper, and the accompanying consultation documents, provide a major opportunity for users of the system and any other interested persons to make their views known on a range of issues. Annex A sets out the consultation arrangements in relation to the White Paper and accompanying consultation documents in detail.

