



PLANNING BULLETIN

THE PLANNING WHITE PAPER: Yet More Change to the Planning System in England.

Background

The Government produced on 22 May 2007 its long awaited White Paper on reforming the planning system in England, entitled “*Planning for a Sustainable Future*”. The document is some 220 pages long and represents the Government’s assessment of the existing success, deficiencies and proposed remedies to the planning system within England.

The White Paper is subject to public consultation until 17 August 2007.

Why the need for the White Paper?

The Government considers that despite the changes to the planning system in England introduced by the Planning and Compensation Act of 2004, there is still need for further reform. The drivers for change are:

- The acceptance of global warming and the key role that the planning system has in mitigating the impacts of climate change by promoting sustainable and ultimately zero carbon development.
- The legacy of the past failures of the planning system in delivering major infrastructure projects needed for the economic well being of the country – exemplified by the 7 year determination for Heathrow’s terminal 5 and other lengthy delays in delivering infrastructure as highlighted in the Eddington report of 2006.
- The need for the planning system to produce not just more affordable housing but also the delivery of sustainable economic growth – as recommended by Kate Barker.
- Recognition that the administration and delivery of planning decisions still requires considerable improvement – for example, in the determination of all planning applications, appeals and the implementation of the new development plan system.

What are the main changes proposed?

Table I, attached to this bulletin, summarises the main planning measures that are proposed.

Commentary

The White Paper is undertaking a juggling act and is seeking to balance:

- The delivery of carbon free development- whilst at the same time delivering economic growth.
- The need to speed up the planning process - whilst at the same time engaging the public in decision making.

- The requirement to meet national needs for housing and economic growth - whilst delivering these needs at a local level.

Inevitably, the result is the White Paper sometimes contradicting itself as it struggles to find the right course of action between these competing interests.

However, it is clear though is that:

- The planning system will be going under yet more change at the same time as Local Planning Authorities are still struggling with resourcing the determination of planning applications and implementing the 2004 development plan arrangements. The “planning by appeal” route is therefore likely to still be the only viable option for many.
- Planning permission will become more costly to obtain, not just because of the increase in planning fees for determining the application (which they will) or the likely introduction of the planning gain supplement by 2010, but also because of the need to construct both residential and commercial buildings that are “carbon neutral” and which have sustainable on site renewal energy sources. These “green measures” will on their own increase construction costs and will ultimately affect land and capital values of property and investments.

On the positive side:

- All applications should be considered favourably unless there is good reason to believe that the economic, social and or environmental costs of the development are likely to outweigh the benefits.
- For commercial developers (including office, retail and industrial/warehouse developers and investors) the recognition that job and wealth creation should be given greater weight in the determination of their planning applications than is hitherto the case.
- For investors and developers of “edge of” and “out of” centre retail and office developments, the proposed abolition of “Need and Impact Assessments.” However, the commercial property industry will need to ensure that what the Government proposes to replace these tests with in the summer of 2007 is not potentially more onerous.
- For housebuilders, the Government’s recognition that through the emerging development plan documents, Local Planning Authorities need to consider reviewing green belt boundaries immediately around settlements. Amendments to these boundaries may help promote sustainable development to meet projected housing (and commercial) needs.
- For homeowners, the prospect of not having to apply for planning permission for minor alterations and extensions to their properties.

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Table 1: Summary of Proposed Changes

Planning/Development Issue	Proposed Change	Comment
Major Infrastructure projects (airports, road, power stations, waste, water)	<p>All required consents to be put in a single unified permission.</p> <p>The applications to be determined by an independent Infrastructure Planning Commission (IPC).</p> <p>The applications to be determined against National Policy Statements set by respective Government Minister and ultimately Parliament.</p> <p>Applications to be determined within 9 months from its examination and decision.</p>	<p>Objective is to ensure that Government policy in relation to these proposals is established and not debated at the examination.</p> <p>Public are to be consulted on National Policy Statements prior to their adoption by Government.</p> <p>Issues to focus on local impacts versus national need.</p>
Carbon Free Development	<p>Implement in full the measures given in draft PPS on Climate Change setting out carbon targets.</p> <p>All new houses to be carbon free by 2016;</p> <p>New commercial developments to be carbon free on non process related emissions also by 2016.</p>	<p>The commercial sector has so far escaped from these requirements but Government policy is that this needs to be rectified and policies within development plans will set thresholds and timetables towards zero carbon development.</p>
Material Considerations	<p>Greater weight to be given to the economic benefits of the development in terms of wealth and job creation.</p> <p>New Planning Policy Statement to be produced on economic development by summer 07.</p>	<p>The jobs created by retail or office developments have hitherto been given little, if any, weight in determining planning applications.</p>
Out and edge of town developments	<p>Replacement of "need and impact tests" with a new test "<i>which has a strong focus on our town centre first policy and which promotes competition and improves consumer choice.</i>"</p>	<p>The Government proposes to consult on a new test in the summer of 2007</p>
Green Belt	<p>Need for Local Planning Authorities to consider more thoroughly the need to review Green Belt boundaries around settlements where the development of such sites could be sustainable.</p>	<p>Most Local Planning Authorities, particularly in the South East, have declined to consider amending the Green Belt Boundary as local interests are against this.</p>

Planning/Development Issue (cont)	Proposed Change	Comment
Development Plans	<p>Removal of the “preferred option” consultation stage.</p> <p>Consider whether site allocation development plan documents are required.</p> <p>Streamlining the need to undertake sustainability appraisals – for example on Supplementary Development Documents</p>	<p>The Paper accepts that the new Local Development Framework system is taking too long – it currently takes 3 years to get a Local Development Document (LDD) approved.</p> <p>The priority is to speed the system from 3years to 1 year and to have fewer LDD’s.</p>
Funding of the planning system	“Planning Delivery Grant” to be replaced by “Housing and Delivery Grant.”	This HADG grant is to incentivise Local Planning Authorities to resource the preparation of LDD’s in a much quicker time.
Major applications	“Planning Performance Agreements” (PPAs) to be introduced to agree timetable for the determination of major applications.	The PPA will enable the Local Planning Authority to take out major applications from the 13 weeks determination requirement.
Minor household and non household applications	To be replaced with an assessment of local impact and review of permitted development rights for householders. Consultation Paper issued for comment on detailed changes to permitted development rights for householders alongside the White Paper.	Seeks to remove minor household applications as they clog up the planning system. However, these applications are often contentious and the neighbours/occupiers might have their right to objection removed.
Minor amendments to planning applications	To allow minor amendments to permissions	Seeks to remove the need of having to apply for planning permission again for the entire development.
Planning application fees	<p>Local Planning Authorities to determine the scale of planning application fees so as to cover their costs.</p> <p>Abolition of the maximum £50,000 threshold.</p> <p>Charging to be introduced for the discharge of planning conditions.</p>	This will result in the same type of application being charged differently according to which Local Planning Authority the development is in.

Planning/Development Issue (cont)	Proposed Change	Comment
Planning Appeals	<p>Household applications – appeal to be lodged within 8 weeks – and not 6 months from date of refusal.</p> <p>Minor appeals to be determined by a board of Councillors (Local Member Review Body).</p> <p>Planning Inspectorate to determine appeal method and not appellant.</p> <p>Statements of Common Ground to be submitted within 6 weeks of the “start date.”</p>	<p>The Government wishes to free the Inspectorate from what it considers to be unnecessary planning inquiries which can be dealt with by written representations.</p> <p>It also wishes to streamline the appeal process to deliver faster decisions.</p>