

## **DELEGATED**

**AGENDA No.**

**REPORT TO PLANNING  
COMMITTEE**

**DATE 8<sup>th</sup> AUGUST 2007**

**REPORT OF HEAD OF  
PLANNING**

## **PLANNING WHITE PAPER**

### **Purpose of Report**

The Planning White Paper was published in May 2007. It is accompanied by a number of daughter documents giving additional detail on implementation. Responses to it are required by 17 August 2007. The following report outlines some of the major changes, and the implications for the planning system.

### **Recommendation**

That planning committee note this report, endorse the views presented herein, and authorise the Head of Planning to respond to the White Paper as set out.

### **2.0 Reasons for the White Paper**

2.1 The Government claims that the White Paper is necessary to push forward further reforms following those that have already taken place since the Planning and Compulsory Purchase Act 2004. It follows publication of the Barker and Eddington reports (into Land Use Planning and Transport Infrastructure respectively).

2.2 The Government is of the view that the following problems exist with the current system:

- national policy is not sufficiently clear and responsive
- the system is too bureaucratic, takes too long and is too unpredictable
- individuals and communities find it hard to be heard
- the system is confusing
- decisions are not always taken at the right level

### **3.0 Key Proposals**

3.1 A new system is proposed to deal with key national infrastructure projects such as port projects, major new power generating facilities and airport projects. It is proposed to replace the existing multiple consent regimes with a requirement for a single consent. Applications would be decided by

independent expert decision makers with new inquiry procedures in place. Thus, it is proposed decisions will be taken in a timely, efficient and predictable way with increased accountability and transparency by strengthening the role of ministers in setting national policy and establishing an independent body to take decisions. The Government adds that there will be full and fair opportunities for public consultation and that Local Authorities in particular will have a strong part to play in representing their communities and helping shape national infrastructure in their area.

- 3.2 National policy statements are proposed for key infrastructure sectors such as air transport and renewable energy.
- 3.3 It is proposed to simplify the local planning system for householder developments so that it is easier to build house and business extensions where there is little or no impact on neighbours. In addition, microgeneration equipment on houses will be less likely to require planning permission with the aim of encouraging their wider adoption and use.
- 3.4 The Government aims to improve community engagement in planning. On plan making it proposes a more joined up approach to community engagement across the range of Local Authority functions. Independent examination of Statements of Community Involvement will be dispensed with. There will be an 'open floor' stage as proposed for major inquiries, to allow the public to participate more effectively. Grant funding for Planning Aid will be increased.
- 3.5 The Government considers that there is more scope for further devolution to Local Authorities eg so that they can deal with more non-national infrastructure proposals. The number of cases to be notified to, and called in by, the Secretary of State will reduce.
- 3.6 It is indicated that the planning system should continue to support town centres. However, the Government is of the view that the 'needs test' (from Planning Policy Statement 6) can have the effect of restricting competition and limiting consumer choice. Therefore it is proposed to abandon it, and replace it with a new "town centre first" test.
- 3.7 There are various proposals to speed up the planning process. The Preferred Options Stage of LDF preparation would go. Final consultation on LDF documents would be before submission for examination and exceptionally changes could then be made. Supplementary Planning Documents will be able to be produced without prior approval of the Secretary of State and the requirements for a sustainability appraisal of these will be removed. The appeals process will be speeded up. For householder applications, appeals would need to be made within 8 weeks (as opposed to 6 months currently). It is proposed to introduce Member review bodies to determine minor appeals. Planning Performance Agreements (PPA) will speed up the handling of major applications and take them out of the 13 week determination period, as all parties would have agreed to the timetable in advance.
- 3.8 It is proposed to incentivise joint working between local planning authorities.
- 3.9 Fees will increase and fees will be introduced for letters of confirmation that conditions have been met.

#### 4.0 **Main Issues**

- 4.1 The White Paper puts planning at the centre of the Government's agenda and this is to be welcomed. It emphasises the importance of planning to local communities and its important role within local Councils.
- 4.2 On major infrastructure projects, the main test will be how local public involvement is secured. Undoubtedly, there is a need to speed up and simplify arrangements for deciding applications on such proposals. In the main, these will be the types of application that were not already determined by the authority, such as those that currently come under the discretion of the DTI, like the power generation plants at Seal Sands. It is recommended that in response to this White Paper, we seek assurance from Central Government that arrangements for involvement of local people will be enhanced rather than weakened.
- 4.3 There has long been a need for national policy statements on ports and airports etc. and this is to be welcomed.
- 4.4 Whilst accepting that an impact approach represents a reasonable way of dealing with householder applications, the proposed depths of extension may have an adverse effect on the amenities of adjoining residents particularly in densely developed areas. The requirement will be for householders to look at a list of criteria and make the judgement as to whether their proposal requires consent, and this may not necessarily be easy for members of the public to interpret. It is likely that the authority will continue to receive a large volume of requests for confirmation as to whether or not a proposal is permitted development, as well as monitoring compliance, with no associated fee. This could lead to a situation where the burden on Local Planning Authorities could increase rather than reduce. If this is the case we could have a situation of workload increasing at the same time as fee income diminishing (as a result of fewer developments requiring planning permission). In addition, it must be acknowledged that these types of simpler applications are the learning process by which newly qualified planners gain experience, and this opportunity will be lost to them. It may not be possible in some cases to simply transfer staff onto other duties if they have not yet gained the basic skills dealing with minor householder type applications.
- 4.5 The speeding up of the LDF process described in para 3.7 above is welcomed. It retains the right balance between progress of the documents and public engagement. The current system is too cumbersome, and has not quickened the process as originally anticipated.
- 4.6 Local Authority handling of non-national infrastructure projects is welcomed.
- 4.7 Officers have real concern at the abandonment of the retail 'needs test'. It may make it more difficult to resist inappropriate development to the detriment of town and district centres.
- 4.8 The emphasis on local authorities working together is the proper approach. However Stockton and other authorities throughout the Tees Valley are already involved in a number of joint working initiatives eg
- through the Joint Strategy Unit/Tees Valley Unlimited representing the sub regional case

- preparation of joint flooding, and waste and minerals documents across the Tees Valley
- various working groups meeting on planning issues eg to identify a common (Tees Valley approach) to Section 106 Agreements, design issues

4.9 The issue of fees is covered in a separate consultation document. It indicates that current fees do not cover a Local Planning Authority's costs in dealing with applications. There are 2 levels of fee increases being proposed, 25% or 40% (excluding householder applications), to reflect inflation and the need to drive service improvement and this is to be welcomed. However 25% is felt to be insufficient to meet the costs of providing the service, which government is suggesting should become self financing, and that 40% would be more appropriate. Householder applications should not be excluded from a fee increase. The introduction of a new fee when an Authority is requested to certify that a planning condition has been discharged will assist, as this element can take up a lot of officer time, especially with major and complicated applications.

4.10 Speeding up the appeals process is welcomed, particularly a reduction in the time period when an appeal can be made. Members Review bodies (3 or 5 Councillors not previously involved in the case) would operate in respect of minor applications where decisions had been made by Officers. Professional expertise would be available from adjoining Local Authorities. However this could potentially place an additional and significant burden the planning officers who would take on this role for adjoining Authorities (this work currently falls to the Planning Inspectorate). Again this has resource implications. The introduction of costs for written representations is also proposed which is welcomed.

## 5.0 **Recommendation**

5.1 It is therefore recommended that planning committee note the contents of the report, endorse the views presented herein, and authorise the Head of Planning to respond to the White Paper and associated daughter documents on planning appeals, fees, PPA's and changes to permitted development as set out.

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**Financial Implications; Potential increase in fees, basic increase in costs to the service**

**Environmental Implications; None directly.**

**Community Safety Implications; None directly.**