

Report of	Meeting	Date
Director of Development and Regeneration (Introduced by the Executive Member for Economic Development and Regeneration Councillor P Malpas)	Executive Cabinet	09/08/07

PLANNING FOR A SUSTAINABLE FUTURE – WHITE PAPER

PURPOSE OF REPORT

1. To outline the main features of the White Paper and to set out the probable implications for the Council.

RECOMMENDATION(S)

2. That the report be noted and the responses to consultation questions be endorsed.

EXECUTIVE SUMMARY OF REPORT

3. The White Paper concentrates much of its attention on considering ways of speeding up the delivery of major infrastructure schemes with a new decision making body – an independent planning commission. Other proposals refer to removing the need to apply for planning permission for small scale developments as well as other ways to try and tailor the Development Control process. Suggestions to streamline the Local Development Framework process are also canvassed.
4. Some of the proposals have already been heralded and could be brought in quickly – such as permitted development relaxations. These are to be welcomed although it probably will not result in the release of staff resources as the enquiries generated by such changes will still need to be dealt with. Other more major proposals will require new primary legislation and have not yet been set out in any detail – so further consultation is likely and the end results would take several years to be brought in. As such it is difficult to assess the overall likely impact of the White Paper. However an attempt has been made to answer the consultation questions it sets out – see Appendix 1.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To seek Member backing for Council responses to the White Paper.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None.

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region	4	Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	4
Involving People in their Communities	4	Ensure Chorley is a performing Organisation	

BACKGROUND

8. White Papers are issued by Government for consultation purposes prior to preparing new Parliamentary Acts and Regulations. Comments are requested on this White Paper by 17 August 2007. Although emanating from the Department for Communities and Local Government the foreword to this White Paper is signed by the Secretaries of State for Environment, Food and Rural Affairs; Trade and Industry; and Transport; as well as that for Communities and Local Government. The Paper brings together 3 reports – the Barker Review of Land Use Planning, the Eddington Transport Strategy and the Energy Challenge.
9. The White Paper’s main concern however is town and country planning. It opens with the words “Planning is of fundamental importance to the quality of people’s lives. It shapes the places where people live; allows us to create vibrant, healthy sustainable communities; protects and enhances our natural and historic environment, ensures everyone has access to green space and unspoiled countryside and supports the economic development, which is vital to creating jobs and ensuring our continuing prosperity”. This is a ringing endorsement of the need and worth of land use planning. It goes on to repeat the Local Government White Paper recommendation “that local authorities should make planning a prime responsibility of one of their corporate directors, who should be professionally qualified.”
10. These are key observations because it is suspected by many commentators that the writing of the White Paper caused tensions between those forces that see the wisdom of a strong planning system and those that see it as a hindrance to economic growth and delivering major developments. Perhaps Kate Barker’s influence is exposed by the statement “we.... need to build more homes so that people can afford decent homes” implying that house prices will come down if more new housing is provided when in fact the house building industry and its affect on the housing market is much more sophisticated than that.
11. However, starting from a standpoint that significant progress has been achieved in improving the planning system since 1997, the White Paper states more needs to be done because:
- national planning policy is not sufficiently clear and responsive;
 - the planning system is too bureaucratic, takes too long and is unpredictable;
 - individuals and communities find it difficult to be heard;
 - planning systems are confusing and unclear;
 - decisions are not always taken at the right level.
12. There is a recognition that planning decisions need sometimes to be negative – the White Paper states “it is absolutely right that planning applications should be refused where the adverse effects of development for society or the environment outweigh the benefits”.

13. Five core principles underpin the White Paper:

- planning must be responsive
- the planning system should be streamlined, efficient and predictable;
- there should be full and fair opportunities for public consultation and community engagement;
- the system should be transparent and accountable;
- planning should be done at the right level.

KEY PROPOSALS

14. The following list summarises the main provisions of the White Paper:

- **a new policy framework for encouraging sustainable economic development** – a planning policy statement on this is long overdue, the existing guidance note dates from 1992.
- **national policy statements for major infrastructure (transport, energy, water and waste facilities)** – these have not existed for a very long time, if at all as cogent statements.
- **a single approval regime for all major infrastructure consents** – this would greatly simplify existing processes.
- **an independent (of Government) Infrastructure Planning Commission to decide major infrastructure schemes and also mechanisms to give more opportunities for public engagement and Parliamentary scrutiny of the process** – this is supposed to mean Ministers will not in future make these decisions and the approval process, although intended to be quicker, will fully deal with local issues as well as national needs.
- **greater freedoms and flexibilities for minor extensions to homes and businesses as well for micro generation** – this is an extension and clarification of existing permitted development rights and some consultation has already been done.
- **streamlining of the planning application process** – again this has long been mooted and is starting to emerge already eg a national planning application form.
- **possible discretion for Councils to set planning application fee rates** – limited to not generating income above costs.
- **fewer minor applications so Councils can focus on better decision making on larger schemes** – presumably meaning that Officers will have more time to devote to how applications are presented to Committee.
- **Planning Performance Agreements for large schemes** – negotiated timescales for deciding planning application for such developments.
- **discretion for some large applications with Local Development Framework significance to be decided by the Executive (Cabinet)** – presumably to enable more corporate ownership and a strategic overview.
- **reduce the time to lodge appeals from six months to eight weeks** – when a reduction to three months was tried a couple of years ago it cleared a big backlog of appeals awaiting determination.

- **streamlining the Local Development Framework process by:**
 - **no independent examination of Statements of Community Involvement (public engagement to become a Best Value performance area and Comprehensive Area Assessment duty to involve)** – enabling a consistent approach
 - **removing the Preferred Options stage from plan making** – a key stage at present so it is not clear how it can be dropped
 - **more emphasis on infrastructure planning delivery through the LDF** – useful if achievable
 - **link up the preparation of Sustainable Community Strategies with Local Development Framework Core Strategies** – already good practice
 - **fewer individual Local Development Framework documents** – this is not sufficiently explained
 - **more local discretion to produce Supplementary Planning Documents and less need to subject these to Sustainability Appraisal** – useful simplification
 - **quicker document production** – meant to be the net result of the above
- **more help for Councils from government and other advisory agencies** – an extension of existing services.
- **more incentivised cross boundary and joint working** – presumably through grants and freedoms.
- **more devolvement of decisions on non-national infrastructure** – such as local transport schemes.
- **consultation on the needs test for town centre schemes** – details yet to be set out.
- **working with industry to reduce carbon emissions from new commercial buildings** – to bring these into line with residential proposals.

POTENTIAL IMPLICATIONS FOR CHORLEY

15. Much of the White Paper concentrates on streamlining the delivery of major physical infrastructure projects. These proposals often attract a lot of objections and have in the past led to long drawn out public inquiries. Whether a truly independent streamline decision making approach which also allows local community involvement can be achieved must be open to doubt. However few if any such schemes are envisaged in the foreseeable future in the Borough so this aspect of the proposals is unlikely to have local relevance. Conversely the devolution of decision making on smaller infrastructure projects might be relevant in Chorley and is to be welcomed. The proposal to be more proactive in infrastructure planning to facilitate development is also a positive suggestion if Councils can in practice effectively influence this process and have an increase in resources to do so.
16. Extending permitted development rights so that fewer minor building extensions need to be applied for is on the face of it helpful but it may well lead to more enquiries about what needs planning permission and more applications for lawful development certificates. Fees may need to be charged for these to cover the costs of providing this advice and issuing certificates.
17. Possible discretion to set planning applications fee scales and encouragement to charge for other services (eg pre-application discussions) are to be welcomed. However

opportunities to charge higher fees for premium service delivery and set up performance agreements for deciding very large schemes may be more trouble than they are worth.

18. More guidance and assistance directly from government and indirectly from other agencies are to be welcomed. However, whether the proposals will speed up and simplify Local Development Framework production is unclear and will depend on details yet to be revealed. Ill thought out tinkering with the system could lead to more confusion as to what Councils are expected to do.

IMPLICATIONS OF REPORT

19. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal	√		

COMMENTS OF THE DIRECTOR OF FINANCE

20. The key financial risk in relation to the proposal is the potential impact on fees and charges income for the Council. This is presently a major income stream of almost £400,000, albeit to recover the costs of service provision. Any change in the way Planning Services' fees and charges are constructed needs careful consideration. When further details emerge regarding the details of any change, further reports will be submitted to Members.

COMMENTS OF THE DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

21. There are no specific issues I wish to highlight.

JANE E MEEK
DIRECTOR OF DEVELOPMENT AND REGENERATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Julian Jackson	5280	18 July 2007	D&RREP/1807LM1