



meeting

PLANNING COMMITTEE

date

13 JULY 2004

from:

Director of Environment

agenda item number

7

PLANNING AND COMPULSORY PURCHASE ACT 2004

Purpose of Report

1. To advise Members on new legislation and its implications for the working of the Committee.

The New Act

2. Members will be aware that in December 2002 the Government introduced its Planning and Compulsory Purchase Bill, following a Green Paper on planning reform published in 2001.
3. After some 18 months of debate, the Bill received the Royal Assent on 13 May 2004 and has become the Planning and Compulsory Purchase Act 2004.
4. The effects of the Act will be far-reaching, particularly in the way strategic planning is handled, and although there are only certain direct consequences for development control, which forms the mainstay of work for this Committee, Members need to be aware of the changes, as, perhaps more indirectly, they will bring to bear on decisions made by Committee.

What are the main changes?

5. Government believes the new system will pave the way for a more flexible and responsive planning system. In summary the Act:-
 - introduces what the government believes is a simpler and more flexible plan making system at regional and local level;
 - seeks to increase the effectiveness and quality of community involvement at regional and local level;
 - amends the development control process by introducing powers for standard application forms and new provisions which change the duration of planning permissions, as well as allowing local planning authorities to bring in local permitted development rights via local development orders.
 - seeks to speed up the handling of major infrastructure projects (ie airports, power stations, major new energy transmission networks) by allowing the

different elements of inquiries to be heard concurrently rather than consecutively.

- removes the crown immunity from planning processes.
- makes the compulsory purchase regime simpler, fairer and quicker to support policies on investment in major infrastructure and on regeneration.

Changes to the Development Plan System

6. The most far-reaching change is to the Development Plan. Under the previous regime the Development Plan consisted of the Structure Plan, the Local Plan for each District, and the Minerals and Waste Local Plans.
7. This will now all change. Structure Plans will be replaced by Regional Spatial Strategies (RSS). For us, this will cover the whole of the East Midlands, and will be produced by the East Midlands Planning Body. The Regional Planning Body will be expected to take advice from the County Council, who currently have the strategic planning expertise, about preparing RSS, as well as its monitoring and implementation.
8. The County Council is likely to be involved in work connected with sub-regional issues, including the preparation of sub-regional spatial strategies.
9. Below this level will be a new look local plan regime. All current Local Plans will, over a short timescale, fall, and will need to be replaced by Local Development Documents (LDDs).
10. There is no statutory provision for any 'plan' between the RSS and the LDD which, other than for minerals and waste, (which will remain at County level), will be on current Local Authority boundaries (ie Districts). There is scope, however, for joint working.
11. Each LPA must produce a Local Development Scheme (LDS) which sets out the timetable and content of the LDD for that Authority. These will be reviewed regularly.
12. For this County, some preliminary work has already commenced on producing a Waste Development Document. The current Replacement Minerals Local Plan, recently the subject of a Public Inquiry, can continue through its adoption stage, but will then be replaced by a new Minerals Development Document.
13. LDDs must be in general conformity with the RSS.
14. Part 2 of the Act deals in detail with procedural arrangements. Apart from the scope of the new LDD, there are changes to how they will be produced. Each LPA must produce a Statement of Community Involvement, (SCI) indicating how the public will be involved in the production of the LDD.
15. The SCI will be subject to an examination in public. The SCI will also need to consider how public consultation and involvement will take place in respect of major planning applications.

16. Another significant change is that the LDD will, as do Local Plans now, need to be heard at a Public Inquiry. However under this new regime, the Planning Inspectors report will be final and binding on the Council.

Sustainable Development

17. Part 3 of the Act includes a new formal requirement that LPAs have a duty to exercise their functions with a view to contributing to the achievement of sustainable development.

Development Control

18. Part 4 of the Act introduces a series of new or changed measures which affect development control and the processing of planning applications.
19. Many of these changes are detailed, and indeed many will have little impact on the work of this Committee at a County level. The fundamental system stays the same, but some key changes are set out as follows:-

- LPAs will be able to introduce local permitted development rights through the making of local development orders.
- There is likely to be changes to the regime of planning fees, and probably a wider range of planning functions will need payments.
- In certain circumstances, LPAs will be able to decline to determine some applications.
- There remains the possibility of changes to Section 106 arrangements, possibly to be augmented or replaced by a system of Planning tariffs.
- In due course LPAs are set to receive a new power to issue 'temporary stop notices' at the start of unauthorised development, before an enforcement notice is served.

20. It is likely that the changes will be brought in over time through Commencement Orders. Indeed this is not seen as the end of the reform of the planning system, and further changes have been flagged up, including changes to the enforcement regime.

In Summary

21. The Act does not radically affect the workings of this Committee, in that the same sort of work will continue to come before it. There will be changes in procedure in dealing with planning applications and enforcement matters that your officers will need to address.
22. The fundamental change, however, is to the Development Plan system which, over time, will impact on consideration of applications at the Committee.

23. Members are asked to note the coming in of the new Act and, where appropriate, further reports will be brought to Committee highlighting those matters which will have a bearing on the work of the Committee.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought out in the text of the report.

RECOMMENDATIONS

25. It is RECOMMENDED that the report be noted.

PETER WEBSTER
Director of Environment

Director of Resources' Financial Comments

Since this report considers only the planning issues of the scheme, there are no financial implications arising. Any subsequent costs arising from an appeal, public inquiry etc would need to be included in future reports to Committee. [DJK 28.6.04]

Legal Services' Comments

This report is for noting. [SHB 25.6.04]

Background Papers Available for Inspection

None.

Electoral Division(s) Affected

All.

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