



Report

meeting	Cabinet	
date	25 th July 2007	agenda item number

Planning for a Sustainable Future White Paper Consultation August 2007

Purpose of the Report

1. To consider the Council's response and to seek the approval of Cabinet for the responses to the consultation questions appended to this report to be sent to the Department for Communities and Local Government in response to the consultation on the Planning for a Sustainable Future White Paper.

Introduction and Background

2. The Planning for a Sustainable Future White Paper was published in May 2007. It takes forward the proposals for major infrastructure projects recommended by Rod Eddington and developed by Kate Barker in their respective reviews (The Eddington Transport Study and the Barker Review of Land Use Planning). It also responds to Kate Barker's recommendations for further improvements to the Town and Country Planning system, and takes into account the Government's report on the Energy Review ('The Energy Challenge', dti December 2006), and the Stern Review on the economics of climate change.
3. For the first time, all consent regimes are considered planning, transport, listed buildings, conservation area consent, hazardous substances etc. The core principles are:
 - Planning must be responsive, particularly to longer term challenges such as increasing globalisation and climate change and must properly integrate economic, social and environmental objectives to deliver sustainable development;
 - The planning system should be streamlined, efficient and predictable;
 - There must be full and fair opportunities for public consultation and community engagement;
 - The planning system should be transparent and accountable;
 - Planning should be undertaken at the right level of government – national, regional and local.
4. The White Paper has four main proposals:

- A new system to decide whether major infrastructure projects should be approved with new approaches to community engagement and independent expert decision makers and new inquiry procedures.
 - Simplifying the local planning system for householders to make it easier to make home improvements like extensions and conservatories, where there is little or no impact on neighbours.
 - Ensuring that Planning plays a bigger role in tackling climate change.
 - Ensuring the planning system continues to support vibrant town centres.
5. Changes to the development plan and appeals system are also proposed.

National Infrastructure Projects

6. The case for reform is that current consent regimes are complex, overlapping and run mostly by Central Government. A single project can require multiple permissions under several different pieces of legislation. The process can take too long to deliver decisions, impose substantial costs on all parties and generate large amounts of uncertainty. The policy context and decision making processes are unclear, applications are poor and it is often difficult for local government and the public to participate effectively.
7. The White Paper proposes a number of solutions:-
- a) To produce national policy statements for key sectors to ensure that there is a clear policy framework for decisions on nationally significant infrastructure.
 - b) To help promoters of infrastructure projects improve the way that they prepare applications by making better advice available to them, requiring them to consult the public and local communities effectively and requiring earlier engagement with key parties such as statutory environmental and heritage bodies and the Highways Agency.
 - c) To clarify the decision making process and achieve a clear separation of policy and decision making by creating **an independent infrastructure planning commission** to take the decision on nationally significant infrastructure.
 - d) To streamline the procedures for infrastructure projects of national significance by rationalising the different development consent regimes and improving the inquiry procedures for all of them.
 - e) To improve public participation across the entire process by providing better opportunities for public engagement at each stage of the development consent process.
 - f) To explore devolving decisions on smaller infrastructure projects, where appropriate, to local authorities.

Improving the Town and Country Planning System

8. Changes are proposed to provide 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.
9. A positive framework for delivering sustainable development

10. The Town and Country Planning system will be reformed to help address climate change by:
 - Finalising the Planning Policy Statement on climate change and introducing legislation to clearly set out the role of local planning authorities in tackling energy efficiency and climate change;
 - Permitting a range of types of householder microgeneration without the need to apply for planning permission, subject to certain limitations and conditions to control impact on others;
 - Reviewing and where possible extending permitted development rights on microgeneration to other types of land use including commercial and agricultural development; and
 - Working with industry to set in place a timetable and action plan to deliver substantial reductions in carbon emission from new commercial buildings within the next 10 years.

11. Plan for a sustainable supply of land for development by:
 - Continuing to prioritise the use of previously developed land while recognising the importance of our parks and green spaces in urban areas;
 - Implementing measures announced in the 2007 Budget such as the modernisation of empty property relief from April 2008; and
 - Promoting a debate as part of developing a long term vision for land use and land management.

12. Positively plan for sustainable economic development by:
 - Amending The Planning System: General Principles to make them consistent with Planning Policy Statement 1 (PPS1) which recognises the benefits that can flow from properly planned development; and
 - Publishing a new planning policy statement Planning for Economic Development to reinforce the Government's commitment set out in PPS1 to promote a strong, stable and productive economy.

13. Improve the effectiveness of the town centre planning policy by:
 - Replacing the need and impact tests with a new test which has a strong focus on the town centre first policy and which promotes competition and improves consumer choice.

14. Produce a more strategic and clearly focussed national policy framework with PPS1 Delivering Sustainable Development at its heart by:
 - Separating out policy from guidance and limiting the amount of central guidance to those matters which are strategic and necessary to achieve a consistent approach to decision making.
 - Devolving decision making to the local level where this is appropriate;
 - Ensuring that the scale and complexity of evidence required for plan making and planning decisions is proportionate; and

- Encouraging positive and proactive planning that actively shapes places.
15. Strengthening the role of local authorities in place shaping:
- The Government proposes to align Sustainable Community Strategies with local development framework core strategies.
 - Joining up community engagement across a local authority's remit and removing the requirement for the independent examination of the separate planning Statements of Community Involvement.
 - Introducing changes to local development frameworks to ensure a more streamlined process with more flexibility about the number and type of plans.
 - Building on current improvements to planning performance by focussing delivery and incentives through Local Area Agreements with a particular focus on delivering local development frameworks.
 - Introducing Planning Performance Agreements which will help streamline the processing of major applications.
 - Supporting a properly resourced planning service with changes to planning fees and consult on devolving the setting of fees to local authorities
 - Building capacity in local authorities by working with the local government association and others to ensure the co-ordination of current initiatives and in particular to extend the scope of the Advisory Team for Large Applications (ATLAS).
 - Expanding the use of e-planning.
16. Making the Planning System more efficient and effective:
- The Government plans to introduce a new impact approach to householder development which will reduce the number of minor applications for planning authorities.
 - Extend the impact of permitted development to other types of development such as industrial or commercial buildings, subject to limitations and conditions.
 - Undertake a review and simplification of the Town and Country Planning (General Development Procedure)Order 1995 , the main legislation setting out the process for submitting and considering planning applications
 - To allow minor amendments to be made to a planning application without the need for a full planning application.
 - Legislate to introduce a single set of rules governing tree preservation orders.
 - Introduce a standard application form.
 - Introduce a package of measures designed to reduce the number of applications determined by ministers.
 - Introduce a range of measures to improve the speed and efficiency of the appeals process.

Issues for the County Council

17. The White Paper invites responses to 40 detailed questions. Proposed responses are set out in Appendix A to this report. A number of issues are amplified below.

Major Infrastructure Projects

18. The intention to make the decision-making process for key national infrastructure more efficient and predictable is to be welcomed, and is likely to simplify and make more transparent the process for delivery of major infrastructure. Multiple consent regimes are currently unwieldy and confusing and this step has to be positive for the country's future economic development and competitiveness.
19. The 3-stage approach proposed by Eddington is clear (government sets framework, promoters develop proposals within it, decisions made by an independent commission of well-respected experts), and will require government to be comprehensive and specific about its desired national transport infrastructure. (Some isolated statements already exist, such as the 2003 Air Transport White Paper, but these will require modification before they can take on the status of a national planning / policy statement.) The development of these statements will need to be subject to robust public debate. It will also reduce the need to explain the drivers for a scheme during a hearing or inquiry. It is not clear whether the framework(s) will be subject to a Strategic Environmental Assessment.
20. There is lack of clarity on how the White Paper affects rail. It is understood that a programme of nationally significant rail infrastructure may not be brought forward, which is regrettable. Rail should be considered in the same way as other modes of transport.

Retail Issues

21. The White paper states that the current approach in PPG6 to assess the impact of retail proposals outside town centres will be reviewed; however the 'town centre first' approach will be retained. There will be further consultations on a new test which promotes competition and improves consumer choice later this year.

Green Belts

22. The White Paper states that the Government is committed to the principles of Green Belts and will make no fundamental change to planning policy as set out in Planning Policy Guidance Note 2 on Green Belts. Green Belt boundaries will be reviewed through the development plan process as policy currently allows. Whilst this is welcomed, the Paper then goes on to state that where development has the potential to enhance the surrounding areas, these are material factors that should be weighed into the balance by decision makers when planning applications are determined. This statement has given rise to

wider concerns about development on green belts. It is hope that the current robust policy framework is not diluted.

Chief Planning Officer

23. The Local Government White Paper recommended that Local Authorities should make planning a prime responsibility of one of their corporate directors who should be professionally qualified and asked the local government sector to work with the Audit Commission and others to redefine the assessment of a local authority to reflect planning as part of an authority's place shaping responsibility. The County Council has already addressed this with appointment of a qualified planner as the Service Director for Planning and Sustainability.

Planning Delivery Grant

24. The Government has previously indicated that the Planning Delivery Grant will be replaced by a Housing and Planning Delivery Grant (HPDG). Final decisions on the size and scope of the HPDG are subject to the Comprehensive Spending Review. The current intention is to focus the planning element of any grant towards progressing the delivery of local development frameworks; progress in achieving outcomes from policies set out in local development frameworks and joint working between groups of local planning authorities. The County Council and Nottingham City Council currently work together to produce joint minerals and waste local plans and it is hoped the authorities would be successful in securing HPDG. The Paper states that future grant delivery arrangements will be focussed through Local Area Agreements (LAAs)

Recommendation

That a response be sent to the Department of Communities and Local Government outlining the points raised in paragraphs 18 to 24 and the responses to the consultation questions set out in Appendix A.

COUNCILLOR DAVID KIRKHAM
Leader

Legal Services Comments

The decision falls within the delegation to Cabinet. [HD 9.7.01]

Director of Resources' Financial Comments

The contents of this report are duly noted, there are no direct financial implications. [DJK 13.7.07]

Background Papers Available for Inspection

None

County Electoral Divisions Affected

All.

Consultation on proposals contained in the Planning White Paper, *Planning for a Sustainable Future*

Section 1: Consultation questions

Proposed reforms to the development consent regime for nationally significant infrastructure projects

Improving the way key infrastructure projects are dealt with

Q.1 The proposed package of reforms

Do you agree that there is a strong case for reforming the current system for planning for nationally significant infrastructure?

Do you agree, in principle, that the overall package of reforms proposed here achieves the objectives that we have set out?

If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?

The intention to make the decision making process for key national infrastructure more efficient and predictable is to be welcomed and is likely to simplify and make more transparent the process for delivery of major infrastructure. Multiple consent regimes are currently unwieldy and confusing; this step has to be positive for the Country's future economic development and competitiveness.

However it is difficult to see how the suggested measures would improve accountability. Retaining a high degree of local accountability rather than the creation of a less accessible and more distant independent commission is suggested as a preferable means of achieving the stated objectives. Providing clear national policy statements for such projects is welcomed and would give greater certainty for all thereby helping to reduce the time involved in determining them.

National Policy Statements

Q.2 Introduction of national policy statements

Do you agree, in principle, with the introduction of national policy statements for key infrastructure sectors in order to help clarify government policy, provide a clearer strategic framework for sustainable development, and remove a source of delay from inquiries?

If not, do you have any alternative suggestions for helping to achieve these objectives?

The introduction of national policy statements for key infrastructure sectors to clarify government policy and increase certainty for all is welcomed. The development of these statements will need to be subject to robust public debate. National Policy Statements will also reduce the need to explain the drivers for a scheme during a hearing or inquiry.

Q.3 Content of national policy statements

Do you agree that national policy statement should cover the core issues set out above?

Are there any other criteria that should be included?

The carrying out of Strategic Environmental Assessments (SEA) on the National Policy Statements is supported. The suggested core issues are comprehensive.

Q.4 Status of national policy statements

Do you agree, in principle, that national policy statements should be the primary consideration for the infrastructure planning commission in determining individual applications?

If not, what alternative status would you propose?

National policy statements should be a primary consideration for determining individual applications, but when considering planning applications, these needs to be balanced against other material considerations in a fully independent and democratic arena as the present system allows.

Q.5 Consultation on national policy statements

Do you agree, in principle, that these proposals would ensure effective public engagement in the production of national policy statements, including with local communities that might be affected?

Are there any additional measures that would improve public and community engagement in their production?

The principles for consultation on national policy statements are supported. Consideration of evidence before publishing draft statements should ensure they take into account best practice and share experience from other countries.

Q.6 Parliamentary scrutiny

Do you agree, in principle, with the intention to have Parliamentary scrutiny for proposed national policy statements?

What mechanisms might ensure appropriate Parliamentary scrutiny?

Democratic accountability through Parliamentary scrutiny is welcomed. XXXXXXx

Q.7 Timescale of national policy statements

Do you agree, in principle, that 10-25 years is the right forward horizon for national policy statements?

If not, what timeframe do you consider to be appropriate?

It is recognised that national policy statements will need to take a long-term view given the significant levels of investment tied up with these types of projects. The proposed 10-25 year projection appears a reasonable timescale depending upon specific sectors. In some cases, such a national energy supply, it may be more appropriate to take a longer view in light of CO₂ emission targets set up to 2050.

Q.8 Review of national policy statements

Do you agree that five years is an appropriate period for the Government to consider whether national policy statements remain up to date or require review?

What sort of evidence or circumstances do you think might otherwise justify and trigger a review of national policy statements?

The proposed 5 yearly review is reasonable. Review triggers should include major technological advances and the availability of new, significant 'hard' scientific evidence e.g. factors in combating climate change. Reviews should be subject to the same levels of consultation and scrutiny as the preparation of the original statement.

Q.9 Opportunities for legal challenge

Do you agree, in principle, that this opportunity for legal challenge would provide sufficient and robust safeguards to ensure that a national policy statements is sound and that people have confidence in it?

If not, what alternative would you propose?

The principle of providing an opportunity for legal challenge is fully supported. It is felt important to achieve a balance between ensuring that a full and fair opportunity exists for legal challenge without such a process becoming open to abuse or exploited as a stalling tactic. It is difficult to see how the opportunity for legal challenge would operate in practice if, as proposed, it is intended for such challenge to be open to any member of the public or organisation "*likely to be affected by the policy*". How would it be defined, applied and interpreted in practice? The opportunity should be available for any person/organisation to challenge but subject to time-limits as suggested.

Q.10 Transitional arrangements

Do you agree, in principle, that subject to meeting the core elements and standards for national policy statements, policy statements in existence on commencement of the new regime should be capable of acquiring the status of national policy statements for the purposes of decision making by the commission?

If not, what alternative arrangements do you propose?

There is merit in enabling policy statements in existence to acquire the status of national policy statements but if substantial modification is required, statements should be considered as new ones and therefore subject to the new procedures. If existing statements are to acquire the status of national policy statements, would they also be subject to the right to legal challenge?

Preparing applications for nationally significant infrastructure projects

Q.11 The preparation of applications

Do you agree, in principle that promoters should have to prepare applications to a defined standard before the infrastructure planning commission agrees to consider them?

The requirement for promoters to prepare applications to a defined standard prior to consideration by the decision-making body is supported. This would certainly assist in avoiding delays during the decision-making process although it is largely duplicated by LPAs' schemes of validation for planning applications.

Q.12 Consultation by promoters

Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the infrastructure planning commission?

Do you think this consultation should take a particular form?

It is essential for promoters of nationally significant infrastructure projects to engage with the affected communities and the wider public prior to submitting an application, notwithstanding previous concerns expressed as to the most appropriate vehicle to determine such applications. Experience from dealing with a range of major planning proposals illustrates the benefits of pre-application consultation and community involvement for all parties. In contrast the lack of such consultation often sets an air of mistrust which can be difficult to eliminate through the subsequent formal planning process.

Q.13 Consulting local authorities

Do you agree, in principle, that relevant local authorities should have special status in any consultation?

Do you think the local authority role should take a particular form?

It is felt that relevant local authorities should be afforded some form of special status in any consultation with promoters of nationally significant infrastructure projects and early dialogue is strongly supported. Elected members of LAs often hold the best local knowledge either individually or through contact with other key local groups. Proposals for new/expanded airports could have serious implications for the current

and allocated mineral sites e.g. where restoration to water based uses attracting birds could affect aircraft safety. Minerals can, of course, only be extracted from where they are found and such infrastructure projects may have significant implications for aggregate supplies and future landbanks.

Q.14 Consulting other organisations

Do you agree, in principle, that this list of statutory consultees is appropriate at the project development stage?

Are there any bodies not included who should be?

The list is wide ranging although the Health Protection Agency and Sport England should be added. Besides the Civil Aviation Authority, individual airports within relevant safeguarding zones should be included too.

Q.15 Statutory consultees' responsibilities

Do you agree in principle that the Government should set out, in legislation, an upper limit on the time that statutory consultees have to respond to a promoter's consultation?

If so, what time limit would be appropriate?

It is helpful for responses to be required within specified deadlines although there will be instances where extra time for a consultee to respond may be required. Notwithstanding proposals for promoters to prepare applications to a defined standard, experience from dealing with a range of applications subject to EIA Regulations suggests that there are invariably additional areas of work to be carried out as a result of the detailed consultation exercise. Any upper limit, say 8 -12 weeks, must take account of the need for any additional information to be the subject of further appropriate consultation. Again it is difficult to be too prescriptive since that additional information could be relatively minor information required for clarification or significant areas of additional work in response to specific issues. Discretion should therefore be allowed for.

Q.16 The infrastructure planning commission's guidance role

Do you agree in principle that the commission should issue guidance for developers on the application process, preparing applications, and consultation?

Are there any other issues on which it might be appropriate for the commission to issue guidance?

Producing guidance on the application process, preparing applications and consultations has to be of benefit to *all* involved in the process, particularly affected communities, not just developers. Guidance also ought to be extended to cover appeal procedures.

Q.17 The infrastructure planning commission's advisory role

Do you agree in principle that the commission should advise promoters and other parties on whether the proposed project falls within its remit to determine, the application process, procedural requirements, and consultation?

Are there any other advisory roles which the commission could perform?

It is felt that there are potential drawbacks from granting any infrastructure planning commission powers to decide these matters. It is not wholly clear as to the professional 'make up' of the commission and whether the technical expertise already prevalent in this respect within LPAs would be in place. Equally unclear is the accountability. From a procedural perspective, arrangements would also need to be in place for registering applications with the relevant Local Planning Authority/Authorities

Q.18 Rules governing propriety

What rules do you consider would be appropriate to ensure the propriety of the commission's interactions with promoters and other parties?

The commission should conduct all its business in an open and transparent manner to avoid any possible allegations of impropriety.

Q.19 The commission's role at the point of application

Do you agree, in principle, that the commission should have the powers described above?

Are there any other issues the commission should address before or at the point of application?

Such powers would best be left to LPAs who have the expertise and appropriate level of local knowledge to make these judgements. Should the Government decide such powers are best suited to lie with LPAs but still wish for a commission to act as the determining body, a question arises as to whether an element of the planning fee becomes payable to cover these procedures.

Determining applications for nationally significant infrastructure projects

Q.20 Scope of infrastructure planning commission

Do you agree, in principle, that these thresholds are appropriate?

If not, what alternative thresholds would you propose?

The suggested thresholds are supported.

Q.21 Electricity system

Do you agree in principle that all projects necessary to the operational effectiveness, reliability and resilience of the electricity transmission and distribution network should be taken by the commission?

If not, which transmission and distribution network projects do you think could be determined locally?

No comments

Q.22 Gas infrastructure

Do you agree in principle that the consenting regime for major gas infrastructure should be simplified and updated, rationalising the regime to bring nationally significant decision making under the commission?

There is merit in a simplification of the consenting regime and the proposed commission may have a role to play, particularly given security of supply considerations associated with future gas importation requirements

Q.23 Other routes to the infrastructure planning commission

Do you agree, in principle, that it is appropriate for ministers to specify projects for consideration by the commission via national policy statements or ministerial directions to the commission?

If not, how would you propose changing technology or sectoral circumstances should be accommodated?

It is recognised that whilst a national commission may have a role to play in respect of emerging technologies such a role needs to be carried out within an independent arena. The suggested ministerial power of direction is considered appropriate in such cases provided this is based on prescribed transparent criteria.

Q.24 Rationalization of consent regimes

Do you agree, in principle, that the commission should be authorized to grant consents, confer powers including powers to compulsorily purchase land and amend legislation necessary to implement nationally significant infrastructure projects?

Are there any authorisations listed that it would be appropriate to deal with separately, and if so which body should approve them, or that are not included and should be?

The simplification and streamlining of the statutory processes for nationally significant infrastructure processes is supported. However the existing authorisations should not simply be bypassed without due consideration

Q.25 The commission's mode of operation

Do you agree, in principle, that the proposed arrangements for the commission to deal with cases is an appropriate way to ensure that consideration is proportionate and that an appropriate range of specialist expertise is brought to bear on the final decision?

If not, what changes or alternative mode of operation would you propose?

Given that the proposals relate to dealing with major infrastructure projects of national significance, and the strong likelihood that such projects would by virtue of their scale and sensitivity give rise to an array of planning and technical considerations, it is questionable whether the appointment of a single commissioner would possess the necessary expertise for even the less complex cases. Recruitment to the panel of members should be on the basis of experience and expertise.

Q.26 Preliminary stages

Do you agree in principle that the list of statutory consultees set out above is appropriate at the determination stage?

Are there any bodies not included who should be?

Local authorities, with their local accountability are important consultees at all stages in the process.

The Health Protection Agency and Sport England should be added. Besides the Civil Aviation Authority, individual airports within relevant safeguarding zones should be included too.

Q.27 Examination

Do you agree in principle that the procedural reforms set out above would improve the speed, efficiency and predictability of the consideration of applications, while maintaining the quality of consideration and improving the opportunities for effective public participation?

If not, what changes or other procedural reforms might help to achieve these objectives?

Whilst the suggestions may help improve speed and predictability it is felt there is a danger that the quality of consideration of the issues, currently tested through witness cross-examination, would suffer. It is not understood how the 'open floor' stage would enhance the ability of interested parties, especially members of the public, to express their views over and above opportunities afforded to them at present before an independent inspector. It may be appropriate to run this stage along the lines of an examination in public. Whilst some mention of time limits is helpful as an indicator (and it is pleasing to note that difficult cases may need longer), ultimately individual cases should take be determined when all relevant evidence has been heard, tested and properly considered to arrive at a reasoned decision whether that be within nine months or not.

Q.28 Hard to reach groups

What measures do you think would better enable hard to reach groups to make their views heard in the process for nationally significant infrastructure projects?

How local authorities and other bodies, such as Planning Aid, might be expected to assist in engaging local communities in the process?

Local authorities have a role in reaching all sectors of the community, this should not be overlooked.

The continued funding of Planning Aid is welcomed.

Q.29 Decision

Do you agree that the commission should decide applications in line with the framework set out above?

If not, what changes should be made or what alternative considerations should it use?

The aims of national policy statements should provide a consideration but needs to be balanced against material considerations. Some caution is expressed from what appears to be a move towards an underlying presumption in favour of approval.

Q.30 Conditions

Do you agree in principle that the commission should be able to specify conditions in this way, subject to the limitations identified, and for local authorities to then enforce them?

If not what alternative approach would you propose?

The ability of the commission to use conditions is welcomed, however it is not clear whether the commission would necessarily possess the practical expertise required for preparing schedules of planning conditions and, as proposed, difficulties could then arise by offloading the duty to the LPA to enforce them.

Q.31 Rights of challenge

Do you agree, in principle, that this opportunity for legal challenge to a decision by the infrastructure planning commission provides a robust safeguard that will ensure decisions are taken fairly and that people have confidence in them?

If not what alternative would you propose?

It is difficult to see how the opportunity for legal challenge would operate in practice if, as proposed, it is intended for such challenge to be open to any member of the public or organisation “*likely to be affected by the decision*”. How would that be defined to be applied and interpreted in practice? The opportunity should be available for any person/organisation to challenge but subject to time-limits as suggested.

Q.32 Commission’s skill set

What experience and skills do you think the commission would need?

The proposed skills set appear comprehensive assuming “environment “ includes ecologists. There is a danger of insufficient expertise where a single commissioner is appointed, for even less complex cases can cut across several disciplines.

Proposals to reform the town and country planning system

A positive framework for delivering sustainable development

Q.33 Delivering more renewable energy

What types of non residential land and property do you think might have the greatest potential for microgeneration and which should we examine first?

The greatest ‘potential’ probably lies within agricultural sector and more likely to be remote from neighbouring occupiers. This needs to be balanced with effective control over development in the open countryside. This should be expanded to include residential properties e.g. insisting on proportion of new houses to be built with solar panels etc. Further consideration should be given to this issue in relation to the possible implications for legally protected species such as bats and birds.

Strengthening the role of local authorities in place shaping

Q.34 Joined up community engagement

We think it is important to enable a more joined up approach to community engagement locally. We propose to use the new “duty to involve” to ensure high standards but remove the requirement for the independent examination of the separate planning Statements of Community Involvement. Do you agree?

The removal of the independent examination is supported as it will reduce a layer of bureaucracy which did nothing to assist the real need for joined up community involvement.

Q.35 More flexible response to a successful legal challenge

Do you agree that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?

The system has become unwieldy with plans found to be unsound having be returned to the start of the process and as a result, the recent changes to the planning system instead of speeding up the system have caused it to slow down. Enabling plans to be returned to an earlier stage rather than the beginning should help speedier progression through the system.

Q.36 Removing the requirement to list Supplementary Planning Documents in Local Development Schemes

Do you agree, in principle, that there should not be a requirement for supplementary planning documents to be listed in the local development scheme?

This is supported as it will allow local authorities to prepare SPD as the need arises in response to local circumstances without the need to have to amend their local development scheme to include them. The County Council would agree that they still should be subject to publicity and public engagement.

Q.37 Sustainability appraisal and Supplementary Planning Documents

Do you agree in principle that there should not be a blanket requirement for supplementary planning documents to have a sustainability appraisal, unless there are impacts that have not been covered in the appraisal of the parent DPD or an assessment is required by the SEA directive?

This approach is supported; however it should be clearly set out in the SPD the reasons why a sustainability appraisal has not been carried out.

Making the planning system more efficient and effective

Q.38 Permitted development for non domestic land and buildings

Which types of non residential development offer the greatest potential for change to permitted development rights? What limitations might be appropriate for particular sorts of development and local circumstances?

The planning system does need to be reviewed in this area. There is scope to address the existing positions regarding proposals at sewage treatment works whereby small kiosks, as buildings, require planning permission whereas associated plant up to 15m in height are permitted development.

Q.39 Neighbour Agreements

What is your view on the general principle of introducing a streamlined process for approval of minor development which does not have permitted development rights and where the neighbours to the proposed development are in agreement?

Whilst the principal of streamlining the process for the approval of minor development is to be welcomed, it should be recognised that householder developments often generate the most concern. The criteria for establishing the nature of development with permitted development rights should be clearly set out in legislation. Indeed, the whole process would require robust public debate.

Q.40 Minor amendments of planning permission

Do you agree that it should be possible to allow minor amendments to be made to a planning permission?

Do you agree with the approach?

The scope to allow minor amendments which are not considered by the local planning authority to be material should be allowed to be made to a planning permission. Such an approach would assist in relieving the planning system of minor, non-contentious proposals enabling resources to be better directed to less straight forward proposals. It appears reasonable to allow some flexibility to developers for minor amendments to be agreed – subject to the discretion of the local planning authority – without the need to revisit the planning process. It is suggested that should the proposed amendment require some element of further consultation, then an application ought properly to be invited. If no such consultation is considered necessary, then the LPA should be afforded discretion to treat as a minor amendment.

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