

7. PLANNING FOR A SUSTAINABLE FUTURE (WHITE PAPER) 2007 (DTS)

1. Purpose of Report

1.1 The purpose of this report is to seek the views of the Committee on the White Paper entitled 'Planning for a Sustainable Future'. Some aspects of the White Paper were considered at the Planning Committee on 25 July 2007. This report considers the proposed planning policy framework set out in Chapters 6-8 and the Paper on Planning Performance Agreements. Comments on the White Paper proposals are requested by the Government by 17 August 2007.

2. Background Information

2.1 The White Paper is underpinned by the principle that planning should be seen as a positive and proactive part of local government rather than as a regulatory tool. The aim is to build upon the approach set out in the Planning and Compulsory Purchase Act 2004 (P&CPA) but also to ensure that planning is better integrated with other local authority functions. Implicit in this is the need to fully recognise that the spatial implications of wider corporate policy matters are explained.

2.2 The White Paper proposes that a number of reforms will be introduced, accompanied by further consultation, on Government policy and guidance. The White Paper proposes separating Government policy from guidance, that currently have become conjoined within Planning Policy Statements, and to allow greater local flexibility within a broad policy context.

2.3 The document highlights a number of challenges:

- meeting the challenge of climate change;
- supporting sustainable economic development;
- increasing the supply of housing;
- protecting and enhancing the environment and natural resources;
- improving local and national infrastructure;
- maintaining security of energy supply.

2.4 The items of particular relevance to this Council are considered in the following section.

3. Policy and Technical Considerations

3.1 **Nationally Significant Infrastructure Projects**

A key feature of the changes set out in the White Paper is the proposed restructuring of the mechanism for delivering (through the planning system) nationally significant infrastructure projects. Historically, major projects, such as a Terminal Five (T5) at Heathrow, have taken lengthy periods to resolve (seven years in the case of T5). It is proposed to establish a Planning Commission (PC) to deliver national infrastructure projects. Such projects would include significant transport, energy, water and waste projects that are normally subject to Government intervention. It is envisaged that nationally there would be some 10-25 such projects each year. The PC would deliver such projects within the context of new National Policy Statement (NPS).

Comment

3.2 ***The current system for determining major projects is slow and places huge demands on affected Local Authorities and local communities. The Committee may recall the significant effort required by Members and Officers, in the early nineties, to oppose a major expansion of the M25. The efforts of the Council (and others) were recognised when the project was postponed. In this instance the decision to postpone reflected, inter alia, the lack of an adequate national context to provide advice on all the issues rather than simply following the demand for more road space. The establishment of National Policy Statements that will be subject to consultation will provide a focus for major infrastructure projects. The emphasis upon a stronger relationship between sustainable development and national infrastructure is therefore welcomed.***

Where national infrastructure projects are permitted, it will be the Local Authority that is responsible for discharging or enforcing any conditions imposed. These may be highly technical in nature and it is considered that the Government should provide

adequate additional resources to support this. It will also be necessary to ensure that the funding is made available to assist with the provision of appropriate infrastructure to support new development.

3.3 Sustainable Development

The recent reforms have put the delivery of sustainable development at the heart of the planning system. The proposed reforms set out in the White Paper are intended to create a system that will deliver:

- more and better jobs;
- better infrastructure;
- better protection to enhance and restore the environment;
- 'places' shaped by the local community;
- the efficient use of resources;
- a more transparent and accountable planning system.

- 3.4 The draft PPS on Planning and Climate Change sets the context for the issues outlined above. Tackling climate change is a key theme of the White Paper and this will be developed within the context of one of the new National Policy Statements. Local Planning Authorities have a crucial role to play in tackling climate change, with Local Development Frameworks (LDF) establishing the key mechanisms for delivery. The LDF will set standards for reducing carbon emissions, the delivery of more renewable energy and create a local context for adapting to climate change.
- 3.5 The achievement of these goals will result in LDFs that, inter alia, plan for the sustainable supply of land, create opportunities for sustainable economic development, and support the vitality of town centres.

Comment

- 3.6 ***The White Paper sets ambitious targets for Local Planning Authorities to deliver sustainable development and tackle climate change at the local level. This places a significant emphasis upon the 'planning function' of the Local Authority to adopt a role that leads rather than simply acts as a regulatory tool. The ability to achieve these objectives should not be assumed within a Local Government Service that has already had to accommodate significant change in service delivery since 2004. To achieve delivery of these objectives the government must ensure that local authorities are provided with the resources to ensure delivery of these objectives. This will require that local authorities have the funding to secure suitable trained and qualified staff.***

Place Shaping - The Role of the Local Authority

- 3.7 The concept of spatial planning was introduced by the P&CPA 2004. LDFs were intended to bring together, the land use implications of all policies relevant to the (sustainable) Community Strategy, such as education, health, waste, transport, recycling and environmental protection. New measures in the Local Government and Public Involvement in Health Bill are designed to strengthen co-operation between Local Authorities and other public service providers using links created by the Community Strategy (CS) and Local Area Agreements (LAAs). The role of planning in this process is to be better integrated and aligned with the CS and LAA, and all other Local Authority functions, so that the full benefits of these new arrangements can be realised to support place shaping.

Comment

- 3.8 ***The key role for Local Authorities in 'place shaping' is welcomed. However, the guidance so far available is not in a format that provides an understanding of the transition from current practice to the new ambitious objectives. The central role of planning in this area of activity, through the LDF, is again a new area that will require much clarification. The current processes and practices for the LDF are only just becoming clear after 3 years of operation. Any further changes will need to be fully explained and adequately resourced.***

The Local Development Framework

- 3.9 Consideration was given to changes to the process of producing Local Development Documents at the Committee Meeting on 4 July 2007. (Item on the Local Development Scheme) This outlined the following main proposed changes to the LDF process:
- i) Reducing the number of stages in the LDF production process cutting out the 'preferred options' stage.
 - ii) The report on representations made on a DPD should include those made both at the 'Preparation' stage and those made on the 'Final Plan'.
 - iii) The whole process should take a maximum of 28 months for a 'complex' plan and only 13 months for a 'simple' plan document compared with the current 36 month process.
 - iv) Fewer documents should be produced.
 - v) All planning documents should be shorter (but the evidence base may need to be more robust and cover topics not originally included when the 2004 P&CPA was enacted).

Comment

- 3.10 ***The proposed changes to LDF system, to both simplify and speed up the process, are to be welcomed. The experience of the Council, when preparing its LDF is that the current process is ill-defined, inflexible, creates consultation fatigue amongst stakeholders, is cumbersome, and is too process-driven.***
- 3.11 ***In the 4 July report, it was considered that the White Paper's proposed changes to the LDF process would speed up the document production process. (Without the proposed changes, the LDF core strategy will take 4 years to adopt compared with 3 years under the proposed system.) It is therefore of concern that it could be some 18 months before a new streamlined LDF process could be introduced nationally.***
- 3.12 To ensure that planning becomes a positive and pro-active part of Local Government rather than a regulatory tool, the White Paper emphasises that planning should be a prime responsibility of a corporate director who should be a professionally qualified planner.

Planning Performance Agreements (PPA)

- 3.13 A PPA is an agreement between a local planning authority and an applicant to provide a project management framework for handling a major planning application. This framework should improve and speed up the planning process by committing both parties to an agreed timetable containing 'milestones' that make clear what level of resources and community engagement are required, and ensure that all relevant aspects such as sustainability assessments and design standards are properly considered. A PPA is a single process, starting at inception and negotiation and continuing to submission of the application, issue of the decision notice and beyond. It will encompass the signing of a Section 106 or other agreement, where such an agreement forms part of the application, and compliance by the developer with any imposed condition which is not open-ended.
- 3.14 The fee for a planning application subject to a PPA is the same as that for a normal planning application. However, a local planning authority has the power to charge for services provided in the pre-application phase of a PPA, under Section 93 of the Local Government Act 2003. This will allow the Local Planning Authority to recover costs incurred in developing the PPA.
- 3.15 A large-scale major application will be defined as:
- Residential: a large-scale residential major development is one where the number of residential units to be constructed is 200 or more. Where the number of residential units or floor space to be constructed is not given in the application, a site area of 4 hectares or more should be used as the definition of a large-scale major development.

- Non-residential: for all other uses a large-scale major development is one where the floor space to be built is 10,000m² or more, or where the site area is more than 2 hectares.

A small-scale major application will be defined as:

- Residential: a small-scale residential major application is one where the number of residential units to be constructed is between 10 and 199 inclusive. Where the number of dwellings to be constructed is not given in the application, a site between 0.5 hectares and less than 4 hectares should be used as the definition of small-scale major development.
- Non-residential: for all other uses, a small-scale major development is one where the floor space to be built is between 1,000m² and 9,999m², or where the site area is greater than 1 hectare but less than 2 hectares.

- 3.16 The distinction between a large scale and small scale scheme is that the former will be removed from the Best Value Performance Indicator requirements.

Comment

- 3.17 ***A major application may often require the allocation of significant staff resources. Extensive consultation is required to consider a range of complex issues. They often involve matters that require specialist advice that can only be secured by engaging independent consultants. The ability to deal with such applications, within a reasonable timescale, is therefore influenced by a number of issues, some of which are outside the control of the Local Planning Authority (LPA). The opportunity to establish a mechanism for processing major applications offers the opportunity to assess the resource requirements and discuss with the applicant how those resource requirements can be managed. Advance warning of such applications will also assist in project managing the workload. In principle the introduction of PPA would seem to assist with the processing of major applications that by their very nature will draw upon resources in an LPA that will frequently be operating under much pressure to meet Government targets. There is also concern that there will be a need for detailed input from a range of consultees and their response times and resources are outside of the control of the Planning Authority's control.***

- 3.18 ***In a constrained area such as Runnymede, such planning applications are few and far between and the Council is generally not geared up to respond to them. It would be possible, for example, for an independent consultant to be engaged by the LPA to assist with the processing of the application with funding assistance from the developer. However, whilst it is possible to employ consultants to assist with such applications, it is likely that such proposals would need to be examined in a wider context due to their likely Borough-wide impact. They can therefore divert a large proportion of senior officer time and this has knock-on effects elsewhere.***

4. **Council Policy and Legal Issues**

- 4.1 The changes proposed as part of the White Paper would, if enacted, become a statutory requirement for the Local Authority.

5. **Sustainability Issues**

- 5.1 The White Paper is underpinned by the concept of sustainability.

6. **Resource Issues**

Comment

- 6.1 ***The White Paper sets out proposals that could have significant resource implications, particularly in co-ordinating with other statutory service providers; putting even greater effort into public consultation; and ensuring delivery of corporate objectives through the Planning system. It is difficult to quantify the resource implications until there is more guidance from the Department for Communities about how Planning Authorities should deliver services so that they shape their local communities.***

7. Conclusion

- 7.1 The White Paper 'Planning for a Sustainable Future' sets out a series of measures that will significantly alter the role and function of planning within the Local Authority. It is proposed that planning should move to a more central role, becoming a key element in guiding service delivery. The concept of 'place shaping' is being introduced as part of the Local Government and Public Involvement in Health Bill and it forms a new part of the LDF. Some clarification on the concept of place shaping will be required, but it is clear that the Government will use LAAs to guide resource allocation across the spectrum of local service providers and resource allocation within a Local Authority area.

OFFICERS' RECOMMENDATION that -

the comments set out in Section 3 be forwarded to the Government as the formal comment of the Council on Chapters 6-8 of the White Paper - Planning for a Sustainable Future and the Paper on Planning Performance Agreements.

(TO RESOLVE)

Background Papers

None