

# Planning Green Paper I

March 2002

*Dr. Wendy Le-Las, Planning Consultant, gives her viewpoint on the Government's Green Paper on planning and was shocked by the fact that "local councils" are never mentioned.*



*Many of you will have read in the press about the more sensational aspects of the Government's Green Paper on planning e.g. the demise of the county structure plans. What shocked me much more is the fact that, for all the lip service paid to the community involvement, the term "local council" is never mentioned. Knowing how important planning is to local councils and their communities, it is imperative that local councils stand up and be counted!*

*From the government's point of view the planning system fails both business interests and the community because it is both too complicated and too slow. Their solution is to simplify the system.*

## Local Development Frameworks

The government proposes to abolish structure plans, unitary development plans and district local plans with only minerals and waste local plans remaining in the province of the countries. The replacement will be a new single level of plan called a Local Development Framework (LDF) to be prepared by district/borough councils. An important input into the process will be the Community Development Strategy (CDS). In turn the LDF is seen as an important means of achieving the CDS.

The heart of the LDF will be the Statement of Core Policies. It will consist of:

- The long term vision for the area it will take in full account of the land use implications of all policies in the CDS;
- Clear objectives for achieving general environmental improvement in the area, together with a timetable.
- A strategy for delivering objectives - the vision, objectives and strategy are supposed to be fully endorsed by the community
- A 'Statement of Community Involvement' - setting out the arrangements for involving the community in the continuing review of the LDF, and significant development control decisions. One just wonders at the definition of "significant"?
- Criteria-based policies to shape the development and deliver the strategy, forming the basis for development control decisions. Policies would need to cover topics such as housing, business development, transport, waste disposal and recycling, and the historic environment.

In addition there will be Action Plans, for areas of change where site-specific policies are needed to guide development. Equally they might address conservation areas or village plans, as well as green-belt boundaries or other area based designations, transport corridors, or housing allocations where issues of timing might be involved. Communities are encouraged to get involved in formulating the future of their locality but the forum for resolving disputes remains unclear.

The government believes that Local Plan Inquiries are too adversarial and too time-consuming, despite the ingenuity of the Inspectorate in confining the legal eagles to areas where their skills are useful, and the fact that the inquiry is a small fraction of the total time taken to prepare a local plan. Thus it is proposed that the right of objectors to be heard before an inspector is abolished. DTLR is open to suggestion but floats the following options:

- Wide participation followed by adoption of the LDF;
- An examination before an independent chair to test the adequacy of the LDF and its preparation process;
- A public informal hearing of representations before an inspector.

For the latter two, the decision of the independent chair or inspector would be binding on the LPA (Local Planning Authority)

A major problem with the existing system is that plans get out of date as new policy emerges on specific subjects. Under the LDF, core policies will be required to be continuously updated so that it is consistent with regional or national policy. LDFs and CDSs should be revised every three years. The lifespan of Action Plans will vary but progress on existing Plans and the need for new ones should be reviewed every year.

## Regional Spatial Strategies

With the demise of the structure plans, the mantle of strategic planning will pass to regional bodies. A motley crew of bodies compile the current RPGs (Regional Planning Guidances). A Steering group comprised of the Regional Development Agency, and representatives of the public business and voluntary sectors will prepare the new Regional Spatial Strategies (RSSs). The steering group is expected to consult a wide range of other stockholders.

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The \$64,000 question is whether directly elected regional government will ever be introduced. The government favours "where people decide in a referendum to support it and where predominantly a unitary local government is established". Criteria such as this, effectively prevents the establishment, even in areas like the North-East with a distinct regional identity.

It is recognised that sub-regional plans may be required for specific purposes, such as the growth of Silicon Gen (an area around Cambridge which is dominated by 'new technology' industries). In particular, the distribution of housing provision to districts will need to be addressed at the sub-regional basis. Sub-regional strategies would be subject to the same public examination arrangements as the RSSs.

## Planning Policy Guidance Notes

Having lovingly compiled 25 comprehensive PPGs to impart national policy on sustainable development on the key planning topics, the government is concerned that too prescriptive an approach is stifling regional and local flexibility. They seem to be under the illusion that Local Planning Authorities (LPAs) always follow their advice.

It is proposed to review all PPGs and Mineral Planning Guidance (MPGs) to:

- Question whether they are all needed
- Separate objectives and outcomes to be achieved
- Distinguish between policy and advice which allows for greater discretion
- Filter out issues which can be determined at a regional or local level

PPG3 housing is to be the model. The review will start with the following PPGs: 1, Principles; 4, Industry; 6, Shopping; 7, Countryside; 15, Conservation; 16, Archaeology.



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## Development Control

On the consultation front, it is proposed that meetings should take place and issues be resolved before the application is submitted - an ingenious fig leaf to enable LPAs to meet their eight-week target. With regard to large schemes, developers would be expected to work with the community from the outset. Nonetheless not all objections will not be ironed out prior to the application being lodged; one can only hope that the right to object to an application will remain intact for the community as well as neighbours. Much of the chapters 5 & 6 are devoted to oiling the wheels of government and stroking developers. However there are snippets of interest to local councils:

- Permitted development legislation is too complicated. Any suggestions as to how to simplify it? Meanwhile the Use Classes Order will be de-regulated still further.
- A's would have the right to refuse repeated applications and those that are twin-tracked.
- Soon all LPAs will be online, so it will be easier to follow the evolution of all plans, individual applications, appeals and call-ins. Free downloading of planning papers should solve the problem of complaints about extortionate photocopying charges.
- Business would be prepared to waive the right to appeal against non-determination in exchange for progress reports and greater certainty over when there will be decision.
- 90% of decisions should be delegated to officers. Whether or not we should be alarmed depends on their training and morale. The private sector is to be brought in to handle routine applications - hopefully this is only a crises measure or it will prove an expensive option.
- LPA members should be properly trained in planning. Amen to that!
- Applications for planning and pollution consents could be lodged at the same time;
- Consents would last for three years instead of five.
- Appeals should be lodged within three months rather than six
- Punitive charges could be made for retrospective planning applications. In serious cases development without consent, or in breach of consent could be an offence.

What are these urban studies?

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