

Planning Update

Relevant Newly Introduced Changes in the Operation of the Planning System

1. The Inspectorate will now decide the type of appeal (e.g. public inquiry, written representations etc) which will be used to determine an appeal having first considered the preferences of the parties.
2. The parties will no longer be able to submit final comments for hearings or inquiries at the 9 week stage,
3. The statement of common ground must be produced 6 weeks after the appeal has started.
4. Minor errors in an inspector's decision that do not materially affect the decision no longer need to be corrected.
5. Local Planning Authorities can now refuse to determine similar planning applications (a) submitted at the same time (twin-tracking) or (b) in close succession to each other where the previous application is either: still being determined; decided but still within the time period for lodging an appeal; being considered by the Inspectorate; or which has been called-in by the Secretary of State.
6. Circular 02/2009 changes the types of development that have to be referred to the government regional offices before local planning authorities can grant consent. The aim is to streamline the system potentially reducing the number of cases which are called-in. A new category covering major retail/office./leisure developments on the edge or outside town centre are added to the matters which must be referred if they are: not in accordance with the development plan; are buildings over 5000 square metres; or extensions over 2500 square metres which would lead to more than 5000 square metres when added to existing buildings.

New Consultations

1. The Department of Communities and Local Government has issued a consultative paper on a new Planning Policy Statement 4: Planning for Prosperous Communities. This will incorporate the draft PPS4: Planning for Sustainable Economic Development, PPG5: Simplified Planning Zones, PPS6: Planning for Town Centres and the economic development policies in PPS7: Sustainable Development in Rural Areas. Accessible Retail will be responding to this important draft policy document (comments must be received by 28 July).
2. Alongside this, the Government has published 'Planning for Town Centres' a 'living' good practice guide on Need, Impact and the Sequential Test to support delivery of the town centre policies in the draft PPS. Comments and suggestions of good practice are invited.
3. This consultation is the most important planning policy issue which AR is dealing with at present. It is also the causing the most concern. When the original PPS4 draft was published, it was broadly welcomed by AR as it established the general importance of planning for economic development and enabled other planning benefits (e.g. regeneration) to be cited where the sequential test did not support a particular site proposed for development. In the combined PPS4 and PPS6, however, these considerations have been subordinated again to town centres to the point where the latter dominates the new PPS without giving sufficient consideration to other forms of beneficial economic development.

4. In particular, non-compliance with policy EC21.1(1) (the sequential approach) leads to immediate refusal and EC21.1(2) provides for planning permission to be refused if there are 'significant adverse impacts' in terms of tackling climate change or 'any one or more other key impacts' (the impact assessment). It is only when adverse key impacts are insignificant that important wider economic, social and environmental factors be considered. This seems to negate the point of changing to an impact test.

5. Given the obvious importance of this issue to AR members, the Board is currently drafting our response which must go to the Department of Communities and Local Government by 28 July. As part of this work, Will McKee was invited to represent AR at a meeting of senior industry representatives convened by the Department to discuss the new PPS4 and accompanying practice guidance earlier this month.

On-Going Lobbying Campaigns

1. To enable extensions to existing planning consents, replacement of unimplemented consents and extensions to deal with outstanding reserved matters to enable developers more time to adjust to changing economic circumstances.

2. The Government has published its response to the Killian Pretty Review on the working of the development control system. The Government is going to concentrate on introducing measure to: reduce the number of small scale applications that require full planning permission, streamline national planning policy framework; make the overall system more efficient and effective; improve the capacity of local planning authorities; and improve the quality of the information within the system.

Conservative Party Potential Changes to the Planning System and Policy

1. Pass responsibility for economic development from the RDAs to a more local level.
2. Replace the incoming Infrastructure Planning Commission.
3. Allow councils to retail the financial benefits of new business activity.
4. Allow companies to vote on planned rate increases.
5. Make pre-application discussions with local people and stakeholders mandatory.
6. Relax the restrictions on councillors to campaign on planning issues and then vote on applications (pre-determination).