

COMMITTEE	CABINET
DATE	6 MARCH 2002
SUBJECT	PLANNING GREEN PAPER DELIVERING A FUNDAMENTAL CHANGE
REPORT OF	DIRECTOR OF PLANNING, REGENERATION and AMENITIES
Ward(s):	ALL
Purpose:	To agree a response to the Department for Transport, Local Government and the Regions on its Consultation on the Planning Green Paper.
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Recommendations:	That the responses detailed in sections 3, 4 and 5 of this report are this Council's comments on the Government's consultation on the Planning Green Paper.

1.0	<u>Background</u>
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1.1	<p>The current planning system has been largely in place since 1947. Since that time the Government believes it has become increasingly over complicated leading to delays that are costly to the economic viability of the country. The Government also believe the system is failing in actively engaging the community in the decision making process. The Planning Green Paper's main thrust is to therefore to:-</p> <ul style="list-style-type: none"> a) simplify the complex hierarchy of plans b) deliver faster decisions c) better engage the community
1.2	<p>The Green Paper has four other daughter papers to help deliver the fundamental change. These cover compulsory purchase arrangements, major infrastructure (i.e. airport terminals, bypasses, nuclear power stations, etc) changes to the Use Classes Order and the reform of planning obligations (s.106 agreements). The consultation paper on Planning Obligations is the subject of a separate report also on this meeting's agenda. The Use Classes Order paper has been recently issued with a deadline for comment of 24th April.</p>
1.3	<p>The Government's consultation on the Planning Green Paper ends on 18th March 2002. This report has been set out to answer the questions laid out in the Green Paper's Response Form, although not necessarily in the same order. A copy of the Green Paper is available in the Members Room.</p>
2.0	<u>Introduction</u>
2.1	<p>The Planning Green Paper covers three areas of proposed changes.</p> <ul style="list-style-type: none"> a) The National and Regional Structure b) Development Plans c) Development Control

2.2	<p>The Green Paper requires new legislation. On the basis that this can be introduced in the parliamentary session following the consultation period, then any new system is unlikely to come into effect before 2004. In the meantime, the Government expects the current procedural process as guided by current legislation and advice should remain in place. In practice of course, Government will continue to release new planning policy in those areas not affected by changes in the legislation. Consequently it is suspected that planning authorities will see a drip feed of changes well before 2004.</p>
3.0	<h2 style="text-align: center;"><u>The National and Regional Structure</u></h2>
3.1	<p>The Government is naturally responsible for enacting planning legislation, and this will, of course, remain the case. However, the interpretation of that legislation into planning policy is also issued by the Government through Planning Policy Guidance (PPG). There are currently 25 PPGs covering over 850 pages of guidance. The Government intends to significantly reduce what they now see as a burden on the system with simpler, shorter documents. To this end, new guidance will concentrate on planning policy and any advice the Government believes is necessary in interpreting that policy will be issued as separate good practice guides. They sight the relatively new PPG 3 on Housing as the template they wish to follow.</p>
3.2	<p>Those PPGs that are over detailed and most out of date will be the first to be reviewed. The paper is very clear that until the new framework is in place, planning authorities need to comply with the current PPGs.</p>
3.3	<p>Consultation Question: we propose to review national planning guidance to reduce its volume and complexity. Do you agree?</p> <p>Proposed Response: The Council welcomes the simplification of national planning guidance and its concentration on policy rather than advice. However, if the guidance is to refer to a number of good practice guides, then these will become essential documents for the planning authority to interpret and understand and they should be published promptly and ideally at the same time the policy is issued.</p>

3.4	<p>The Green Paper proposes a strengthening of the role of Regional Planning. It suggests that Structure Plans should be abolished and that local plans should look to comply with Regional policy objectives. The Government believe many strategic planning issues stretch wider than County boundaries and they no longer believe that Counties are an effective planning unit. In Eastbourne's instance the South East England Regional Assembly (SEERA) would be responsible for preparing the new Regional Plan which would be called a Regional Spatial Strategy. This will replace the current Regional Planning Guidance (RPG 9)</p>
3.5	<p>The current regional assembly for the south east (SEERA) is not directly elected. The Government propose to issue a white paper on the arrangements for Regional Government and the functions a directly elected regional assembly would undertake.</p>
3.6	<p>The Green Paper suggests that within the Regional Spatial Strategy (RSS) there will be a need for sub regional strategies. These would look at specific areas. For example, the Green Paper suggests the distribution of housing figures to the districts/boroughs. The sub regional strategies would still be prepared at regional level and would need to form part of the RSS.</p>
3.7	<p>One of the fundamental changes proposed in the Green Paper is the abolition of Structure Plans. The County Councils and Unitary Authorities will still be responsible for producing the mineral and waste local plans. The Government wishes to increase the importance of regional government at the cost of the more locally accountable and more informed County tier. This is a retrograde step and would lead to more remote and insensitive decision making which will not improve community involvement, engagement and ownership of often difficult strategic issues such as housing allocations and transportation proposals.</p>

3.8	<p>There are considerable advantages for Eastbourne to have the strategic function at County level. The County Council in making the decisions, which affect Eastbourne's future, is made up of Members elected by the voters of Eastbourne and therefore there is direct local accountability. The public can be engaged in such debates because they relate more readily to the long established County tier in contrast to the more nebulous regional area. All relate to the convenience of having Members and officers nearby. Those Members making decisions about Eastbourne will know the town and are well acquainted with the main issues. It is unlikely that representatives of a regional chamber will have the same level of knowledge and awareness.</p>
3.9	<p>However, economic regeneration has a local and wider dimension. The Green Paper expects the Regional Development Agencies to be part of the preparation of the RSS. Consequently funding is likely to be more co-ordinated at regional level and more closely tied to the economic need of the area. There is concern that Eastbourne's issues will loose out to the competing claims of other towns, cities and rural areas in such a large and diverse region.</p>
3.10	<p>Consultation Question: We are proposing to simplify the hierarchy of plans by strengthening regional planning and abolishing County Structure Plans. Do you agree?</p> <p>Proposed Response: The Council strongly opposes the removal of the role of the County Council in strategic planning. The public better engage and more readily identify with the County than the region. The decision making should remain at the local level ie at County and District/Borough or Unitary level on strategic planning issues. The County Council provides an essential function at a level of detail necessary to understand the particular issues of its area. Whilst it is accepted that delays to the planning system need to be addressed, the present arrangements should not be replaced by a remote and unaccountable body that has little understanding of issues and problems at the local level. The Council is opposed to power from local government being centralised in distant and unrepresentative Regional Assemblies. The Council contends that sub regional policy bodies should be based locally. The Council would wish to be actively involved in the production of any sub regional policy development that may have implications for Eastbourne.</p>

4.0	<u>Development Plans</u>
4.1	Another key proposal of the Green Paper is the fundamental change to the development plan. (e.g. Eastbourne Borough Plan). These are to be replaced with a Local Development Framework (LDF).
4.2	The Government believes that the preparation of development plans is slow, complex and expensive. Also the adoption procedure does not engage the whole community effectively.
4.3	<p>The Government has made it a requirement that Community Strategies should guide future changes to local communities. In Eastbourne the Local Strategic Partnership is in the process of being formed. Once in place it will direct the preparation of the Community Strategy. The Local LDF will be the delivery vehicle for that part of the Community Strategy concerning the use of land in the town. The LDF would be:</p> <ul style="list-style-type: none"> i) a statement of core policies setting out the local authorities vision and strategy in promoting and controlling development. This should include how the community should be involved in reviewing the LDF and commenting on significant planning applications. ii) detailed Action Plans for smaller local areas of change, such as urban extensions, town centres and neighbourhoods undergoing renewal. Some topic based action plans may also be produced covering such matters as housing allocations and safeguarding of land for transport and other purposes. iii) A map showing the areas of change for which action plans are to be prepared and existing designations, such as conservation areas.
4.4	The Green Paper expects LDFs to be significantly shorter than the current local plans and consequently quicker to produce. The Government are expecting LDFs to be published annually taking on board changes in national planning policy, and reviewed every 3 years, geared to the review of the Community Strategy when the vision for the town is refreshed.

4.5	<p>One of the major delays in the adoption of the current local plan is the necessity for a public inquiry. The Government is requesting comments on how this may be speeded up. They suggest that the involvement of an independent inspector may not be necessary if the LDF has “wide public participation”. The Paper does not elaborate any further.</p>
4.6	<p>Consultation Question: We propose to replace local plans and Unitary Development Plans with a Local Development Framework. Do you agree?</p> <p>Proposed Response: In principle this is a good idea that should reduce the size of plans and therefore the time it takes to produce them. The tool could be developed as a way of undertaking partnerships between County, District/Borough and Unitary authorities in such matters as progressing economic development, transportation improvements and accommodating housing growth. The Council would like to pursue Unitary status when an opportunity can be found by the Government to progress such a matter which would assist in delivering the proposed LDF system and help the Council contribute more fully in strategic matters.</p>
4.7	<p>Consultation Question: We propose that Local Development Frameworks should include community based action plans. Do you agree?</p> <p>Proposed Response:</p> <ul style="list-style-type: none"> · In principle this is a good idea. · However, it is not clear in the Green Paper if Action Plans will be subject to the same level of public scrutiny as the core policies. If they are, this authority’s experience is that this will lead to a significant amount of work. This is because public representations tend to be site specific and cover extensive areas of detail. · It would therefore be a waste to completely throw out the current detailed documents, which cover the whole Borough and have been prepared in the last two years. The need to keep the LDF up to date will take precedence and mean that the large number of action plans, which are considered to be needed to cover the Borough, will take some time to produce. It would be useful if the Green Paper recognised a transition period in order to allow topic based policies in the existing Borough wide plans to be accepted as action plans in the short term, while they are awaiting to be renewed with the new action plans. Unless this is acknowledged and arrangements made there could be a severe policy void, which might result in inappropriate development gaining consent.

4.8

Consultation Question: We are proposing new arrangements for community involvement on preparation of the Local Development Framework and significant planning decisions. Do you agree?

Proposed Response: The biggest delay in reaching adoption of Local Plans under the current system is dealing with public consultation. Appendix 1 details Eastbourne's particular example, and it can be seen that, once adopted, the Council's officers would have spent a total of 1 year 7 months in drafting the Plan and yet spent 2 years 10 months dealing with the statutory public consultation issues. There is a suggestion in the Green Paper that following wide consultation, the LDF could go forward to adoption by the local Council without a public inquiry. This is to be favoured if the Government is serious about reducing delays. The public would, as now, still have participation in the preparation of the LDF; however, it is this authority's suggestion that the debate on the public representations is made before a local committee Borough Council Members. It is considered essential that the public have the opportunity to present their concerns to the decision takers. The Government would be a statutory consultee and should the LDF not comply with national policy, the Borough Council would be made aware of it. After debating all the representations, the Borough Council would make any necessary alterations and adopt the LDF as policy. Should the Council ignore serious representations on national policy, then the Government would be in a position to penalise the local authority by calling-in the plan in serious cases or through the appeals procedure which may result in levying an award of costs.

4.9	<p>Consultation Question: Do you have any further comments on our proposals for reforming plans?</p> <p>Proposed Response: The Borough Council would like to be consulted on the detail of any new regulations and codes of practice to implement the new system. In our experience, the changes made to the existing Development Plans system, now outlined in PPG12, involving the Revised Deposit procedure, has led to an increase in workload. It was meant to speed up and simplify the system yet it is now even more bureaucratic for the officers and confusing to the public than before and has seriously delayed the local plan process. Had this Borough Council, and others, been consulted on the detail of these arrangements, we would have suggested amendments.</p>
5.0	<p><u>Development Control</u></p>
5.1	<p>There is criticism that the current system of development control is not customer-friendly and that delays in decision making on applications creates both difficulties for businesses and uncertainty among local communities.</p>

5.2	<p>The Government considers that a complete review of the current system is warranted and identifies four specific areas where fundamental change is required:</p> <ul style="list-style-type: none"> · customer service – the system should be more responsive to customers through the development of a new culture of customer service; · improved speed and transparency of decision making; · more emphasis on quality of development; · genuine community involvement.
5.3	<p>In order to improve the quality of the planning service the Green Paper proposes that the planning system should be much more understandable, more service orientated and responsive to customers. It aims to achieve these objectives under the following broad headings:</p> <ul style="list-style-type: none"> (a) Improving customer service; (b) Faster delivery in dealing with planning applications; (c) Clearer scope in understanding when planning permission is necessary; (d) Greater access to the planning system for the community; (e) Better enforcement.
5.4	<p><u>Improving customer service</u> : It is proposed to introduce a user-friendly checklist to provide greater guidance to applicants. It is hoped that this will reduce the number of incomplete applications submitted and thereby speed up the processing of applications. The DTLR intends to develop a model checklist in liaison with the Local Government Association.</p>

5.5	<p>The Green Paper encourages pre-application discussion to explain what is required and to provide advice and guidance to potential applicants to help them formulate acceptable proposals. The current level of pre-application advice available varies considerably between authorities. The Council already provides a high level of pre-application advice to potential applicants and therefore this proposal would not significantly change our present working practices, although a substantial increase in requests for pre-application advice would have implications on staffing resources. There is an announcement in the Local Government White Paper that local authorities will be able to levy a charge for such services. This may deter some that cannot afford the charge or wish to avoid it.</p>
5.6	<p>An improved level of customer care is proposed so that applicants can easily keep track of their applications, such as informing applicants at an early stage of the name of the officer dealing with their application. We already meet this requirement.</p>
5.7	<p>Greater emphasis is also placed upon the provision of planning services on the Internet (i.e. submitting applications, viewing plans, keeping track of applications, obtaining planning advice, etc.). Referred to as 'E-Planning', the Government's has a target that all local authorities should provide electronic planning services by 2005.</p>
5.8	<p>The Green Paper also advocates the 'one stop shop' approach so that applicants can have one single application point where more than one consent is required, often under different legislation. This will have staff resourcing implications. Providing a common contact for all matters can have resourcing implications for small authorities such as Eastbourne where we have a small number of officers to take such extra responsibilities outside their prime responsibilities.</p>
5.9	<p>Faster delivery : The Government is anxious to ensure that planning decisions are delivered as quickly as possible and in a predictable and transparent way.</p>

5.10	<p>The current Government target which requires 80% of applications to be determined within the statutory eight week period does not differentiate between different types of applications and this is acknowledged as being unsatisfactory. New targets are therefore proposed for 2002/03 which are:</p> <ul style="list-style-type: none"> · 60% of major commercial and industrial applications to be determined in 13 weeks; · 65% of minor commercial and industrial applications to be determined in 8 weeks; · 80% of all other applications to be determined in 8 weeks.
5.11	<p>These new targets will be monitored through Best Value and will be one of the main ways in which the performance of local planning authorities will be judged. It is therefore important that the processing of applications, from the pre-application stage to the final decision making is closely synchronised with these targets.</p>
5.12	<p>Consultation question: We are proposing to speed up the planning system, and set new targets for local authorities and central Government for dealing with applications and appeals. Do you agree?</p> <p>Proposed Response: The encouragement of pre-application discussions is to be supported. This will produce speedier decisions when proposals are submitted in accordance with policy and guidance. There is a concern that the imposition of a charge will discourage those who cannot afford the charge or those who wish to save costs by not engaging in such consultation. It would be more logical to encourage it by making allowance for it in all planning application fees. This would provide an incentive to use such a service.</p> <p>The concept of a one-stop shop is in theory a worthy objective. However, there are serious concerns in providing a one size fits all solution because the imposition of a required common contact for all matters can have severe resourcing implications for small authorities. An authority such as Eastbourne has a small number of officers to take such extra responsibilities outside their prime responsibilities.</p> <p>The current system of assessing all applications against the statutory eight week period does not recognise that major commercial schemes are more complex, involve more consultees and therefore inevitably take longer to determine. The new targets go some way towards addressing this issue and are welcomed. Although the measured set do not seem to be based on any recent research and may need to be reviewed. However it needs to be accepted that the real bar to processing applications speedily is that an increasing number of applications, particularly major ones, required legal agreements, under Section 106 of the Planning Act. This issue needs to be addressed by streamlining and being adequately resourced. The</p>

5.13	<p>Delivery Contracts</p> <p>The Government is concerned to ensure that, in order to assist businesses, applications for commercial development are dealt with as speedily as possible and to ensure that the larger applications in particular are agreed to an agreed timescale it is proposed to introduce 'Delivery Contracts'. Where an application cannot be decided by the date agreed in the contract then it is proposed that either party can refer the matter to the Planning Inspectorate in much the same way as the current appeal procedure against non-determination.</p>
5.14	<p>Statutory Consultees</p> <p>The Government recognises that that the large number of statutory and non-statutory consultees contributes significantly to delays on the planning system. It is therefore proposed to reduce the number of statutory consultees and to impose a statutory responsibility on these consultees to respond within a strict timescale. One potentially significant implication of these changes are proposals to charge local authorities a fee for the response from a statutory consultee, provided they respond with 21 days. Depending on the scale of charges levied and without a corresponding increase in planning application fees, there could be significant financial implications arising from this proposal.</p>
5.15	<p>Consultation question: We are proposing to introduce new performance standards for statutory consultees and allow them to charge fees for consultation, to help improve their performance. Do you agree?</p> <p>Proposed Response: The length of time taken for statutory consultees to respond is often a major source of delay in the planning process and therefore measures to speed up the process are welcomed. However, this authority is concerned about the proposed charges for such advice and considers that it should be taken into account in the Government's proposed review of planning application fees.</p>

5.16	<p>In order to further assist business, the Green Paper proposes to allow local authorities to establish 'Business Planning Zones' (BPZs) where no planning consent is required for certain types of development, defined within strict parameters. BPZs, the need for which would be identified in regional strategies, would be intended for the type of business use which has a low impact (typically most uses falling within Class B1 of the Use</p> <p>Classes Order) and would exclude heavy manufacturing or any use liable to give rise to any environmental problems. The government welcomes views on the concept of business zones and the safeguards that might be necessary to ensure that they deliver quality development. Clearly, the defined parameters would need to include such matters as design, height of buildings, car parking levels, etc and would need to include a restriction on the use, as suggested.</p>
5.17	<p>In respect of larger developments, the Green Paper proposes a system of action plans drawn up as part of a Local Development Framework. This process, referred to as 'Masterplanning' is intended to replace the current system whereby developers apply for outline planning permission, without any clear master plan or design brief. It is the intention to ensure that the community, developers and the local authority work together on such proposals but no detailed information is given on how this should be achieved.</p>
5.18	<p>The Government would like views on a proposal to introduce a new arrangement to replace outline consents with a system whereby a developer can seek a certificate from a local authority that it has agreement for a defined period to work up a detailed scheme against parameters determined in agreement with the local authority. In practice this could work in a similar way to the current outline planning permission procedure but it could also cover more detailed matters such as design and could allow for community involvement and include issues such as affordable housing.</p>

5.19	<p>Other proposals in the Green Paper aimed at improving the effectiveness of the system are:</p> <ul style="list-style-type: none"> · the submission of repeat applications for substantially the same development, following a refusal, where there has been no appeal, or following an appeal dismissal, will not be allowed; · the tactic of “twin tracking” applications, adopted by developers on larger schemes, would be unnecessary if the proposal for delivery contracts (referred to in para. 5.13, above) is adopted; · time limiting planning permissions to 3 years instead of the current 5 year period for implementation of the consent. · streamlining the appeals procedure
5.20	<p>Consultation questions: The Green Paper contains a number of other proposals aimed at making the planning system faster, simpler and more effective. Do you agree with them?</p> <ul style="list-style-type: none"> - certificates to replace outline planning applications - <p>Proposed Response: There is a need to retain a similar system to outline planning applications although the level of detail is a matter of concern because if extended too much it may then be more efficient to deal with full application.</p> <ul style="list-style-type: none"> - user friendly checklist <p>Proposed Response: This will greatly assist applicants and is seen as a positive move which should be welcomed.</p> <ul style="list-style-type: none"> - Masterplanning larger developments <p>Proposed Response: The proposed masterplanning process is seen to be of considerable benefit in enabling the comprehensive development of major sites of significant Borough-wide importance. It will also provide a greater degree of clarity of what is expected and a greater level of assurance for local residents and potential developers. However, it is important to recognise that there could be considerable staffing implications in the preparation of action plans, especially with the level of community involvement advocated in the Green Paper.</p>

development can be allowed without the need for planning permission.

- Preventing twin tracking and repeated applications

Proposed Response: The current practice adopted by some developers of submitting duplicate applications is unnecessarily time consuming and also confusing to local residents. The Council is therefore supportive of the proposal to curtail this practice.

- Limiting planning consents to three years

Proposed Response: The Council shares the government's concern that unimplemented planning consents can prevent the development of land for other purposes and supports the proposed reduction in the time limit for consents from five to three years.

- Increasing planning fees to help finance better local authority performance

Proposed Response: A review of the current planning fees regulations is long overdue. It is, however, important to ensure that the revised arrangements adequately address the additional demands on staffing levels imposed by the other changes proposed by the Green Paper. True account needs to be taken of the extra burden and delay that will result from the need for a significant increase in legal agreements if not adequately resourced. There is a need for additional resources in planning, highway and legal teams to speedily progress such agreements.

5.21	<p>Clearer Scope: To avoid the unnecessary submission of planning applications and to provide a clearer understanding of what requires planning permission it is proposed to update the General Permitted Development Order to make it more comprehensible. No significant changes in the national regime for permitted development rights are proposed, but one suggested option is to allow local flexibility in the definition of permitted development rights.</p>
5.22	<p>Proposed Response: The introduction of local permitted development rights would hinder efficient planning by creating complication and confusion. A major concern here is that there could be inconsistency between and within local authority areas. However, to protect the special quality of Conservation Areas, Areas of Outstanding Beauty and National Parks permitted development rights should be generally removed. The public are confused why additional controls do not exist within such important and sensitive areas. There remains an inconsistency between the controls on flats and houses for instance which is illogical and needs to be removed.</p>
5.23	<p>A degree of relaxation of the use classes in the Order is also proposed and this is the subject of a consultation paper that has been recently issued.</p>
5.24	<p>Greater Access for the Community: There is concern that the current system of consultation on planning applications fails to give the community an opportunity to properly express its views. In an attempt to improve this situation the Green Paper advocates a system of pre-application consultation carried out by the applicant, especially in respect of larger schemes. A change in legislation to secure such consultation seems unlikely, however; it is more likely that applicants will be encouraged to engage with community groups and private individuals before submitting their application.</p>
5.25	<p>The Green Paper advocates more open committees where the public have the right to speak. This system is already in place at this authority.</p>
5.26	<p>In order to make planning decisions as transparent as possible it is proposed that local authorities should give reasons why an application has been approved, as well as why it has been refused, giving reference to local plan policies.</p>

5.27	Easier access to planning papers and more reasonable copying charges for community groups are also suggestions made to give greater access for the community. It is the intention that all applications, including plans should be entered on the local authority website and be available to download free of charge.
5.28	More openness with regard to negotiations for planning obligations is also called for and this is dealt with in the separate consultation paper referred to earlier.
5.29	A review of the current process of publicity for planning appeals is under review with the aim of encouraging greater participation.
5.30	In order to speed up decision-making authorities are recommended to delegate decisions to officers as far as practical. To encourage this process the Government has set a new Best Value target of 90% of decisions by officers during 2002/03.
5.31	<p>Proposed Response: The importance of extensive, open and thorough public consultation has always been recognised by this Council. The amount of neighbour notifications sent out is often well in excess of the statutory minimum. Public speaking at the Planning and Licensing Committee has been long established and helps the process by giving the public the opportunity to raise their concerns in an open public manner. They are able to see that their concerns are listened to and taken into account. This Council is very concerned about the proposed level of delegation now advocated by Government because of the damaging effect that it will have on open transparent decision making. This seems to run contrary to one of the main objectives of the Green Paper ie. that the right way forward is to make the planning system more accessible and transparent and to strengthen the opportunities for community involvement.</p> <p>To achieve such a target many applications, which have received objections, will be determined behind closed doors with no opportunity for objectors to raise concerns by addressing a Committee in public session. Above a certain level of delegation it does not necessarily follow that there will be a speedier decision because of the procedures that are needed in place to inform Councillors of the amount and content of the objections received prior to delegation being considered acceptable. At present this Council determines between about 60 to 75% in a delegated manner and regularly has determined between 70 to 80% of decisions in 8 weeks. A 90% level of delegation would restrict the Committee to only about 4 to 6 applications each month which would undermine its role and status to an unacceptable level. The public are generally confident in the process because</p>

5.32	<p>Better Enforcement: The current system of enforcement is seen as unduly complex and cumbersome and it is recognised that it contains a number of identified shortfalls, which are:</p> <ul style="list-style-type: none"> · developing without planning consent or in breach of that consent is not an offence; · existing sanctions do not act as a deterrent; · delaying tactics, through the appeals mechanism, can be employed by those seeking to evade the planning system
5.33	<p>The Government intends to review the current arrangements to introduce simpler procedures and consider whether a deliberate breach of planning regulations should constitute an offence.</p>
5.34	<p>Proposed Response: The Council is very supportive of the suggested strengthening of planning enforcement. Certainly the public often gain the impression that the system is designed to unreasonably protect and assist those breaching the planning regulations. Again it is important to recognise the need to strengthen the resources which are needed to properly police the system. There is a need to monitor consents, conditions and legal agreements as well as responding to alleged breaches of consent. In addition the planning controls available under Section 215 are increasingly used to up grade properties in a poor external condition. Such controls are very important if public pride in an area is to be achieved and an urban renaissance is engendered.</p>
5.32	<p>Other matters: The advantages and disadvantages of third party rights of appeal are considered at some length. The conclusion is that there is no case at the present time for a third party right of appeal as it could add to costs and uncertainties of planning. Instead, the Green Paper considers that the right way forward is to make the planning system more accessible and transparent and to strengthen the opportunities for community involvement.</p>
5.33	<p>A fundamental review of the application fee regime is to be carried out. It is acknowledged that current fee levels have fallen well behind costs and therefore an increase in fees is overdue.</p>

6.0	<u>Human Resource Implications</u>
6.1	<p>The faster turnaround of plans and the proposal for greater community involvement will have an effect on staffing levels. Lord Falconer, who is the Government Minister responsible for the Green Paper, has stated that “there will probably be a need for more planners at district level in the new system”. The Green Paper recognises that a “shortage of properly qualified planners affects authorities ability to deliver” and is requiring the profession to become more attractive to attract new planners. Although in the immediate future it is not envisaged that there will be an impact on current staffing levels, once the legislation begins to be put in place and the authority moves towards the new system, it is very likely that an increase in staffing levels will be needed.</p>
7.0	<u>Financial Implications</u>
7.1	<p>The existing local plan production procedure costs the Council excluding officers’ salaries, on costs, etc. a significant sum. The majority of this cost is the public inquiry, which happens about every 5 years. Under the new system, the plan would need to be reviewed every 3 years and if a public inquiry is to be required, then costs will rise. Hence the suggested response in paragraph 4.8 to avoid a public inquiry if possible.</p>
7.2	<p>As noted in paragraph 6.1 above, it is likely that in the future staff levels may have to increase. This will increase salary budgets. The proposals to reduce the time taken to determine planning applications, may also require extra staff to meet the Government targets.</p>

7.3	<p>The Government has recognised that the proposals in the Green Paper may well have a financial impact on local authorities. To counter this, it is proposing three ways of helping to meet these increases:-</p> <p>a) an immediate (April 2002) 14% increase in planning application fees</p> <p>b) a fundamental review of the fee regime, looking at the current fee structure, particularly on large applications; whether or not there is a case for fees to be determined locally; and; the scope of the activities covered by fees.</p> <p>c) a requirement for local authorities to account separately for the cost of its planning function and this, it is believed, will inform the level of monies given under the revenue support grant to address the resourcing needs of the planning service.</p>
8.0	<u>Human Rights Implications</u>
8.1	<p>The Green Paper proposes greater transparency and involvement of the community in the planning service. Therefore it is not envisaged that there will be any negative human rights implications. However, as mentioned above, the Green Paper does discuss third party rights of appeal and concludes that there is no case for introducing this procedure into the LDF or planning application process. The Government believes that the way forward is to “make the planning system more accessible and transparent and strengthen the opportunities for community involvement throughout the process”.</p>
9.0	<u>Other Implications</u>
9.1	<p>There are no youth, environmental, anti-poverty or community safety implications as a direct result of this report.</p>
10.0	<u>Conclusion</u>

10.1	The Government has prepared a Green Paper on the proposals to change the planning service. The suggested responses are detailed under section 3, 4 and 5 of the report. It is recommended that these form the Council's response, which needs to be sent to the Government by 18 March 2002.
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Background Papers:	
The Background Papers used in compiling this report were as follows:	
Planning: Delivering a Fundamental Change	
Planning Green Paper – produced by Department of Transport, Local Authorities and the Regions on 12 th December 2001.	
To inspect or obtain copies of background papers please refer to the contact officer listed above.	
JFC/Reports/Cabinet 6 Feb 2002 Delivering a Fundamental Change	

Appendix 1

Replacement Borough Plan 2001-2011: Plan Preparation Procedure

Year	Month	Main Task	Other Tasks
1999	February	Identification of Issues	
	March	Identification of Issues	
	April	Identification of Issues	
	May	Identification of Issues	

	June	Identification of Issues	
	July	Identification of Issues	Report to Policy and Resources seeking authorisation of review
	August	Identification of Issues	Preparation for Issues Consultation
	September	Preparation of draft Plan	First meeting of officer working party Preparation for Issues Consultation
	October	Preparation of draft Plan: Introduction/Strategy chapters	Preparation for Issues Consultation
	November	Preparation of draft Plan: Tourism chapter	Issues Consultation commenced 18 November Preparation of policy overlays for GIS
	December	Preparation of draft Plan: Urban heritage and Townscape Chapter	Issues Consultation Preparation of policy overlays for GIS
2000	January	Preparation of draft Plan: Utilities and Services Chapter (part)	Issues Consultation until 21 January Analysis of Issues Consultation Preparation of policy overlays for GIS
	February	Preparation of draft Plan: Housing chapter (part)	Analysis of Issues Consultation Preparation of policy overlays for GIS
	March	Preparation of draft Plan: Town Centre/ Shopping chapters	Report to Cabinet on Issues Consultation Preparation of policy overlays for GIS Work commenced on sustainability appraisal

	April	Preparation of draft Plan: Business and Industry Chapter	Preparation of policy overlays for GIS Consultation on criteria for sustainability appraisal
	May	Preparation of draft Plan: Transport chapter/ Utilities and Services (part)	Preparation of policy overlays for GIS Member Seminar: Urban Heritage and Townscape/ Shopping and Town Centre Chapters Consultation on criteria for sustainability appraisal
	June	Preparation of draft Plan: Leisure and Community Facilities/ Natural Environment/ Downland Chapters	Preparation of policy overlays for GIS Member Training Seminar: Housing Capacity Survey Sustainability appraisal
	July	Preparation of draft Plan: Appraisal, Implementation and Review Chapter	Preparation of policy overlays for GIS Member Seminar: Tourism/ Leisure and Community Facilities/ Business and Industry/Transport Chapters Sustainability appraisal
	August	Preparation of draft Plan:	Preparation of policy overlays for GIS Sustainability appraisal
	September	Preparation of draft Plan: Housing Chapter (part)	Member Seminar: Housing/ Utilities/ Natural Environment/ Downland/ Implementation/ Appraisal
	October	Preparation of draft Plan	

	November	Preparation of draft Plan	Finalisation GIS overlays for Plan printing Member Seminar: Outstanding Concerns Finalisation of background papers
	December	Preparations for First Deposit Consultation	Finalisation of background papers
2001	January	Preparations for First Deposit Consultation	Report to Cabinet/ Full Council Finalisation of background papers
	February	Preparations for First Deposit Consultation commencing 28 February	Finalisation of background papers
	March	First Deposit Consultation	“By Invitation” Discussion Forums : 20/3- Natural Environment, Downland, Urban Heritage and Townscape, Utilities (excluding Telecommunications) 22/3- Business and Industry, Shopping, Town centre, Tourism and Telecommunications 27/3- Transport 29/3- Housing, Leisure and Community Facilities
	April	First Deposit Consultation until 10 April Administration and consideration of 1040 representations received, including making revisions to draft Plan.	4/4- Public Surgery

	May	Administration and consideration of 1040 representations received, including making revisions to draft Plan.	
	June	Administration and consideration of 1040 representations received, including making revisions to draft Plan.	Meetings with key objectors
	July	Administration and consideration of 1040 representations received, including making revisions to draft Plan.	Meetings with key objectors
	August	Administration and consideration of 1040 representations received, including making revisions to draft Plan.	Preparation of Consultation Statement
	September	Preparations for Revised Deposit Consultation	Report to Cabinet on representations received and proposed revisions to the Draft Plan
	October	Preparations for Revised Deposit Consultation	Report to Full Council Preparation of list of revisions as required by Regulations
	November	From 7 November: Revised Deposit Consultation	
	December	Until 18 December Revised Deposit Consultation	
2002	January	Consideration of 81 representations received at Revised Deposit	

	February	Preparation of Evidence for Local Plan Inquiry	Report to Scrutiny Committee
	March	Preparation of Evidence for Local Plan Inquiry	Report to Planning and Licensing Committee Pre-Inquiry Meeting
	April	Preparation of Evidence for Local Plan Inquiry	Report to Cabinet on Revised Deposit Consultation
	May	Preparation of Evidence for Local Plan Inquiry	
	June	Preparation of Evidence for Local Plan Inquiry Inquiry commences 11 June	
	July	Local Plan Inquiry	
	August		
	September	? Local Plan Inquiry	
	October		
	November		
	December		
2003	January	Receipt of Inspector's report	
	February		

	<i>March</i>		Report to Cabinet on Inspector's Report and authorisation of publication of proposed modifications
	<i>April</i>	Publication of Modifications	
	<i>May</i>		
	<i>June</i>		
	<i>July</i>	Council adopt Plan	Report to Cabinet.

Note: months in italics are predictions of the likely timetable

Jfc/Borough Plan/timescale replacement borough plan