

## POSSIBLES CHANGES TO THE PLANNING SYSTEM

### The Top Twenty(ish)

#### Plan Content

- 1 Developer sponsored LDD
  - (a) Allow developers to promote site specific local development documents.
  - (b) Allow developers to promote chapters of local development documents requiring payment of contributions where they forward fund infrastructure benefiting others and require the local planning authorities to enforce requirements.

*Reason : allows the planning system to be more responsive*

- 2 Specify the criteria that should be used, other than exceptionally, for determining retail, housing, employment etc applications for insertion in LDDs.

*Reason : efficiency in avoiding reinvention of policy criteria in each LPA for LDDs, removing the need for objection and providing greater clarity in determination.*

#### Planning Application

- 3 Single Consent Procedure : Have a single consent procedure that secures all necessary permissions for:
  - (a) development;
  - (b) conservation area issues;
  - (c) listed buildings;
  - (d) highway works.

*Reason : efficiency in avoiding duplication of regimes and applications. Clarity would also be provided for users by having a single consent for each developer making it easier to enforce and for users to understand.*

- 4 Prescribe standard planning application forms around the Country.

*Reason : efficiency in avoiding need to obtain different forms for different LPAs and standardisation of requirements. This would allow a single web based form to be available to all.*

- 5 Require permissions granted pursuant to Section 73 to repeat all conditions that still remain from previous consents so that the same permission contains all relevant conditions.

*Reason : for clarity in identifying all relevant conditions affecting that development, and avoiding the confusion that presently exists as to which conditions in which consent continue to apply.*

- 6 Where extensions and refurbishment consents are issued repeat all conditions that still remain from previous consents so that a single permission contains all relevant conditions

*Reason : for clarity in identifying all relevant conditions affecting that development, and avoiding the confusion that presently exists as to which conditions in which consent continue to apply.*

- 7 Amend policy to allow conditions to be used to secure cash contributions (subject to a limited right of appeal).

*Reason : speed, efficiency and reduction of cost. Some Scottish authorities already adopt this practice.*

- 8 Require planning authorities to discuss heads of terms for any agreement with the applicant and to include the heads in the Committee Report noting where the applicant is in disagreement.

*Reason : for transparency, certainty and efficiency (reducing scope for negotiation)*

- 9 Require public authorities to accept the dedication of/transfer of land for open space where a planning requirement (if desired by developer) subject only to commuted maintenance sums. Too often authorities are not willing to take on long term management.

*Reason : where such facilities are properly required a public authority is often the best long term custodian.*

- 10 Absolute time limit of 5 days for the registration of an application unless papers have been identified to the application as missing.

*Reason : to avoid the problem of local planning authorities delaying the registration of applications and avoiding the commencement of the 8 weeks by which targets are measured. (Note that the right to appeal arises 8 weeks after receipt of the application in order to avoid this problem.)*

- 11 Absolute time limit of 3 days for issue of planning consents where no impediment to issue exists e.g. on completion of s106. Deemed consent if planning permission not issued in time so developer can implement.

*Reason : efficiency.*

- 12 Provide for a "limited" appeal, on a fast track written basis, where a developer has the benefit of a resolution to grant but the planning agreement cannot be settled. If the developer offers a unilateral undertaking which meets the terms of the resolution and is legally compliant, then permission should be issued.

*Reason : to avoid the delay that occurs when there is a dispute about the need for certain planning obligations but not about the need of a development and a full appeal is "overkill".*

- 13 Consistency of judicial review period : 6 weeks for all planning and highway decisions whether made by the Secretary of State or local planning authorities.

*Reason : clarity*

### **Highway issues**

- 14 Allow a road closure order application to be made at the same time as an application for planning permission. Even better, allow it to be made as part of planning application itself.

*Reason : see above in relation to reason for single consent procedure. The proposal if dealt with separately would avoid the delay to the commencement of development that occurs because of the inability of making an application prior to the grant of planning consent.*

- 15 Instead of requiring a separate agreement for highway works, where access is not reserved that should allow the applicant on to the highway to carry out works. Standard terms and conditions could be specified by DfT (relating to agreement of programme, co-ordination with others, insurance, supervision fees, bonds etc).

*Reason : efficiency and reduction of cost to both highway authorities and applicants.*

- 16 Allow developers to require statutory undertakers to carry out works to facilitate development for permitted schemes in the same way that highway authorities can. Require statutory undertakers to use best endeavours to assist in the implementation of development (in the same way that there is a statutory duty to co-ordinate street works etc in NRSWA 1991).

*Reason : to avoid delay in the implementation of development.*

### **Compulsory Purchase Order issues**

- 17 Where local development documents explicitly state that CPO powers will be exercised, only hold an inquiry into the subsequent CPO in exceptional circumstances. Allow LPAs to confirm their own CPOs in such circumstances.

*Reason : to avoid the duplication of procedures where the issue could be addressed in principle in the LDD.*

- 18 Simplify the referencing and notice provisions so that the requirements can be fulfilled by advertisement, site notices and simple service on the property.

*Reason : efficiency, speed and reduction of cost. The preparation of detailed schedules is often expensive, laborious and in any event rarely complete. At least 6 months could be saved on a complex urban CPO.*

- 19 Simplify the plotting of CPOs by treating the CPO area as a single unit with a notice being served in relation to the interest within that unit, avoiding the need for overly complex plot boundary issues, often over multiple levels.

*Reason : efficiency, speed and reduction of cost. The preparation of detailed schedules is often expensive, laborious and in any event rarely complete. At least 6 months could be saved on a complex urban CPO.*

- 20 Simply the provisions on the acquisition/extinguishment of rights so that all rights within an area (including any rights in favour of statutory undertakers) can be extinguished by the publication of a site notice, which would then trigger the right to compensation.

*Reason : efficiency and clarity, and avoidance of doubts raised by the Thames Water Oxford case.*

### **Environmental Statement Issues**

- 21 Raise the threshold for ES for urban development projects to 2ha.

*Reason : to avoid unnecessary Statements being prepared*

### **Public Consultation process**

22 Public consultation. Provide support for the process by appointing/funding:

- public interest advocates/planners to assist interest groups
- formalising role of CPRE, FoE etc

*Reason : to ensure that third party contributions to the planning process are as constructive and well informed as possible, avoiding unnecessary delay.*