



# Chelgate

## CHELGATE BRIEFING

### **PLANNING WHITE PAPER: *Planning for a Sustainable Future***

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## PLANNING WHITE PAPER: PLANNING FOR A SUSTAINABLE FUTURE

*"Our aim is to create a level playing field which better integrates economic, social and environmental objectives. We will do this by building on the success of the plan-led system with sustainability at its heart."*

*Rt Hon Ruth Kelly MP (Secretary of State for Communities and Local Government), Commons Oral Statement on the Planning White Paper, 21 May 2007.*

### INTRODUCTION

On Monday (May 21), Rt Hon Ruth Kelly MP, Secretary of State for Communities and Local Government unveiled major reforms of the country's planning system in the form of a White Paper. The paper aims to speed up the present system in order to tackle the new challenges of the 21<sup>st</sup> century whilst improving community consultation. It has four main objectives:

- Firstly, to develop a better, quicker system to decide major infrastructure projects with enhanced community engagement and an improved level of expertise;
- Secondly, to simplify the local planning system for householders to make it far easier to make home improvements like extensions and conservatories, where there is little or no impact on neighbours;
- Thirdly, to ensure that planning plays a bigger role in tackling climate change; and
- Fourthly to ensure that the planning system continues to support vibrant town centres.

The paper begins with an explanation of how the current system works and then goes on to evaluate the effectiveness of previous reforms to the planning process, notably the Planning and Compulsory Purchase Act of 2004. It details the main long-term future challenges to the planning process focusing on climate change, increasing housing supply, improving local and national infrastructure and maintaining security of energy supply. Criticisms of the current system follow such as the bureaucratic, slow and unpredictable nature of the application process and that individuals find it hard to be heard.

The White Paper then sets out the proposals for reform in response to the recommendations made by Kate Barker a member of the Bank of England's Monetary Policy Committee, in a report published by the Treasury in December. The emphasis is on creating a transparent and accountable process with the implementation of an Independent Planning Commission (IPC).

### CONTEXT

#### Treasury-led reform: The Barker Review

In December 2005, the Chancellor and the Deputy Prime Minister commissioned Kate Barker 'to consider how ... planning policy and procedures can better deliver economic growth and prosperity ...'. The Barker Review of Land Use Planning Final Report – Recommendations was published in December 2006 and ran in parallel with Sir Nicholas Stern's review of the economics of climate change and Sir Rod Eddington's review of transport. All three reports have a strong economic focus and



are likely to be major influences over policy in their respective fields for years to come, especially as Gordon Brown, who co-commissioned all three, is set to be Prime Minister next month.

### **New Prime Minister**

The Planning White Paper can be seen to come at a crucial political moment, during the six-week transition period when Gordon Brown will replace Tony Blair as Prime Minister at the end of June. Brown was keen to implement a radical shape-up of the planning system early in his premiership, introducing legislation into parliament this autumn and it is thought that a bill will follow the paper within months.

### **Heathrow Terminal 5 planning enquiry**

The Heathrow Terminal 5 planning inquiry is often cited as an example of why the planning system for large infrastructure projects needs reform. The inquiry cost £80 million, generated 100,000 pages of transcripts, heard 700 witnesses, sat for 524 days and took eight years from the first application until government approval was given.

### **Energy White Paper**

Rt Hon Alistair Darling MP, the Trade and Industry Secretary unveiled the Energy White paper on Wednesday (May 23). It aims to pave the way for work to begin on a new generation of nuclear power stations under Gordon Brown's premiership. The paper also calls for an expansion in renewable energy generators such as wind farms. That will include new incentives for offshore wind farms and tidal power. Mr Darling justified this push for more nuclear power plants by stressing the need to reduce carbon emissions and to enhance "security of supply". The Planning White Paper pledges to speed up approvals for the building of such projects.

## **KEY POINTS**

### **A new national framework**

A new national framework to determine the country's infrastructure needs over 10 to 25 years is the centrepiece of Ruth Kelly's White Paper. The framework's conclusions will be informed by public consultation and parliamentary scrutiny. Once this framework is finalised an Independent Planning Commission (IPC) will decide whether large infrastructure decisions will go ahead, dealing with up to 25 projects of national importance each year. Planners, lawyers, environmentalists and "community engagement specialists" will staff the Commission. Local people will have their say during "open floor" debates organised by the new planning commission rather than having to go before a courtroom style inquiry hearing. However, critics deem this commission or "unelected quango" as undemocratic and that the "open floor" debates sideline local people. The major criticism is that the IPC's final decision will not have to go before the secretary of state for approval. However, the paper does mention the implementation of "a new legal requirement" on developers to consult with the public and key parties such as environmental groups and heritage experts.

#### *Supporting local planners*

The paper also aims to slash planning red tape for local householder applications and supporting local planners. Consequently, planning permission will not be required for minor developments - such as conservatories and small scale extensions - where it is clear they have little or no impact on neighbouring properties. Additionally, in an attempt to tackle climate change, householders wanting to install small-scale renewable technologies - such as solar panels or wind



turbines will not have to apply for planning permission. This is part of a ten year plan for substantial reductions in carbon emissions.

The paper also introduces new planning rules to enable councils to better prioritise town centres over out-of-town shopping and block developments that threaten the survival of high streets and small shops. Controversially, this will result in the scrapping of the "needs test" which was introduced to try to protect town centres by limiting the number of out of town developments. However, Ruth Kelly promised to replace it with a more sophisticated assessment of the impact developments in rural areas have on town centres in the form of a "competition test". She pledged that applications would be blocked if they undermined town-centre shopping areas.

### **Impact on business**

The White Paper is likely to have a positive impact on business as it introduces necessary reforms to help deliver the major projects, particularly in energy and transport, which the UK needs if it is to remain competitive. The CBI said that delays caused by the current system were costing the UK economy an estimated £2.7 billion a year. Richard Lambert, the CBI Director General said "the new proposals should streamline the system without losing its democratic responsibilities". However, businesses will face a rise in planning fees as the IPC will cost £4m to set up and £8.8m a year to run. An unspecified proportion of these costs will be recovered from applicants, who "may pay more in charges than they currently do". Yet, the government said that higher fees would be more than offset by savings from the speed and reduced bureaucracy of the new approach. In fact, the plan could save £1bn within ten years. Experts also said that the reforms were essential to avoid fines from the European Commission for failing to meet targets on recycling waste.

## **REACTION**

### **Conservative Party**

The Conservatives raised several objections to the Planning White Paper. Caroline Spellman MP, the Shadow Communities Secretary said that government plans to introduce new centralised planning rules reveal Gordon Brown's true "control freak instincts". She sees the new reforms as "gagging local communities" of their voices. Though she deemed reform of the planning system necessary she stressed that the focus should be on shielding local interests and promoting accountability. Ms Spellman declared that analysis of the proposals pointed to the appointment of "quangocrats", with new unelected "planning commissioners" effectively being unsackable and unaccountable. The government proposes fixed eight-year terms, and no ability for their removal on grounds of their decisions, which she felt, gave a green light for the "quangocrats" to ignore public opinion.

### **The Liberal Democrats**

Dan Rogerson MP, Liberal Democrat Spokesman for Communities and Local Government, corroborated the Conservative view, saying that the new proposals were about streamlining the application process and therefore making it easier to push through decisions the government know people will object to.

### **Key stakeholders**

Ministers were urged by businesses to resist pressure from green and other lobby groups to water down the proposals. The British Chambers of Commerce called on the government to "stand firm and see down what will no doubt be trenchant



opposition from special interest groups". Environmental groups were split by the new approach to planning. Though the government said the reforms would make it easier for wind farms and other forms of renewable energy to be built, green campaigners were concerned that the government's real aim was to pave the way for nuclear power plants, motorways and new airports.

John Sauven, executive director of Greenpeace said, "They [the government] will try to say it's about renewable energy, but that is a fig leaf. They could handle renewable energy much better if they engaged local communities." Hugh Ellis, planning advisor at Friends of the Earth said, "You won't be able to object to a new nuclear power plant in your community but you may be consulted on what colour gate it has."

The Environment Agency said the proposals could either lead to "a green boost", if renewable and other environmental projects were given the go ahead, or a "grey binge" if new housing and other infrastructure were built without regard to its environmental impact.

Yet, the Housebuilders Federation said the White Paper was "not the six million dollar man but it should help give Britain the planning system it needs". National Grid also said that there was "no alternative to reforming the way the current planning system works". Balfour Beatty commented that the UK faced a serious infrastructure challenge and anything that assisted in delivering that was "theoretically good for the nation", although the company said the principle of canvassing a range of views should remain.

## WHAT HAPPENS NEXT?

### *Further consultation*

Alongside the White Paper the DCLG also published a consultation document that asks questions on a number of the key proposals contained in the White Paper. These include:

- o Improving the way key infrastructure projects are dealt with;
- o National Policy statements;
- o Preparing application papers for nationally significant infrastructure projects;
- o Determining applications for nationally significant infrastructure projects;
- o Proposals to reform the town and country planning system; and
- o Strengthening the role of local authorities and place shaping.

Responses should be sent by no later than 17 August 2007. A summary of responses, including the next steps, will be published within three months of the close of the consultation (November 2007).

DCLG are also consulting separately on a number of more detailed proposals, in relation to improving the planning appeals process, introducing planning performance agreements, changing permitted development rights for householders and new proposals for planning fees.

## CHELGATE PLANNING

Chelgate offers a award-winning planning support and community relations service. The firm has been operating in the sector for over 18 years, handling projects as diverse as the siting of a nuclear waste repository in Cumbria, a national memorial in London and a leisure village in the middle of Longleat Park, Wiltshire, as well as



many traditional planning challenges such as new settlements, edge of town development, out of town retail and commercial, urban regeneration, Greenbelt and inner city brownfield projects.

Clients have included major house builders, commercial developers, consultants and even development funders.

Among its executives, Chelgate has the expertise and experience of former and current councillors, Parliamentary and European candidates, the deputy chairman of the Environment Council and chairman of the Tory Green Initiative, former and current journalists, and a former property developer to call upon.

### **Chelgate services**

We have developed a 'menu' of services to assist developers at various stages of the development programme. These include:

**Planning evaluation** – determining the prospect for obtaining planning consent, re-zoning or inclusion within local plans and planning frameworks.

**Pre-application stakeholder consultation** – engaging the community at the development planning stage.

**Community engagement plan** – devising and implementing an appropriate community engagement plan as part of the planning consultation process.

**Pre-committee stakeholder engagement** – ensuring that all stakeholders have accurate information about the proposals.

**Issues and crisis management** – effective assistance when a development proposal becomes a regional or national issue, or subject to the attention of environmental or other issue or pressure groups.

**Project support** – providing community communications and relations throughout the project programme.

Further information about these services can be found on the website ([www.chelgateplanning.com](http://www.chelgateplanning.com)) or by contacting:

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