

PLANNING GREEN PAPER

The Government published a Planning Green Paper entitled "Planning: Delivering a Fundamental Change" on 12 December 2001.

Several subsidiary documents were also published including:

- Planning Obligations - Delivering a Fundamental Change
- New Parliamentary Procedures for Major Infrastructure Projects
- Compulsory Purchase and Compensation - The Government's Proposals for Change
- Planning Fees
- Planning - Delivering a Fundamental Change (Regulatory Impact Appraisal)
- Possible changes to the Use Classes Order

The principal proposals in the Green Paper are as follows:

DEVELOPMENT PLAN REFORM

The Government seeks to simplify the current hierarchical system of development plan making by replacing structure plans with Local Development Frameworks ("LDFs"). LDFs will be shorter, more localised documents comprising a statement of core policies (both visionary and strategic), detailed action plans for local areas of change, and a map showing these areas of change together with other more traditional designations such as development limits and conservation areas. Local Plans will effectively be replaced with the local action plans which are envisaged to be more flexible and locally targeted than the present local plan or UDP which may cover a very large area. The Government wants LDFs and the accompanying action plans to be prepared and reviewed in a matter of months rather than the years which development plan review can take at present.

When drawing up LDFs, the Green Paper anticipates that Local Planning Authorities will work closely with Local Strategic Partnerships ("LSPs"). LSPs are not defined in the Paper, but it is envisaged that they will be made up of people representing all sectors of the community. This is an attempt to eradicate the current lengthy public representation and objection/public inquiry method of development plan formulation.

The Green Paper envisages that each LDF should contain a statement of community involvement setting out how the community can be involved in the adoption process of the LDF, its continuous review, and in commenting on major planning applications.

DEVELOPMENT CONTROL REFORM

The Green Paper contains a series of proposals which will have a direct bearing on the delivery of quick and good quality service during the planning application process.

The Government seeks to simplify the application forms themselves, and to encourage pre application discussions with Planning Officers. LPAs may be allowed to make a charge for this service.

It is proposed that Local Planning Authorities may be able to agree bespoke time periods for determination of major or complex applications directly with the Applicant, rather than be subject to the blanket 8 weeks timescale as at present.

Various proposals are set out to make the planning process more user friendly, including encouraging interested members of the public to speak at development control committee meetings, and making it possible to make applications and view planning papers online.

MAJOR INFRASTRUCTURE PROJECTS

The Government has published a further consultation paper addressing the particular problems which major infrastructure projects cause. The recent public inquiry into the proposed terminal 5 at Heathrow Airport lasted for nearly 4 years, the longest one to date. In order to attempt to cut down on the massive cost, time and uncertainty which blight applications for major projects, the Government envisages a new system whereby major infrastructure projects have to get prior "in principle" approval from Parliament before the formal application is made.

REFORM OF PLANNING OBLIGATIONS

The Government proposes to radically alter the current system of independently negotiated planning obligations which are criticised as being secretive, uncertain, and time consuming to conclude. A new system is proposed whereby Local Planning Authorities will set standardised "tariffs" for different types of development through the plan making process. Although these proposals do not specify exactly how tariffs will be calculated, it is possible that fixed charges may be levied, for example, per new dwelling house, or per square metre of new commercial floorspace. The Government recognises that site specific obligations will continue to have a role.

IN THIS ISSUE

- PLANNING GREEN PAPER
- INCREASE IN PLANNING FEES
- PLANNING OBLIGATIONS TO BE MADE PUBLIC
- COMPULSORY PURCHASE REFORM



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PLANNING OBLIGATIONS TO BE MADE PUBLIC

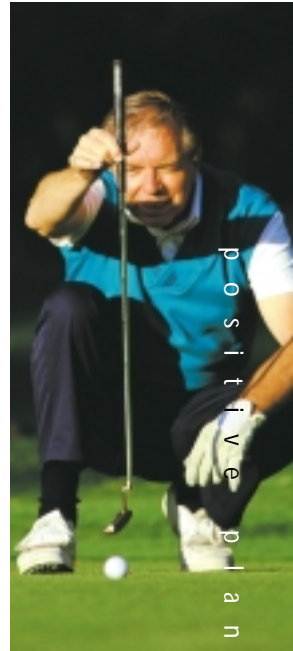
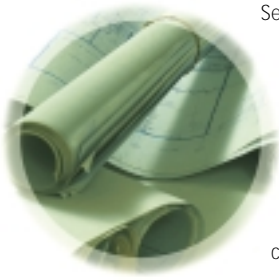
The Government has taken early action on one of the promises made in the Planning Green Paper relating to planning agreements.

The General Development Procedure Order has been amended so as to require details of any planning obligation or Section 278 (highways) agreement to be readily available to the public.

From July 1 2002, Local Planning Authorities will be required to add details of any relevant planning obligation or Section 278 Agreement to the planning register. This will include existing agreements, and details of those which are proposed to be entered into.

Part I of the planning register will contain copies of obligations or agreements which are proposed in relation to current applications for planning permission or reserved matters approval. Once the development control decision has been made, and the relevant agreement completed, a copy will be placed on Part II of the planning register. Particulars of any variation or discharge of the obligation/agreement are also to be included.

The planning register is a public document, and these proposals will address the current criticism that the negotiation and conclusion of planning agreements is too secretive.



POSITIVE PLANNING ACTION

COMPULSORY PURCHASE REFORM

A further supplemental paper to the Green Paper proposes reforms to the current system of compulsory purchase.

THE PROPOSALS INCLUDE:

- Clarification of the justification required by acquiring authorities when exercising compulsory purchase powers for planning and regeneration purposes;
- Allow unopposed Orders to be confirmed by the acquiring authority;
- Enable objections to be dealt with by means of written representations; and
- The introduction of unified Inquiry rules and procedures, with clear deadlines for preparatory procedures

A clearer system for the payment of compensation is also proposed including measures to:

- Provide claimants with a clear statement of the principles for assessing disturbance compensation;
- Pay compensation for actual losses, even if the scheme does not actually proceed;
- Improve provisions for acquiring the entire land ownership even if only a part is actually required; and
- Encourage easier access to the Lands Tribunal in case of dispute.

INCREASE IN PLANNING FEES

Following the publication of the Green Paper, a sharp increase in the fees charged by Local Planning Authorities for planning applications has been prescribed with effect from 1 April 2002.

Fees on an application for outline planning permission for residential development will now be £220 per 0.1 hectare subject to a maximum of £5,500 (previously the figures were £190 and £4,750 respectively).

An application for permission to make a material change of use is now £220 rather than £190.

Applications for permission relating to more substantial development will now attract fees of £220 per 0.1 hectare, subject to a maximum of £11,000.

This represents an increase of over 14%.

INFORMATION

If you have any queries on any planning & development matters please contact:

***Steve Hawkins at Hull on 01482 323239
or Jocelyn Denton at York on 01904 625790***

This bulletin is for the use of clients and will be supplied to others on request. It is for general guidance only. It provides useful information in a concise form.

Action should not be taken without obtaining specific advice.

We hope you have found this bulletin useful. If, however, you do not wish to receive further mailings from us, please write to

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***The law is stated as at 1 May 2002
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