

**4<sup>th</sup> November 2014**

**Planning and Development Committee**

**Changes to the Planning System**

**Report of:** *Tony Pierce, Interim Planning Executive*

**Wards Affected:** *All*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 Appended to the report are a summary of recently proposed technical changes to the planning system, as part of a raft of reforms to planning decisions, and a letter from Sefton Borough Council expressing some of the frustrations and confusions caused by them. Members are asked to consider whether, or not, they would wish to support the sentiments of Sefton councillors.

**2. Recommendation(s)**

- 2.1 That Members consider the nature and extent of recent changes to the planning system and consider whether, or not, to support the letter from Sefton Borough Council.**

**3. Introduction and Background**

- 3.1 On 31<sup>st</sup> July 2014, at the start of the holiday period, Mr Steve Quartermain, the Government's chief planner, wrote a letter to all Council Chief Planning Officers, setting out a range of proposed reforms and changes to the planning system, as part of a 'Technical Consultation'. The proposals covered the following regulatory processes:

- New measures to make neighbourhood planning easier and quicker
- Further changes to permitted development
- Changes to use classes
- Improving the use of planning conditions

- Reducing the numbers of homes and other urban developments that would be screened for an environmental impact assessment; and
- Improving the way major infrastructure projects are planned.

3.2 Appendix A to this report is a useful summary of all the provisions and proposals, which extend to 98 pages. When enacted, they will form part of much more extensive package of reforms, in a series of national regulations and guidance. The consultation is in the form of a lengthy, limited choice questionnaire. Most authorities now no longer respond to such consultations, as they are regarded as rather cynical attempts by government departments at limited 'engagement', rather than openly seeking views and differences of opinion. The Essex Planning Officers Association discussed the issue and all agreed that the considerable time it would take to respond to the technical consultation was not worthwhile.

3.3 Sefton Borough Council considered the consultation and resolved on a motion in an attempt to open up a wider debate on changes to the planning system, which is in Appendix B. The motion expresses strong concern at the number and complexity of changes, under the banner of deregulation, and questions their value.

#### **4. Issue, Options and Analysis of Options**

4.1 As the report is for member consideration of Government proposals, there are no options or analysis provided.

#### **5. Reasons for Recommendation**

5.1 The Sefton Borough Council motion articulates views expressed by individual members of the Committee in past months. Consideration of the motion by Committee may assist in clarifying a Council viewpoint on the planning reforms and changes in recent years.

#### **6. Consultation**

6.1 No specific consultation is appropriate at this stage.

#### **7. References to Corporate Plan**

7.1 An efficient planning system is vital to future prosperity both nationally and locally, which is a key component of the Corporate Plan.

#### **8. Implications**

### **Financial Implications**

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- 8.1 There are no direct financial implications arising from this report.

### **Legal Implications**

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- 8.2 The Secretary of State for Communities and Local Government is responsible only to Parliament in making regulations or orders under Section 333 Town and Country Planning Act 1990. In 1967, Essex County Council challenged a Special Development Order by a previous Minister of Housing and Local Government granting planning permission for the development of Stansted as the site of the third London Airport. The application was struck out – the court held that the power to make a special development order was a purely administrative legislative power, for the exercise of which the Minister was responsible to nobody except parliament.

- 8.3 However, where a formal consultation exercise is carried out the decision making authority is obliged to take into account relevant responses received within the consultation guidelines and timetable.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.

## **9. Background Papers**

- 9.1 The Government consultation can be found on :

- 9.2 <https://www.gov.uk/government/consultations/technical-consultation-on-planning>.

## **10. Appendices to this report**

- Appendix A – Summary of proposed changes to the planning system outlined in Chief Planning Officer letter on ‘Technical Consultation’
- Appendix B – Motion of Sefton Borough Council in response to changes to the planning system

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