



Centre for Local
Economic Strategies

bulletin

Planning for a Sustainable Future: White Paper

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1.0 INTRODUCTION

The White Paper on planning, *Planning for a Sustainable Future*¹, launched on the 21st May 2007, was an opportunity for the Government to propose the necessary changes to our current planning system, and address the shortfalls identified in recent reports, in particular the Barker Review of Land Use Planning² and the Eddington Transport Study³. The Planning White Paper was also seen as an opportunity for Government to respond to the recommendations made by the Lyons Inquiry into Local Government⁴ and the Local Government White Paper⁵.

The much-advocated role of local authorities as 'place shapers' is argued to be heavily dependent on their role within the planning system. Therefore, it was hoped that it would contain proposals for more powers over planning decisions for local government, enabling it to lead in this area. The White Paper, as with the reports that preceded it, will outline the future spending needs of the planning sector, in time for the publication of the Comprehensive Spending Review, expected later this year.

This bulletin will therefore seek to provide:

- an overview of the planning White Paper with a particular focus on the recommendations made by the Government,
- an analysis of the immediate reactions to these recommendations from a range of the sectors concerned, and
- a study of the major implications that these recommendations will have for local government and regeneration practitioners.

2.0 OVERVIEW OF THE PLANNING WHITE PAPER

The White Paper opens by outlining the importance of good planning, detailing the current planning frameworks and suggesting that planning is vital in ensuring a good quality of life for people; protecting environments; allowing individuals to improve their homes and nearby surroundings; and in ensuring the successful economic development of places in order to create jobs and communities where people want to work, shop, live or visit. It is suggested that in order to do this the planning system needs to become more effective and efficient.

High levels of bureaucracy and a lack of clarity and predictability in the system; unclear national policy; difficulty for communities in getting themselves heard; and decisions being taken at the wrong levels were all identified as significant barriers to an effective system. In addition to these existing problems, there were a range of new challenges that need to be faced, including:

- Meeting the challenge of climate change;
- Supporting sustainable economic development;
- Increasing the supply of housing;
- Protecting and enhancing the environment and natural resources;
- Improving our local and national infrastructure; and
- Maintaining security of energy supply.

The White Paper follows on from the 2006 Local Government White Paper, *Strong and Prosperous Communities*⁵, and seeks to further the reforms that are currently “bedding down” from the Planning and Compulsory Purchase Act 2004⁶, whilst also providing a response to the recent Barker Review of Land Use Planning² and the Eddington Transport Study³. The Paper’s proposals aim to address existing problems and future challenges, as outlined above, by finalising Government planning policy on the issues; strengthening the role of local authorities as ‘place-shapers’; and streamlining the planning system to improve accessibility and effectiveness for all.

The white paper’s vision is the creation of more and better jobs as a result of sustainable economic development; better infrastructure including reliable transport, clean and secure energy, clean water, and better local amenities; protection and enhancement of the natural and historic environment; places shaped by their communities; a more efficient and timely planning system; and a more transparent and accountable planning system. These proposals and vision are to be achieved by following five core principles (Box 1).

Box 1 – The five core principles that underpin the White Paper’s proposals:

- 1) Planning must be responsive, particularly to longer term challenges such as increasing globalisation and climate change, and properly integrate our economic, social and environmental objectives to deliver sustainable development;
- 2) The planning system should be streamlined, efficient and predictable;
- 3) There must be full and fair opportunities for public consultation and community engagement;
- 4) The planning system should be transparent and accountable; and
- 5) Planning should be undertaken at the right level of government – national, regional and local.

1) Responsive Planning that Integrates Economic, Social and Environmental Objectives

The current planning system in England comprises three main elements: a framework of development plans; a process of development management (the determination of planning applications); and an appeals system. In addition to involvement in aspects of these main elements, the Government sets legislation and national planning policy, and issues guidance on planning policy and procedures. In order to generate a more responsive system the White Paper proposes that town and country planning is given a **new policy framework** that will encourage sustainable development as part of the *Planning Policy Statement 1: Delivering Sustainable Development*⁷ and will require the finalising of the planning policy on climate change. The new framework will also include measures to deregulate local plan making, including the introduction of **Planning Performance Agreements** that will provide greater certainty on major planning applications, and a simplification of the planning system, including the removal of the need for planning permission on minor householder extensions, which is to eventually be extended to other types of property.

Further to this, and for nationally significant infrastructure projects, it is proposed that there will be **National Policy Statements** for key sectors such as air transport and renewable energy, detailing the needs of each sector and how they will fit into other policies relating to economic development; international competitiveness; climate change; energy conservation/efficiency; and protection of the historic and natural environment.

2) A Streamlined, Efficient and Predictable System

The use of micro-generation equipment, such as solar panels or a wind turbine, on our own homes is a popular topic for the Government as part of its drive to emphasise the personal responsibility aspect of climate change. The White Paper therefore proposes that installation of such devices be given much **greater freedom and flexibility in terms of planning regulation** required, and in addition to this, minor extensions, such as conservatories, should also benefit from such freedoms. This will reduce the number of developments requiring planning permission and free up time for planning officers to deal with more significant proposals. It is also proposed that the information required for planning applications be reduced in order to simplify the system.

For larger, nationally significant developments, the aim is to **reduce the time taken from application to consent**, aiming for less than a year in the majority of cases. This is hoped to be achieved by rationalising the different consent regimes; improving inquiry procedures; and by imposing statutory timetables. By doing this, it is anticipated that the overall costs incurred by both developers and the Government will be reduced, and protracted negotiations, such as those that occurred in the development of Heathrow's Terminal 5, leading to an inquiry costing £80 million⁸, will be avoided.

3) Full And Fair Opportunities For Public Consultation And Engagement

The aim of this principle is to "*improve actual community engagement in planning rather than create more processes*". Despite this principle, the White Paper proposes that **the independent examination of separate 'Statements of Community Involvement' for planning and community strategies, should be scrapped**. In addition to this, it is proposed that **more flexibility be given to local authorities on how and when to consult local communities on**

their local plans. Therefore, to ensure that community engagement is actually improved, the Government will bring in a **new statutory best value duty** that will guarantee high standards of community engagement, and continued emphasis of the benefits of **early engagement and effective consultation on local plan preparation** is expected to further this aim.

With regard to nationally significant developments, the White Paper recognises that despite the need for any such developments, they can still pose a significant burden on a local community. Therefore, public consultation is vital, and when a specific location is proposed, local and community engagement should be guaranteed. In order to make the process of participation easier, the White Paper proposes an **'open floor' stage in inquiries** that will hopefully allow members of the public to engage on a more equal footing with the professional advocates who currently dominate the system. This should go hand-in-hand with **increases in grant funding for bodies such as Planning Aid**, which will help to ensure that members of the public receive quality advice and support to allow them to reach this equal footing.

4) A Transparent and Accountable System

Proposals to reduce the number of minor planning applications required, and the reduction of information required for applications are also aimed at freeing up resources that can be focused on schemes and issues where scrutiny and public testing is of vital importance. This will allow all those involved in the planning system to have a better understanding of why particular decisions are made, thus improving the accountability of the system.

Ministers should be made clearly accountable for the strategy laid out in the **National Policy Statements**. This would then allow an independent commission to become responsible for the determination of individual applications within the national policy statement framework. In order to achieve this a proposed **independent body would be set up called the Infrastructure Planning Commission**, which would have a clear legislative framework laid out by Parliament and a policy framework set by ministers, via the National Policy Statements. The commission would comprise of *"leading experts from key sectors"* and will include planners, lawyers, environmentalists and community experts. This will remove the political element to individual applications; however, legal challenges would still be possible against any decisions made.

5) Planning at the Right Level – National, Regional and Local

The continuing emphasis on local government as 'place shapers', as outlined in the 2006 Local Government White Paper, and furthered in the recent Lyons Inquiry into Local Government, is to be enhanced by ensuring that **planning decisions are taken at as local a level as possible**. However, where necessary planning should reflect wider needs through the creation of the regional spatial strategies. And in order to ensure that local needs are still reflected at this level, the White Paper proposes **encouraging local authorities to collaborate across boundaries**.

To further the drive for greater efficiency the Government also proposes that **the number of town and country planning cases called in for review by the Secretary of State are reduced** and that some **non-national infrastructure decisions, particularly in relation to transport, are devolved to local authorities**.

The number of decisions taken at the national level are deemed to represent only a tiny proportion, and relate only to major infrastructure plans. As previously outlined, proposals from the White Paper indicate that these decisions will now be made by an independent commission and that **it is the local authorities job to ensure that local needs are fully accounted for by the proposed Infrastructure Planning Commission.**

3.0 REACTIONS TO THE RECOMMENDATIONS

Concerns were raised over the White Paper's focus on the construction of the Infrastructure Planning Commission (IPC) and the alleged erosion of democratic accountability and public engagement that is expected to follow. Cllr Keith Mitchell, chairman of the South East County Leaders described the IPC as an attempt by the Government to *"appoint their own un-elected quango to bulldoze their way through democracy"*⁹. Neil Sinden, policy director at the Campaign to Protect Rural England, echoed these concerns stating that the new system would *"strip democratic accountability out of the planning system"* and that planning inquiries do, and often need to, take time¹⁰. The Conservatives added to this by saying that the new system will *"dump developments on local communities"*¹⁰ with *"sewage plants and incinerator chimneys dumped in neighbourhoods, contained in the 'small print' of the White Paper"*¹¹. Shadow Local Government Secretary Caroline Spelman branded Gordon Brown a 'control freak' who had gone against his recent pledge to give local residents a greater voice by backing these reforms, adding that *"yes, the planning system needs reform – but the voice of local communities must be preserved and a democratic, accountable process must be maintained"*¹¹.

Concerns that the White Paper will marginalize the role of local authorities and allow a non-elected body, the IPC, to overrule their decisions were raised. The chairman of the LGA, Lord Sandy Bruce-Lockhart, proposed clarification on the ability of the IPC to overturn councils' decisions, suggesting that it should only be possible when a breach of law is demonstrated¹². Most critics agree that the formation of a body such as the IPC should come with guarantees that the applications referred to it are clearly demonstrated to be of national significance, and that this should number around only half a dozen per year. Dermot Finch, Director at the IPPR's Centre for Cities, added that they would like to see *"clear caps on the number and type of decisions the IPC will make – [with] regional experts on the panel"*¹¹.

However, it wasn't all bad news for local authorities. Plans were outlined for the passing of powers over some planning issues from Whitehall to councils, if planners performance improves¹³. Acting Director of the NLGN, Dick Sorabji, welcomed the White Paper calling it a *"sensible reform to loosen planning logjams"* that *"reflects a sea-change in the role of local government in strategic planning"*, which will reduce the number of planning decisions delegated for Ministerial approval by around 50%¹⁴. There was also relief that some of the recommendations made in the Barker Review appeared to have been watered down, such as the rethinking of the Green Belt policy and the scrapping of the 'needs test' for out-of-town retail development¹³. And despite concerns over the remit of the IPC, Lord Sandy Bruce-Lockhart believed that overall *"Councils will be pleased that the White Paper proposes a reduction in the volume of national policy guidance, fewer government appeals and an end to needless involvement by ministers in local issues"*. But again, pressure is heaped onto the forthcoming Comprehensive Spending Review to ensure that councils have *"greater control over funding for infrastructure"*¹⁵.

However, the Royal Town Planning Institute (RTPI) was unhappy that discussion on the "myopic" green belt policy had not been proposed, accusing the Government of "wimping out". Director of Policy Kelvin MacDonald said that "we need to look at how to minimise CO² emissions from travel – not encourage it, we need to link jobs, housing and retail – not separate them, and we need more green space in our cities – not at the very edge of them"¹⁶. Indeed, this would seem to run contrary to the White Paper's claims that it is putting sustainable economic development at the heart of its proposals, a fact that had been warmly welcomed by Natural England¹⁷. And there was criticism over the recommendation to re-assess the 'needs test', with it being described as a "blunt instrument" in the White Paper. This proposal was viewed as contradictory to the Government's commitment to the 'town centre first' principle¹⁸.

The most vitriolic of attacks came from Friends of the Earth who were not at all happy with the formation of the IPC, seeing it as a method of fast tracking contentious developments and by-passing local scrutiny, citing that the new proposals will "fast-track massive and damaging new developments, increase UK carbon dioxide emissions, and reduce the right of local people to object to schemes that threaten their communities"¹⁹. Friends of the Earth Planning Advisor Hugh Ellis had previously added that "the planning White Paper will give the green light to massive new developments while stripping away opportunities for affected communities or the wider public to input on the decisions. This is policy making at its worse - it will destroy local communities and exacerbate climate change"²⁰. The Campaign to Protect Rural England (CPRE) was similarly wary of the proposed reforms branding the White Paper as "business friendly" with "the potential to radically change the character of the urban and rural environment by putting the needs of business first"²¹.

However, defending the White Paper's reforms, Ruth Kelly argued that the current system is "baffling" and "makes it hard for people to have their say", and that "too often it favours the well-resourced over the less well-off"²². The new system proposes to include intense public scrutiny at an early stage, avoiding the need for repetition of arguments at various local enquiries. At the same time there is a proposal to increase resources to agencies such as Planning Aid, allowing communities and individuals greater access to planning advice²².

4.0 IMPLICATIONS FOR LOCAL GOVERNMENT AND REGENERATION PRACTITIONERS

Local government has been apprehensive over the recommendations made, with some being welcomed and some being heavily criticised – as is echoed by the differing opinions of the chairman of the LGA above. The proposed reforms appear to be giving with one hand whilst taking with the other. The long advocated and much desired control over local transport, along with other non-national planning decisions, and a reduction in the number of planning applications to be called in by the Secretary of State, show at least some belief in local authorities to act responsibly over such matters, although some may be sceptical that the regulation of public transport has been side-stepped again. Whilst on the other hand, the creation of the IPC is being accepted with a great deal of trepidation, with many viewing its creation as a step towards the marginalisation of local authorities needs and opinions in the national planning arena, and a furthering of the much despised 'quango state'.

There was also a suggestion that the power of local authorities to approve and decline developments in their boundaries will be further eroded by a follow up planning policy statement to be published later this year entitled *Planning for Economic Development*. Concerns were raised that applications falling outside a

council's local development plan will no longer be required to demonstrate "*material considerations*" that would show why a development should go ahead. Instead the onus will now be upon councils to set out "*clear and precise reasons*" as to why a development should not get permission, with only major costs to economic, social or environmental well-being being deemed worthy grounds for refusal²³.

Two highly contentious suggestions from the White Paper were the re-evaluation of the 'needs test' for out-of-town retail developments, and the protection of the current Green Belt policy. Substantial reform of both of these issues was recommended by the Barker Review of Land Use Planning, but they had subsequently been widely criticised. Re-evaluation of the 'needs test' will be a promising compromise that will hopefully allow the Government to maintain its 'town centre first' principle. However, in the case of the Green Belt policy, whilst this will be welcomed by a large number of campaigners such as Friends of the Earth and the CPRE, the Director of Policy at the RTPI has highlighted an important contradiction that this will negatively impact on the White Paper's commitment to sustainable development. Continued protection of the Green Belt, whilst a popular decision, particularly in the rural constituencies, will only serve to exacerbate urban sprawl and will hinder genuine attempts to create sustainable urban environments that can integrate the need for increased housing and the need to tackle climate change.

As with all the reports, inquiries and White Papers published over the past year, any final reaction will need to wait until the publication of the Comprehensive Spending Review, expected later this year, only then can practitioners see exactly where funding will be allocated and as a result, which recommendations are likely to become policy.

For further information on the Planning for a Sustainable Future: White Paper, please contact Phil Northall on 0161 236 7036, or at philnorthall@cles.org.uk.

5.0 NOTES

¹ **DCLG (2007)** *Planning for a sustainable future: White Paper*. Available from www.communities.gov.uk/index.asp?id=1510503 <21st May>

² **HM Treasury (2006)** *The Barker Review of Land Use Planning*. Available from www.hm-treasury.gov.uk/media/4EB/AF/barker_finalreport051206.pdf <5th December>

³ **HM Treasury (2006)** *The Eddington Transport Study*. Available from www.hm-treasury.gov.uk/media/39A/41/eddington_execsum11206.pdf <1st December>

⁴ **OPSI (2007)** *Lyons Inquiry into Local Government - Place-shaping: A shared ambition for the future of local government*. Available from www.lyonsinquiry.org.uk/docs/final-complete.pdf <21st March>

⁵ **DCLG (2006)** *Strong and Prosperous Communities - The Local Government White Paper*. Available from www.communities.gov.uk/index.asp?id=1503999 <26th October>

⁶ **OPSI (2004)** *The Planning and Compulsory Purchase Act 2004*. Available from www.opsi.gov.uk/acts/acts2004/20040005.htm <July 2004>

⁷ **DCLG (2005)** *Planning Policy Statement 1: Delivering sustainable development*. Available from www.communities.gov.uk/embedded_object.asp?id=1143806 <February 2005>

⁸ **The Guardian (2007)** *Terminal 5: The longest Inquiry*. Available from www.guardian.co.uk/uk_news/story/0,,2085043,00.html <22nd May>

⁹ **The MJ (2007)** *Fears over planning reform*. 24th May, p.4.

¹⁰ **BBC (2007)** *Planning shake-up for big schemes*. Available from http://news.bbc.co.uk/1/hi/uk_politics/6675137.stm <21st May>

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- ¹² **LGC (2007)** *Planning goes national: System overhaul could pose threat to local government place-shaping*. 24th May, p.1.
- ¹³ **LGC (2007)** *Councils freed from a lot more central interference in planning policies*. Available from www.lgcnet.com/pages/news/article.asp?ArticleID=342375 <21st May>
- ¹⁴ **NLGN (2007)** *Response to the Planning White Paper*. Available from www.nlgn.org.uk/public/press-releases/nlgn-response-to-the-planning-white-paper/ <21st May>
- ¹⁵ **LGA (2007)** *Government talks the talk on planning devolution, but questions remain*. Available from www.lga.gov.uk/PressRelease.asp?id=5XABCE-A7843A46 <21st May>
- ¹⁶ **RTPI (2007)** *National planning institute fears government has 'wimped out' on opportunity to reform greenbelt*. Available from www.rtpi.org.uk/item/809/23/5/3 <21st May>
- ¹⁷ **Natural England (2007)** *Planning White Paper must put sustainable development centre stage*. Available from www.naturalengland.org.uk/press/releases2007/210507.htm <21st May>
- ¹⁸ **Regeneration & Renewal (2007)** *Paper offers no clear answer on needs test*. 24th May, p.17.
- ¹⁹ **Friends of the Earth (2007)** *Planning White Paper slammed*. Available from www.foe.co.uk/resource/press_releases/planning_white_paper_slamm_21052007.html <21st May>
- ²⁰ **Friends of the Earth (2007)** *Planning White Paper: Major developments may be forced through*. Available from www.foe.co.uk/resource/press_releases/planning_white_paper_major_16052007.html <17th May>
- ²¹ **CPRE (2007)** *Government presses ahead with business friendly planning white paper*. Available from www.cpre.org.uk/news/view/395 <21st May>
- ²² **DCLG (2007b)** *Planning White Paper*. Statement by Ruth Kelly, Secretary of State for Communities and Local Government, available at www.communities.gov.uk/index.asp?id=1510757 <21st May>
- ²³ **Regeneration & Renewal (2007)** *Fears that local plans could be sidestepped*. 24th May, p.3.

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