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**Friends of
the Earth**

The English Planning System: An overview

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- a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland**
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What is the planning system?

When someone wants to build something, permission has to be given. For most developments, the local authority decides, but in exceptional circumstances the Secretary of State decides. There is a process an application needs to follow before a decision is reached, and it is this process and the associated planning documents used which is known as development control. In general, the planning system favours the person applying for development (the applicant) and not the person who objects.

So what's the process?

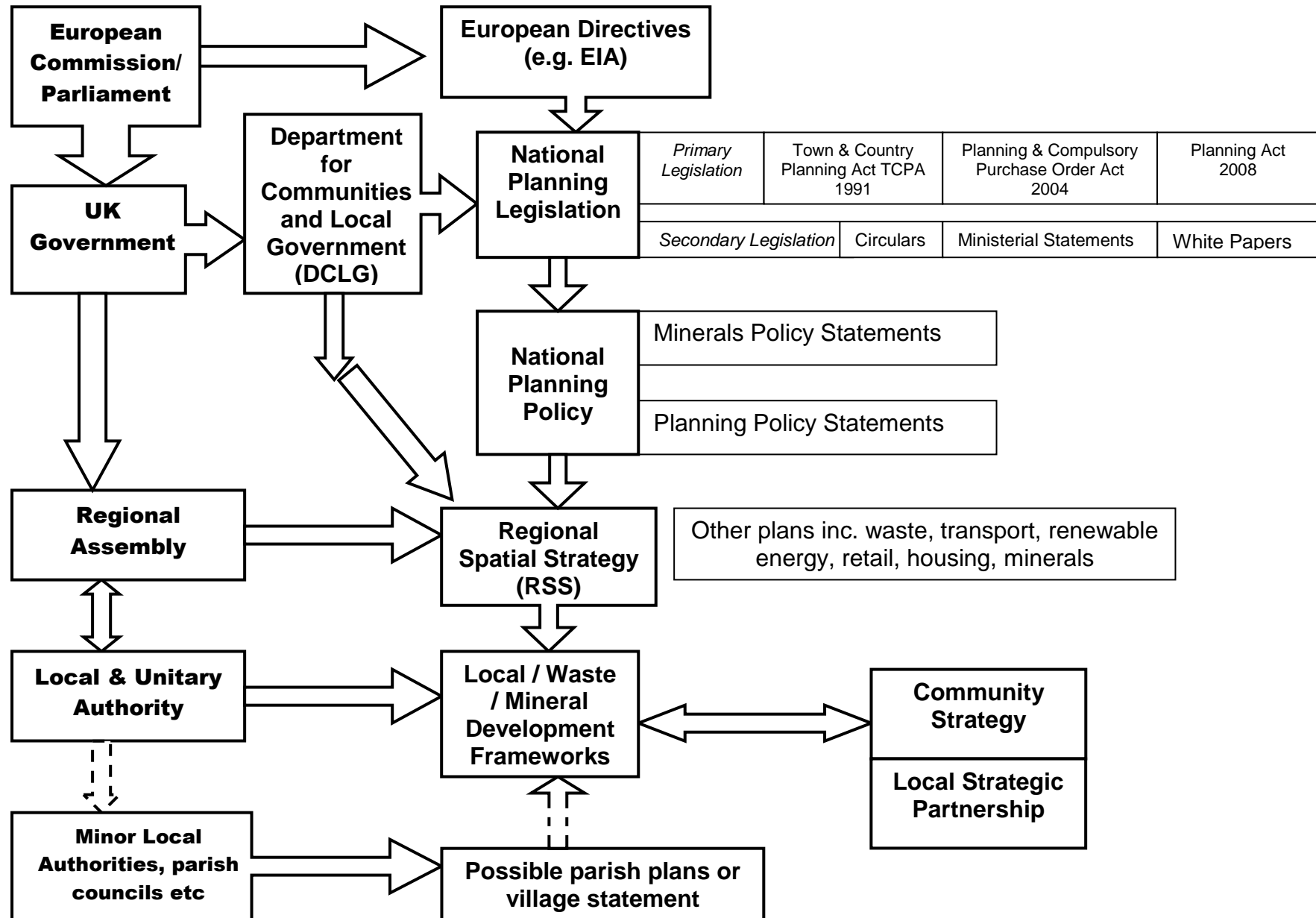
After a planning application is made, along with all the additional information required to assess the impacts, planning officers have to weigh up the different arguments as to why a proposed development should or should not go ahead, based upon a swathe of documents and information. For example, the officer needs to decide whether the environmental damage is too great to allow the perceived economic gain to take place. If this is the case, then a recommendation that the application is refused will be made. After a report is written by the planning officer, the elected planning committee votes one way or the other. Democracy in action!

OK, let's hear more about this 'system' you mentioned

Believe it or not, there is just one planning system in England, but it operates on many levels.

Local development is influenced by what happens nationally. For example, whether a patch of land is filled with houses depends on which sites were allocated for housing in the local plan, which in turn depends on how many houses the Regional Assembly said should be accommodated in the area, which in turn depends on what housing numbers central Government allocated to the county or region.

Political power and policy in planning



Pretty diagram, but what does it mean?

Well, European directives and laws directly influence national planning legislation, as all member states need to interpret and implement them. There are also primary and secondary acts of Parliament, key ones being the Town & Country Planning Acts of 1991, 2004 Planning & Compulsory Purchase Act, and 2008 Planning Act.

This in turn influences national planning policy. This is published in the form of planning policy guidance statements (PPGs) and minerals policy statements (MPSs). These have legal status. Also, just to confuse the already muddied waters, government circulars, government white papers and ministerial statements also carry weight. Weight is a term given to how much importance is given to a document when deciding planning matters.

National planning policy directly influences **regional plans and guidance**. The regional spatial strategies (RSS), (examples being Yorkshire & the Humber, the North East) are blueprints for a region with a 15 year horizon, revised every 5 years. Alongside these lie the **regional economic strategies** (RES), regional sustainable development frameworks (or equivalent) and others, such as cultural strategies, renewable, waste, transport etc.

Some of the policies contained in old county and unitary council plans are being incorporated into the regional plans, whereas minerals and waste remain the responsibility of unitary authorities.

This regional tier influences **local development plans**. Old style plans are being progressively replaced by local development frameworks, which are made up of statutory development plan documents and non-statutory supplementary planning documents.

UPDATE – Changes to the Sub National Review (SNR)

The Government is changing local and regional government in England. The Local Democracy, Economic Development and Construction Bill is going through Parliament and is due to be law by summer 2009.

The Bill, which is largely about promoting economic development, would see the end of England's eight indirectly elected Regional Assemblies outside London. Instead all Assembly powers, including over land and spatial planning and policies on transport, energy, waste and climate change, will go to the quango Regional Economic Development Agencies (RDAs).

The RDAs will work with newly formed Leaders' Boards comprising council leaders from each region. Local councils will also have a new duty to carry out economic assessments of their areas.

The dominant economic focus of the reforms raises questions about how sustainable development will be delivered locally and regionally when there is so much pressure to do "whatever it takes" to help the economy recover.

Government planning policy

Regional planning bodies and local planning authorities need to take into account national planning policies when drawing up development plans and other documents and making decisions on planning applications.

Government statements are set out in a series of planning policy statements (PPSs). These are produced by the Department for Communities and Local Government (formerly the Office of the Deputy Prime Minister was responsible for planning). As a result of the Government's planning white paper in 2004, many of the planning policy guidance notes are being revised and renamed as planning policy statements. These focus on stating Government policy, whilst good practice guidance for local authorities will be set out in separate documents accompanying the planning policy statements.

Ok, what about the regions?

Regional Spatial Strategy

The regional spatial strategy (RSS) is produced by the regional planning body, normally the regional assembly. This is an unelected undemocratic appointed body which is becoming an increasingly powerful decision maker and budget holder. An annual monitoring report must be submitted to the Department for Communities and Local Government and the strategy is a powerful part of the development plan.

These strategies contain the vision for how the area should look (in terms of land use and wider spatial planning) for the next 15-20 years. Such strategies should contain:

- A diagram showing the spatial strategy proposed for the region.

The scale and broad distribution of new development is also contained, covering:

- Housing (for example, housing numbers for each district or unitary council area)
- Environment (conservation, landscape, countryside, wildlife, historic environment)
- Transport (the regional spatial strategy includes a regional transport strategy that should be as an integral but clearly recognisable part within it)
- Infrastructure
- Economic development
- Agriculture
- Minerals extraction
- Waste treatment and disposal
- Proposals for new infrastructure (such as road or rail schemes, or proposals for energy generation)
- Policies for the management of land and its uses to support the spatial planning objectives (such as demand management measures to tackle the growth in traffic)
- Policies or proposals for a sub-regional area (an area covering more than one district council)
- Targets and indicators to measure progress in delivering the policies in the spatial strategy, including targets for the reuse of previously developed land and buildings.

There are many other strategies that are prepared at the regional level. The regional spatial strategy should be consistent with the regional sustainable development framework, if the region has one, and regional cultural, economic and housing strategies. In addition, there are other regional strategies, for example, covering air quality, education, energy, health, soil use, and climate change. The contents of these will feed into and influence the content of the regional spatial strategies. Equally, the policies in the regional spatial strategy should influence the policies in these other regional strategies, especially the regional economic strategy, as well as plans produced at the sub-regional and local level.

Local Development Frameworks

Instead of local plans, the new act introduces local development frameworks. These are folders of documents that get produced at different times and added to the framework once they are adopted by the local authority. The Local Development Framework is meant to be based on the objectives of the Sustainable Community Strategy that sets out the long-term vision for your local area. Please refer to Friends of Earth's guide to Local Development Frameworks for more detailed information.

Local Development Schemes

This is a public statement setting out details of which local development documents will be produced, in what order and when. The LDS is the starting point for local communities to find out what local planning policies relate to your area. Please refer to Friends of the Earth's guide to Local Development Schemes.

Local Development Documents

These are all the documents included in the framework. There are three types of local development document:

1. Statement of community involvement

This explains how the local authority will engage with the public in preparing its documents.

2. Development plan documents

Development plan documents are statutory documents and form part of the development plan. These include:

- Core strategy
- Proposals map
- Area action plans (e.g. shopping centre, airport)
- Development control policies
- Site allocation policies

3. Supplementary planning documents

These elaborate on policies and proposals in the development plan documents, such as:

- Design guides
- Development briefs
- Practice advice notes

Minerals and waste development framework

Minerals and waste local development documents are contained within a minerals and waste development framework (similar to a local development framework). They are produced by the minerals and waste planning authority (county council or unitary authority).

The waste documents contain:

- An assessment of existing waste generation within the area and future trends.
- The authority's overall strategy for managing waste, including detailed policies on how this will be achieved.
- A demonstration of how the overall strategy is based on the 'best practicable environmental option' (technical criteria is contained in Government guidance).
- Policies on waste minimisation.

- Identification of a list of existing waste management sites with capacity to increase.
- Detail of new or existing sites which could be extended for waste management and disposal facilities (if required). These should be specific locations within which specific proposals might be acceptable or criteria which will be used to assess planning applications.
- Policies on how to avoid and reduce the environmental impact of new or existing waste management facilities – such as recycling facilities, composting sites, incinerators, landfill or land-raising sites and waste separation and transfer stations.

Please refer to the Department for Communities and Local Government (DCLG) publication PPS12 and its companion guide for further information, and for information on mineral development frameworks. For Friends of the Earth publications please refer to the references section at the end of this briefing.

Community Strategies

Community strategies and local strategic partnerships are likely to have a significant effect on your area, shaping its future development and setting priorities over the services, strategies and spending of bodies such as the council, police, health service and other organisations. Because of that, you should press for your community strategy to contain commitments and actions needed to address environmental issues.

The Department for Communities and Local Government is in charge of local strategic partnerships. The Local Government Act 2000 places a duty on local authorities (county and district councils and unitary authorities) to prepare a community strategy in partnership with the community. Additionally, the 2006 Local Government White Paper requires local authorities to now prepare Sustainable Community Strategies, by developing a stronger focus on integrating social, economic and environmental issues. These strategies should set out a vision for a local authority's area and how to tackle longer-term impacts that communities might experience. Community strategies are usually prepared by a body called a Local Strategic Partnership, made up of representatives from local bodies and interest groups. Please refer to Friends of the Earth's guide to *Sustainable Community Strategies; Local Strategic Partnerships; & Local Area Agreements* (see guide 2.1).

Conclusion

The planning system may appear complicated but there are steps you can take to ensure your involvement is as effective as possible.

- Make sure you talk to the planning officer at your local authority and ask them your questions if you want something explained.
- Read the various briefings we have prepared to guide you.
- Keep copies of any letters you write and receive.
- Local authorities are duty bound to engage and consult with local communities – don't let them off the hook!
- Get others involved – together you can make a difference. Don't let apathy rule the day, and never take 'no' for an answer.

Further information and guidance:

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Website: www.foe.co.uk

Planning

Email: planning@foe.co.uk
Website: www.YourPlanningRights.co.uk

Right to Know

Email: right2know@foe.co.uk
Website: www.RightToKnowonline.org

Rights and Justice Centre

Email: legal@foe.co.uk

Specific reading

Community Rights Resource Pack - This pack contains the individual guides referred to.
www.YourPlanningRights.co.uk/resource

Useful web sites

Government

Audit Commission
www.audit-commission.gov.uk

Department for Communities and Local Government
<http://www.communities.gov.uk/>

The Planning Inspectorate
<http://www.planning-inspectorate.gov.uk/>

Environment Agency
www.environment-agency.gov.uk/

Environment Agency Public Registers
<http://www2.environment-agency.gov.uk/epr/>

Information Commissioners Office
www.ico.gov.uk

Neighbourhood Statistics
www.neighbourhood.statistics.gov.uk

Planning Portal
www.planningportal.gov.uk

The Planning and Compulsory Purchase Act 2004
www.legislation.hmso.gov.uk/acts/acts2004/20040005.htm

Planning Act 2008

http://www.opsi.gov.uk/acts/acts2008/ukpga_20080029_en_1

Non Governmental Organisations

Air Quality – UK National Air Quality site

www.airquality.co.uk

Campaign to Protect Rural England planning site

www.planninghelp.org.uk

Environmental Law Foundation

www.elflaw.org/

Liberty

www.liberty-human-rights.org.uk/

Planning Aid

www.planningaid.rtpi.org.uk/

Neighbourhood Initiatives Foundation

www.nif.co.uk/

Wildlife and Countryside Link.

www.wcl.org.uk

AirportWatch

<http://www.airportwatch.org.uk/>

Campaign for Better Transport

<http://www.transport2000.org.uk/>