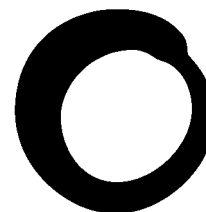


April 2010



**Friends of
the Earth**

The English Planning System: An overview

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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. Under the new planning system adopted in 2008 there are also some large developments which are decided by an unelected body, the Infrastructure Planning Commission. There is a process an application needs to follow before a decision is reached, and it is this process along with 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.

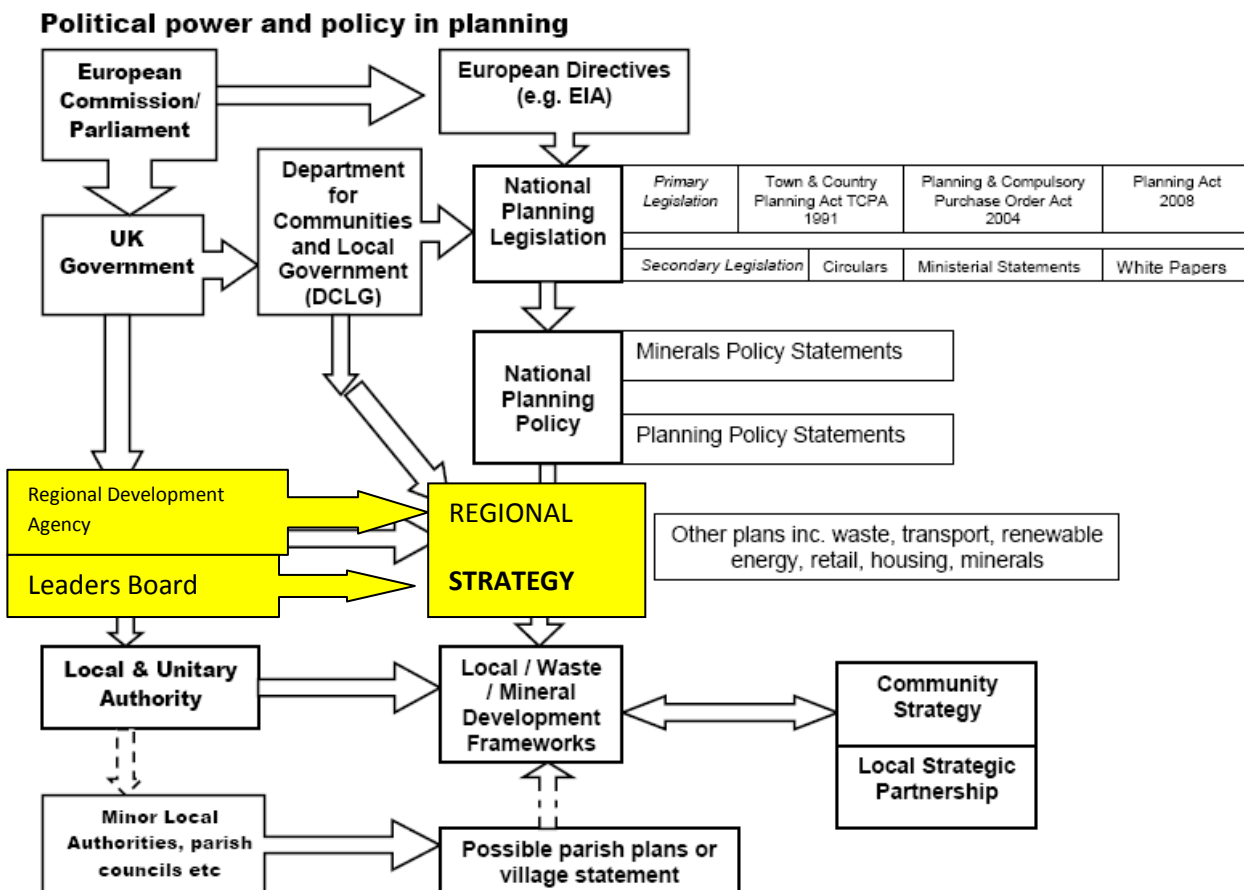
So what's the process?

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

Until very recently, there was just one planning system in England, which operated on many levels. This system still determines most planning decisions, except for certain larger developments which are now removed from democratic control altogether.

In all other cases 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 Planning Body said should be accommodated in the area, which in turn depends on central Government approval of their strategy.



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 primary 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 (PPs), minerals policy statements (MPSs) and National Policy Statements (NPSs). These have legal status. Also, just to confuse the already muddled waters, government circulars, government white papers and ministerial statements also carry weight. Weight is a term describing how much importance is given to a policy or other factor when deciding planning matters.

National planning policy directly influences **regional plans and guidance**. The Regional Spatial Strategies (RSS) are blueprints for a region with a 15 to 20 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, renewable energy, waste etc. strategies.

From now on the RSS and RES are merged into single Regional Strategies, although preparation of these is only just beginning and it will be some time before the RSSs are all replaced. Guidance from the Department of Communities and Local Government sets out three priorities for the Regional Strategies: economic growth, provision for new housing, and climate change including reduction of CO₂ emissions in line with national targets.

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 and County Councils (the “top tier” councils).

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.

How Regions Work



Source: Map redrawn from the Government Offices for the English Regions website - <http://www.gos.gov.uk/>

Under the Local Democracy, Economic Development and Construction Act 2009, England's eight indirectly elected Regional Assemblies have been wound up. (The situation is different in London where there is a directly elected Assembly which remains). Regional planning powers are transferred to the unelected Regional Development Agencies (RDAs), acting jointly with Leaders' Boards drawn from the Local Authorities in a region. The "stakeholders" drawn from business, voluntary and environmental groups and others, who were part of the Assemblies, have no formal place in the new system. The RDAs have existed for 12 years, but were set up to oversee economic development; their promotion to take significant control of statutory land use plans is new under the Act.

The RDAs and Leaders' Boards will operate through joint regional boards covering areas such as housing and transport.

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. As a result of the Barker and Killian Pretty reviews of the planning system there is a continuous programme of reviewing and updating these. The PPSs focus on stating Government policy, whilst good practice guidance for local authorities is set out in separate documents accompanying them.

OK, what about the regions?

Regional Strategy

The Regional Spatial Strategies (RSSs) became “Regional Strategies” on 1st April 2010. 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. The strategies should contain a diagram showing the spatial strategy proposed for the region. The scale and broad distribution of new development is also set out, covering:

Housing (for example, housing numbers for each district or unitary council area)

Environment (conservation, landscape, countryside, wildlife, historic environment, green infrastructure)

Transport (the RSS includes a Regional Transport Strategy that should be an integral but clearly recognisable part within it)

Economic development including retail

Minerals extraction

Waste treatment and disposal

Targets for renewable energy installations, allocated at sub-regional level

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.

These topics are covered in varying degrees of depth, amounting in some cases to little more than a regional slant on national policy, but in some others such as new housing the RSS policies will be very prescriptive, setting the numbers to be achieved in parts of a district, and which the Local Authority then has to implement as best it can.

There are many other strategies that are prepared at the regional level. Most, apart from the Regional Economic Strategy, are purely advisory and do not carry as much weight in legal terms as the RSS, but there is often power play between them, as different government departments have differing views as to which is more important. In addition to the strategies there is also the Regional Funding Advice (RFA) which the regional bodies prepare jointly and submit to government. Once it is agreed it is supposed to set the priorities for spending

so although it is not part of the planning system as such it strongly influences what gets built when.

Local Development Frameworks

In place of the old local plans, the 2004 Planning Act introduced 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 Local Development Scheme (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 are 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 placed 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, with 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*.

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:

Friends of the Earth – Tel: 020 7490 1555
26-28 Underwood Street, London N1 7JQ
Website: www.foe.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.
http://www.foe.co.uk/campaigns/fair_future/resource/rights_resource_pack.html

Local Development Frameworks

<http://www.planningportal.gov.uk/wps/portal/ldf?docRef=LDFSearch&scope=203&langid=0>

Planning Policy Statements

As at March 2010

Completed	PPS1 supplement: <i>Eco-towns</i>
	PPS4: <i>Planning for Sustainable Economic Growth</i>
	PS: <i>Regional Strategies</i>
	PPS25 supplement: <i>Development and Coastal Change</i>
	PPS5: <i>Planning for the Historic Environment</i>
Consultation draft published and consultation period closed	PPS25: <i>Development and Flood Risk</i>
	PPS: <i>Development Management: Proactive Planning from Pre-Application to Delivery</i>
On-going consultation	PPS1 supplement: <i>Planning and Climate Change</i>
	PPS9: <i>Biodiversity and Geological Conservation</i>
	PPG17: <i>Planning for Open Space, Sport and Recreation</i>
	PPS22: <i>Renewable Energy</i>
PPG/PPS reviews to be programmed	PPS1: <i>Delivering Sustainable Development</i>
	PPG2: <i>Green Belts</i>
	PPS3: <i>Housing</i>

	PPS7: <i>Sustainable Development in Rural Areas</i>
	PPG8: <i>Telecommunications</i>
	PPS10: <i>Planning for Sustainable Waste Management</i>
	PPS12: <i>Local Spatial Planning</i>
	PPG13: <i>Transport</i>
	PPG14: <i>Development of Unstable Land</i>
	PPG18: <i>Enforcing Planning Control</i>
	PPG19: <i>Outdoor Advertisement Control</i>
	PPS23: <i>Planning and Pollution Control</i>
	PPG24: <i>Planning and Noise</i>

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>

Useful web sites

Government

Audit Commission Oneplace
<http://oneplace.direct.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

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

Planning Portal
www.planningportal.gov.uk

National Indicators

<http://www.communities.gov.uk/publications/localgovernment/updatednidefinitions>

Non Governmental Organisations (NGO)

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/

Neighbourhood Initiatives Foundation

www.nif.co.uk/

Planning Aid

www.planningaid.rtpi.org.uk

Wildlife and Countryside Link.

www.wcl.org.uk