

Kennet District Council

Regulatory Committee – January 10th 2008

Planning Reform Update

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1.00 PURPOSE OF REPORT

1.01 The purpose of this report is to inform members of the current proposals by the Government for changes to the planning system, with particular emphasis on the changes that will impact on the handling of planning applications and appeals. As a result, the report seeks authority to consult on and introduce a Local Validation List for planning applications received by Kennet.

2.00 FINANCIAL IMPLICATIONS

2.01 Government proposals for changes to planning application fees, if ratified by Parliament, will result in increased fee income for the Council. Other changes in the Planning Bill, if implemented in its current state, may increase costs, but these are unlikely to have any impact before April 2009.

3.00 STAFFING IMPLICATIONS

3.01 No additional staff will be required.

4.00 LEGAL IMPLICATIONS

There are no legal implications to the Council arising from this report.

5.00 NATIONAL PLANNING APPLICATION FORM

5.01 Currently, every local planning authority can supply its own planning application forms. The Government has decided that this can create inconsistency in the amount of information required by different authorities and makes it more difficult for national companies to apply for planning permission in different parts of the country. Accordingly, it has decided that as from April 7th 2008, planning applications will only be acceptable if they are submitted on national planning application forms. These forms, known as 1-APP, are currently being rolled out and will shortly replace Kennet's own application forms. The Government has made it mandatory for certain information to be supplied in these forms, but has also given local planning

authorities the power to require additional information specific to their area to be submitted before validating an application. These will be known as Local Validation Lists. One example of what a Local Validation List could ask for would be a Flood Risk Assessment for a planning application in an area liable to flood. Where a Council has drawn up a Local Validation List and consulted on its contents, it can, at the end of the consultation period, adopt the List, making it mandatory for the information to be supplied. In some areas, such as Hampshire and Dorset, neighbouring authorities have come together to adopt a common Local Validation List. With the likely introduction of a unitary authority for Wiltshire, it makes sense for the district councils to similarly draw up a common Local Validation List that can take effect from the introduction of the national application forms in April 2008. Accordingly, it is recommended that delegated authority be granted to officers to draw up, consult on and subsequently adopt a Local Validation List to accompany the national planning application form.

6.00 PLANNING APPLICATION FEES

6.01 Members may recall that the Government announced a consultation on increasing planning application fees in summer 2007. Despite a majority of responses being in favour of a 40% fee increase, the Government have decided to seek parliamentary approval for a 25% rise from April 2008. This will be the first increase since April 2005. A planning application for each new house will now cost £335 in place of the current £265. Householder applications will increase by a smaller amount, (11%), increasing from £135 - £150. From the Council's point of view, this is a disappointing, if not unexpected outcome. In going for the lower of their two options, the Government have once again shied away from the practical application of their stated desire to see the costs of the planning application service met by the fees paid by its users. This means that the service will continue to be subsidised by taxpayers.

6.02 The Planning Delivery Grant will be replaced by a Housing and Planning Delivery Grant. This Grant will be targeted at levels of housing completions, rewarding authorities that deliver increases in housing stock of over 0.75% of the existing stock. There will also be some money available for progressing the development plan framework. This replaces the previous emphasis in the PDG on meeting targets for determining planning applications. As Kennet is not an area targeted for significant housing growth in the Regional Spatial

Strategy, the new grant will not deliver much in the way of additional resources for the Council.

7.0 MICROGENERATION OF RENEWABLE ENERGY

- 7.01 Members may recall that in April 2007, the government issued a consultation paper on permitted development rights for householder renewable energy projects, such as solar panels and photovoltaics. The proposal to relax planning controls over these types of technology was welcomed by members in their response. The Government have now confirmed that they will be bringing forward secondary legislation in Spring 2008 to implement these changes. In short, these changes will permit solar panels to be fixed to walls or roofs of dwellings without the need for planning permission. There will be some restrictions, such as not facing towards and being visible from the highway in conservation areas or the World Heritage site and a requirement that they must not project more than 15 cm from the roof or wall. Permission will also still be required for additions to listed buildings.
- 7.02 Proposals to exempt domestic wind turbines from planning control are still being pursued, but will not be introduced until industry standards on noise and vibration have been agreed.
- 7.03 Permitted development rights will also be introduced for other forms of domestic scale renewable energy, including combined heat and power and biomass and heat pumps. However, the government does not intend to provide permitted development rights for hydro power,

8.0 HOUSEHOLD EXTENSIONS

- 8.01 Members may recall that in May 2007, the Government published a consultation paper on revising the planning regulations relating to household extensions. In short, the approach proposed was to move away from the current system of requiring planning applications once an extension reached a certain size, to a new impact-based approach. The Government has decided to adopt this new approach, although it is also proposing to reduce the extent of the relaxation of controls originally envisaged. Despite this, the new rules, likely to be introduced either in late 2008 or 2009, will exempt a large number of single storey rear extensions from planning control. For example, a single storey rear extension of 3 metres deep for an attached house and 4 metres for a detached house will no longer require planning permission, subject to various criteria on height etc. Whilst this may reduce the number of householder

planning applications, there may be an increase in the number of complaints from neighbours concerned about nearby building works.

9.0 PLANNING APPEALS

9.01 In May 2007, the Government published a consultation paper on improving the efficiency of the planning appeals process. Following this consultation, it has now announced that it is minded to pursue most of the proposals put forward. Most of these are sensible reforms, such as measures to streamline the appeal process and to 'fast-track' householder and tree preservation order appeals. However, despite objections from 74% of government respondents and 87% of business respondents, the Government is still pursuing the proposed establishment of Local Member Review Bodies to determine certain appeals in place of the Inspectorate. This would in effect transfer the cost of these appeals from the Planning Inspectorate to the Council and would impose a significant burden of additional officer and member time in handling them. The powers to impose these Review Bodies are set out in the new Planning Bill currently before Parliament. If enacted, the Review Bodies would be operational by 2010.

10.0 COMMUNITY INFRASTRUCTURE LEVY

10.01 The Government is including within the Planning Bill powers to establish a Community Infrastructure Levy (CIL). In essence, this would establish the principle of charging a 'tariff' on new development (both commercial and residential) that would contribute towards the infrastructure needs of an area. This would replace the individual negotiations on Section 106 planning agreements that are currently undertaken in respect of contributions towards new schools, roads, community buildings etc, although such agreements would still be required to deal with site specific matters such as the level and type of affordable housing. Under the new scheme, developers would have to pay a set amount, eg for each new house towards the new community infrastructure identified as being required in the development plan.

11.0 OTHER MATTERS

11.01 The most controversial elements of the Planning Bill relate to the proposals to create a new system of development consent for nationally significant infrastructure projects. This would cover certain types of large energy, transport, water, waste water and waste projects. These would be handled by a new independent body called the Infrastructure Planning Commission. Although this is a very significant change in how nationally important projects

are dealt with through the planning process, it is unlikely to have many implications for planning procedures in Kennet.

11.02 The Planning Bill also contains proposals for simplifying the procedures relating to the development plan process and proposes a duty on planning authorities to include policies in relation to the development and use of land which take action on mitigating and adapting to climate change. A consultation paper on proposed changes to the development plan process has been issued and is currently being considered.

12.0 CONCLUSION

12.01 Many of these reforms (such as relaxation of planning controls over some domestic renewable energy schemes) are welcome. Others, such as Local Member Review Boards are likely to be costly new services for local authorities to administer. Some changes, such as the move to national application forms, will take a while to bed in, but could be beneficial in the long term.

13.0 RECOMMENDATION

It is RECOMMENDED that:

- a) The Planning Services Manager be authorised to prepare and consult on the contents of a Local Validation List for the different types of planning applications;
- b) Following consultation and review of any comments received, the Planning Services Manager be authorised to agree the Local Validation List and publish it on the Council's web site as the Council's adopted local list for the different types of planning application received.

Background Papers

The Planning Bill

Government Consultation Papers and Responses to Consultations published on the DCLG web site.

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