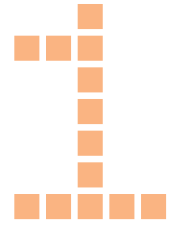


## INTRODUCTION

# Spatial Planning in England



This is Sheet 1 of The Planning Pack. This pack has been written by Planning Aid, with assistance from Urban Forum. The Planning Pack is endorsed by the Royal Town Planning Institute

## Introduction

This is the first sheet of 17 that form the Planning Pack. The pack is designed to explain, help you engage with, and influence, the Planning System. The aim of the pack is to provide knowledge of how the planning system works to enable individuals and groups to participate in the system.

Urban Forum's 'Handy Guide to Planning', produced with assistance from Planning Aid, provides a basic introduction to the planning system. It is a practical guide to the planning system and the general principles that govern the development process. It is a useful starting point for individuals, community groups, and businesses with little or no experience of the system. The Planning Pack provides more detailed explanation of the different aspects of the planning system. Each sheet covers a specific topic and is a stand alone document. Further information on relevant publications and contacts is contained in Sheet 16.

This first sheet introduces the planning process and provides an overview of the system. It briefly explores what is planning and the importance of your involvement in the process. It explains the different levels of the system and who is involved in it and how it works.

## What is Planning and why is it important?

Planning is the system by which the use and development of land is managed for the benefit of all the community (for uses such as housing, schools, shops, offices, factories, airports and community facilities). The overall aim of the system is to ensure a balance between enabling development to take place and conserving and protecting the environment and local amenities. The idea is to create better places for people to live, work and play.

But why is it important? Since planning decisions directly affect our surroundings and therefore our lives, it is important that you understand the planning system and get involved. The system provides ways for communities and individuals to get involved, providing opportunities to influence decisions that shape your environment. Bear in mind, the earlier you get involved in the planning process, the more likely it is that you are able to influence it. The system is also designed to ensure that all proposals are considered fairly and that necessary development, for example new housing, is encouraged and made possible, subject to appropriate restrictions.

The different ways you can get involved in the system are explained briefly in this sheet and in detail in later sheets.

## Who is involved in planning?

**This section explains who is involved in planning at the national, regional and local level. Planning aims to balance the interests of us all and therefore it is crucial that everyone is able to get involved meaningfully in planning.**

### National Level

Parliament is responsible for making laws and has set out the legal framework for the spatial planning system in England. The basic national legislation governing the planning system comes from the Town and Country Planning Act 1990. However that has been amended several times, particularly by the recent Planning and Compulsory Purchase Act 2004. Other relevant legislation includes the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and a range of subsidiary law known as Statutory Instruments. The most important of these are the General Permitted Development Order 1995 and the Use Classes Order 1987. Other laws are also relevant to planning, such as the Environment Act 1995 and the Highways Act 1980.

Whilst parliament makes law, it is the responsibility of the Courts to interpret legislation. The Courts are frequently asked to make judgements on a whole range of planning matters and a large amount of case law, or judicial precedence, has built up over the years. Both central and local government must act within the powers conferred upon them by the above legislation, or else they will have acted 'ultra vires' (outside their powers) and their decisions can be stopped (quashed).

The national (English) Government oversees the planning system, although most functions are devolved to regional and local authorities in the first instance (see below). Note that planning powers have been devolved to the Governments of Wales, Scotland and Northern Ireland. The Department for Communities and Local Government (DCLG) is the government department responsible for running the planning system. Various other central government departments also have a role in planning matters, including: Transport (DfT), Culture, Media and Sport (DCMS), Environment, Food and Rural Affairs (DEFRA).

There are a range of executive agencies, relevant to planning, which support the Government's work including: the Environment Agency, Natural England, English Heritage, Sport England, the Regional Development Agencies and the Urban Development Corporations.

Each region of England also has a Government Office, representing many government departments, including the Department for Communities and Local Government.

### Regional Level

Regional Planning Bodies (mainly Regional Assemblies, covering the 'standard' regions of England) are the organisations responsible for preparing, monitoring and reviewing Regional Spatial Strategies (RSS), which guide the broad direction of development in a region. More detailed guidance may be prepared for part of a region, known as a 'sub-region', and can involve the appropriate County Councils. In London, the Mayor of London has the responsibility for strategic planning and is required to produce the Spatial Development Strategy, known as the 'London Plan', this is similar to a Regional Spatial Strategy.

### Local Level

#### (County/District/Borough/City)

In the larger urban areas of England, such as Birmingham, Bradford and Derby – and a few rural areas, such as Herefordshire and West Berkshire – local government consists of 'Metropolitan' or 'Unitary' Councils and there is only one authority for all council matters. The same applies to the London Boroughs. In the less urbanised parts of England (known as 'Shire' areas), local government is divided into two tiers: County Councils and District Councils (although many Districts call themselves Boroughs or Cities). The County is not 'superior' to its Districts, but they have different roles. When dealing with planning, the council is known as the local planning authority (LPA).

The Metropolitan, Unitary and Shire District Councils are responsible for preparing planning policy documents (plans) for their area, known now as Local Development Frameworks (LDFs). See Sheet 4 for further details. They are also responsible for dealing with all applications for development and enforcement (see Sheet 8-12 for further details).

Following the 2004 Act, the County Councils are responsible for minerals and waste planning (including Minerals and Waste Local Development Frameworks) and their own development, for example education and highways, although they can get involved with and comment on planning matters at both regional and local levels.

Most rural areas also have Parish or Town Councils, which provide an informal 'third tier' of local government. They do not have any powers to prepare formal development plans or decide planning applications. However they can comment on planning matters.

In some specific areas, Government has set up bodies with a wide range of planning powers. These include National Parks where the National Park Authority must plan with a priority for the conservation of the natural beauty of the area. There are also Urban Development Corporations (UDC), which are set up to develop and regenerate areas and may take on relevant planning powers.

## How does the Planning System work?

The planning system operates in a similar way to other functions of central and local government. At national level, the Department for Communities and Local Government (DCLG) has three main roles which are:

- >> setting overall planning policy through White (Command) Papers, Circulars, Planning Policy Statements (PPS), Mineral Planning Statements (MPSs) and Regional Spatial Strategies (RSS);
- >> in exceptional circumstances, confirming the adoption of Local Development Plans prepared by local authorities;
- >> making decisions on planning appeals and major planning applications.

This latter function, decisions on appeals, is largely devolved to the Planning Inspectorate (an executive agency of the DCLG), which provides Inspectors to hear appeals. In the majority of cases, the Inspector decides whether or not the appeal should be upheld. In a few instances, the final decision may be reserved to the DCLG, in which case the Inspector makes a report with a recommendation to the Secretary of State. The Inspectorate also provides Inspectors to carry out independent examinations of Local Development Documents (see Sheet 6).

At a regional level, the Regional Assembly has a department dealing with regional planning and acts as the 'Regional Planning Body', responsible for the preparation and review of the Regional Spatial Strategy. The Regional Planning Body is also consulted over plans at the local level and over major planning applications, checking that proposals conform to (in line with) regional policy.

At a local level, local planning authorities prepare planning policy documents (plans) for their area and deal with applications for, and enforcement against, individual development schemes. Local planning authorities employ paid professional planning officers who are knowledgeable on aspects of planning law, procedure and policy-making and who can give advice to developers and members of the public. Planning officers are also responsible for advising elected councillors (often referred to as Members), who formally approve planning policy documents and who decide large-scale and contentious planning applications. Many smaller applications are decided by a senior planning officer, within approved policy, as set out in Local Development Frameworks, acting under powers delegated from the local planning authority.

Your local planning authority will usually have a department that deals specifically with planning matters; which is usually

split into two parts: one dealing with Plan Preparation and one with Development Control. However some Councils are organised differently with various names used for the different departments.

The plan preparation section is responsible for preparing the authority's Local Development Framework. This section will also be responsible for providing policy comments to the Regional Planning Body and other planning authorities, as well as for the planning input into large-scale development and regeneration projects.

The development control section deals with planning applications, appeals (presenting the authority's case) and enforcement matters. In many authorities, the development control section is divided into geographical areas within the district. In addition, there may be specialist sections that deal with issues such as conservation, design, trees and environmental improvement. The primary considerations when deciding on planning applications are the policies within the Development Plan, which includes the Regional Spatial Strategy and local Development Plan Documents.

Decisions on development plan policies and some planning applications are made at a Planning Committee made up of elected Councillors. Councillors consider reports prepared by their officers and have the final decision whether a policy should be adopted or a planning application should be granted consent. In most cases Councillors accept the advice given to them by their officers.

Some other 'plans', such as Parish Plans and Village Design Statements, will be prepared by local communities themselves (often through Parish Councils or Community Trusts).

## How can you get involved?

It is important that you are involved in all aspects of the planning system from plan preparation to decisions on individual planning applications because decisions on planning applications are based on policy set out in the development plan. Information Sheets 2 to 5 provide more detail about participation in development plan preparation, and sheets 8 and 9 provide more detail about involvement in the development control system.

### Plan Preparation

At both regional and local level it is possible for you to get involved in the preparation of plans

When Regional Assemblies prepare or review the Regional Spatial Strategy for your region, they will try to involve local communities through media coverage and public events. The Assembly has to produce a Statement of Public Participation or Regional Participation Statement, which states how to go about getting involved in each stage of the Strategy's prepa-

ration. Contact your Regional Assembly to find out what stage they are at in the review process. See Sheet 2 for more information.

When local planning authorities prepare documents (plans and policies) for their Local Development Framework, they will run a high profile campaign of public consultation. This might include a residents' survey, media coverage, public meetings, workshops and other techniques to raise awareness and to seek involvement in information and opinion gathering. Check the local planning authority's Local Development Scheme, which is a 'project plan' for the preparation of the Local Development Documents themselves and which tells you which documents will be produced and when. The local authority's Statement of Community Involvement will state how you can get involved in the preparation of the plans for your area. See Sheet 7 for more information

### Development Control

Your local authority's Statement of Community Involvement will also give details of how to get involved in development control (the processing of planning applications and enforcement). Firstly, it is important to read any 'neighbour notification' letters you might receive, any public notices in the local press and site notices in your area relating to new development proposals. Secondly, you can check the 'Register of Planning Applications' available at your local planning authority's offices. This lists all applications received and any decisions made and is usually available on the authority's website. From the planning register you can track down the documentation related to the application concerned, including, on some websites, the details of submitted plans. There should also be information on whom to contact regarding individual applications (called a 'case officer'); there is often a 'duty officer' who is available to advise even if the case officer is not in the office. You should be aware that application details often get amended while being processed and it is important that you follow up such amendments. Your local newspaper

may feature articles on local planning issues.

You can also contact your local ward Councillor, through your local authority, who is your elected representative, and explain your concerns. However, councillors who sit on the planning committee may be unable to advise you, as they must remain neutral in order to participate in the decision-making process. If planning committee members are lobbied on a particular matter, they must declare an interest and not take part in any discussions on the matter.

You will be involved with the planning system if you are the one submitting a planning application; Sheet 8 provides more information on applying for planning permission. If you have submitted an application and it has been refused or not determined within the appropriate timescale (usually 8 weeks), you have the right to appeal to the Government through the Planning Inspectorate. There is no provision in the planning system for an appeal by 'third parties' (other interested people, such as neighbours) against the approval of a planning application.

## Making a Complaint

If you are unhappy with the way your local authority has dealt with a planning matter, you can make a complaint to the Local Government Ombudsman. The Ombudsman can investigate alleged 'maladministration', for example, where a local authority has not notified residents about a planning application, or where they have not followed correct procedure. The Ombudsman has no power to examine planning policy matters, or to reverse the formal decision made by a planning authority. However, if maladministration is found, the Ombudsman can make a recommendation to the local authority to redress the situation. That might be in the form of a formal apology, or some financial compensation – see Sheet 15 for further details.