

# UNITED KINGDOM

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## GENERAL COUNTRY INFORMATION

The United Kingdom (UK) consists of England, Wales, Scotland and Northern Ireland. It has a total area of some 244,000 km<sup>2</sup>.



Map 1: Physical map of the United Kingdom of Great Britain and Northern Ireland

The estimated population of the UK in mid 2006 was 60,587,300, made up as follows:

- England – 50,762,900
- Wales – 2,965,900
- Scotland – 5,116,900
- Northern Ireland – 1,741,600

A significant part of the UK's population is concentrated within the south east of England with a focus upon the capital city of London, which at mid 2004 had an estimated population of some 7.4 million. Elsewhere in England, the greatest concentrations are to be found within the six metropolitan county areas, for example, Greater Manchester and Merseyside. In Scotland, the population is concentrated within the Edinburgh-Glasgow central belt in the south, Edinburgh being the capital city. The capital city of Wales is Cardiff in the south east of the country. Belfast is the capital of Northern Ireland.



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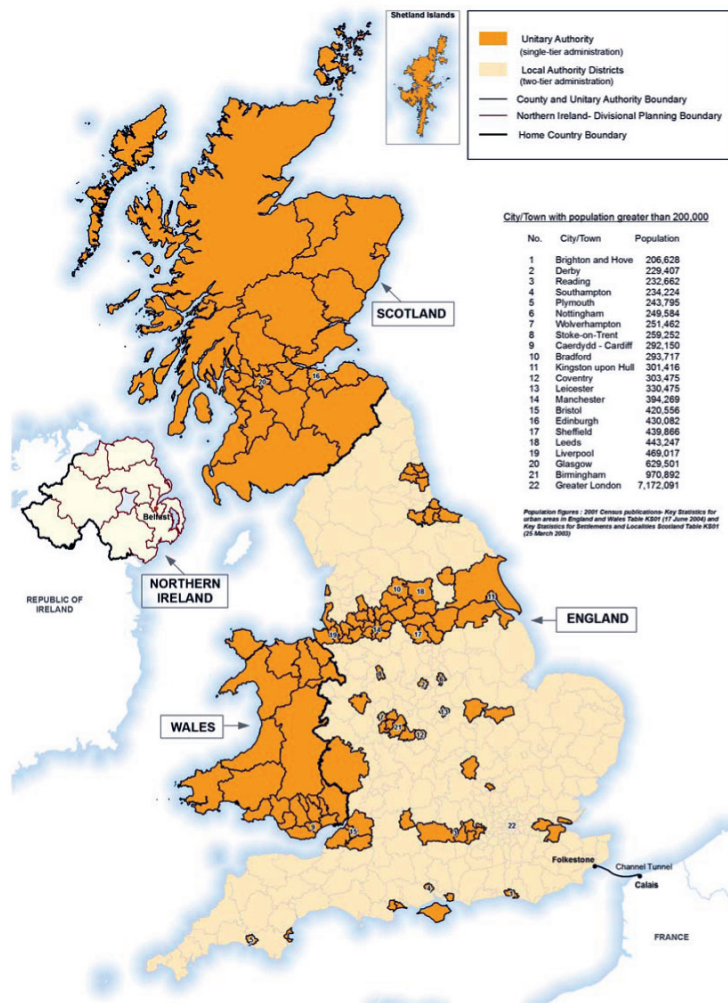
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The UK has been a member of the European Union (EU) since 1973. The Channel Tunnel, opened in 1994, provides a physical connection to mainland Europe.

Compared to the situation described in earlier editions of the IMPP there is now a considerable degree of variation between the planning systems of the four constituent parts of the United Kingdom. This followed the devolution that took place at the beginning of this decade and it is reflected in analyses presented below.

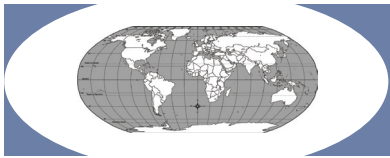
Figure 1: Planning Authorities in the United Kingdom



## PART I: PLANNING FRAMEWORK

- **Governance**

Planning is administered through a combination of central and local government. The Department for Communities and Local Government (DCLG), a Ministry of the United Kingdom Government, is responsible in England. Beyond London, where the Greater London Authority (GLA) is equivalent to a regional planning body, there is no elected regional tier of government. There are, nevertheless, regional bodies which are voluntary assemblies made up of indirectly elected members drawn from the constituent local authorities, and Government nominated appointees. There are also regional development agencies with a remit to promote economic development, and nine regional government offices (GOs). The GOs bring together the regional interests of several Government departments. Their functions include the administration of land use, regional and urban policy and the allocation of Government and EU funding.



Prior to devolution, planning in Scotland, Wales and Northern Ireland was the responsibility of the Scottish, Welsh and Northern Ireland offices of the UK Government, each headed by a Secretary of State. With the devolution effected by the Blair government, national planning responsibilities in Scotland are for the Scottish Executive, which is accountable to the Scottish Parliament. The Scottish Parliament has the power to legislate on planning.

The National Assembly for Wales did not have legislative powers when it was created; new laws were passed by the Westminster Parliament and at the time of writing that remains the case. However, the Government of Wales Act 2006 created a mechanism for the selective transfer of primary legislative powers in devolved areas, including town and country planning, to the Welsh Assembly. Powers can be transferred either by clauses within Acts passed by the Westminster Parliament, covering specific areas dealt with by the particular Act, or by an Order transferring specific powers to the Assembly Government. As a consequence, there will be a gradual transfer of legislative powers to the Welsh Assembly over the coming years. In the case of Northern Ireland, responsibility for planning legislation now rests with the Northern Ireland Assembly.

At local government level, outside Northern Ireland, planning powers are exercised by a single tier of local authority in some areas, and through a two tier system in others; both types of authority are directly elected. Scotland and Wales have exclusively unitary systems. The situation in England is more complex. Thus, across most of rural England, there are both county and district authorities. However, many provincial cities and some rural areas have a single tier as have the metropolitan areas of Greater Manchester, Merseyside, South Yorkshire, West Yorkshire, Tyne and Wear and West Midlands, where all local government planning functions are carried out by the 36 constituent metropolitan district councils, for example, Manchester City Council (Figure 1).

In London those powers are exercised by the 32 London boroughs working within the strategic policy of the GLA. Under the Greater London Authority Act 2007, the Mayor of London is granted a new power to determine strategically important planning applications. Where this is exercised, this makes the GLA a local planning authority for development control purposes.

In Northern Ireland, local government is made up of a single tier of 26 district councils. At present, however, these have a consultation role only and powers of plan making and development control remain centralised under the Department for the Environment of Northern Ireland.

- **Planning legislation**

The modern planning system was established by the Town and Country Planning Act 1947. Amongst other things, this highly complex piece of legislation nationalised the right to develop land, bringing effective public control over the development and use of land in accordance with a plan. Allied to that, it also provided for the creation of local planning authorities which would exercise both plan making and development control functions. The broad principles of the 1947 Act have remained largely unchanged to the present day where they have legislative expression for England and Wales in the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and further amended by the Planning and Compulsory Purchase Act 2004 (P&CP Act 2004).

There is separate legislation for Scotland and Northern Ireland. The main planning legislation in Scotland is the Town and Country Planning (Scotland) Act 1997, which is being amended by the Planning etc. (Scotland) Act 2006. Both respect the broad principles of the 1947 Act but with key differences, for example, around the national planning framework and development plans.

In Wales the most significant difference in primary legislation stems from the Planning and Compulsory Purchase Act 2004 (P&CP), which created a separate development planning system in the form of Local Development Plans. In addition, there is an increasing amount of secondary legislation that differs from England, particularly subsequent to the P&CP Act 2004; most of the changes stemming from that Act have yet to be introduced in Wales. The advent of the Government of Wales Act 2006 and the prospect of the



gradual transfer of primary legislative planning powers to the Assembly Government will inevitably lead to an increasing gap between the planning systems in England and Wales.

In Northern Ireland the primary legislative provisions are the Planning (Northern Ireland) Order 1972 and the Planning (Northern Ireland) Order 1991 (as amended by the Planning (Amendment) (Northern Ireland) Order 2003 and the Planning Reform (Northern Ireland) Order 2006).

- **Purposes and main features of the planning system**

Planning today has two main purposes. The first is the long-standing one of regulating the development and use of land in the public interest. The second, a feature of the 2004 Act, is to contribute to the achievement of sustainable development. Similarly, the 2006 Act in Scotland introduced a requirement for development plans to contribute to sustainable development. It also provides for a national planning framework.

A particular feature of the UK planning system is its comparative flexibility which enables it to respond to the constantly changing circumstances within which planning has to work. Thus, while the statutory development plan (see below), is the starting point in the consideration of planning applications for the development or use of land, and provides the essential framework for planning decisions, 'other material considerations' may be taken into account.

Those material considerations include statements of national policy. In England, these take the form of Planning Policy Statements (PPS), Planning Policy Guidance notes (PPG), statements on minerals policy, Circulars and Parliamentary Statements. The Welsh equivalent of PPS is a single document, Planning Policy for Wales; this is supplemented by Technical Advice Notes (TANs), Circulars and Ministerial Statements. In Scotland, the series of Scottish Planning Policies (SPPs) sets out Ministers' intentions on planning, supported by a wide range of Planning Advice Notes (PANs). In respect of Northern Ireland, similar planning policy statements are published by the Department of the Environment for Northern Ireland; they are supported by development control advice notes (DCANs). Viewed as a whole, this national planning policy carries considerable weight and influences both the content of development plans and development control decisions.

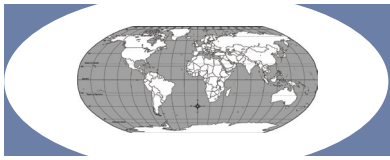
In the three smaller countries, these policy statements are complemented by national spatial plans. Thus, in Northern Ireland there is the Regional Development Strategy for Northern Ireland 2025. This is a planning framework that complements that for the Republic of Ireland to the south (the National Spatial Strategy for Ireland 2002-2020).

In Scotland, the National Planning Framework for Scotland was published in 2004 and there is a commitment to update it every four years. Part 1 of the Planning etc. (Scotland) Act 2006 places the National Planning Framework on a statutory footing for the first time and allows the framework to identify 'national developments', signalling that the need for the development has been established. A draft of the second framework was published in January 2008.

The Welsh equivalent Peoples, Places, Futures: The Wales Spatial Plan was published in the same year. It is a statutory document, provision for which was made under Section 60 of the Planning and Compulsory Purchase Act 2004. Like the other two documents, the vision that it sets out draws upon the framework set by the European Spatial Development Framework.

There is, as yet, no overall spatial plan for England. However, since the 1980s, there has been a gradual strengthening of regional level planning. Thus, following the 2004 P&CP Act, England now has a system of regional spatial strategies (RSS); these are statutory plans forming part of the development plan. In London, the equivalent 'regional' plan is The London Plan: Spatial Development Plan for Greater London.





## PART II: PLANNING PROCESS

- **Plan making and competence for planning**

In recent years the pattern of development plan making in England has undergone significant changes. Until the P&CP Act 2004, the development plan consisted of, in the two tier areas, 'broad brush' structure plans prepared by the county councils and detailed local plans, prepared by the district councils. Unitary development plans (UDPs) were prepared within single tier areas. That changed markedly with the reforms of the 2004 Act.

Thus, in England the statutory development plan now consists of:

- Regional Spatial Strategies (RSS) or the Spatial Development Strategy prepared by the Mayor of London
- Development Plan Documents (DPD) (prepared by district councils, unitary authorities and some other bodies).

RSS must contain a vision statement, a spatial strategy in diagrammatic form, and an implementation plan. There is provision for the preparation of sub-regional strategies where there are important development issues that cut across local authority boundaries. The principal responsibility for the preparation of RSS is that of the regional planning body (RPB). The RPB first identifies the issues to be considered. It then develops options and policies and assesses their effects; these steps are carried out to a fixed timetable in conjunction with the relevant GOs and with the local planning authorities.

The draft RSS is then published and subjected to formal consultation prior to an examination in public by a panel appointed by the Secretary of State. The panel reports to the Secretary of State who then consults further on the proposed changes before issuing the final strategy. In the case of London, the Greater London Authority is the body responsible for both preparing and approving the 'regional' strategy.

At the more local level, the DPD forms the statutory part of the Local Development Framework (LDF). The LDF is a folder or portfolio of documents and other information that is intended to set out each planning authority's policies and proposals for meeting the economic, environmental and social aims for their area. The DPD element is made up of the core strategy, site allocations, area action plans (for areas of change and areas of conservation), the proposals map and general policies for the control of development. This suite of documents can be produced to the same or to different timescales depending upon the particular needs and priorities of the authority. The plans are underpinned by extensive public participation, recorded in a statement of community involvement and the 'soundness' of the plan is tested through an independent examination.

The LDF system is quite different to the system of local plans that it has replaced, and it requires a new way of thinking. At its heart is an emphasis on spatial planning and delivery and these underpin the tests of soundness. The intention of LDFs is to streamline the local planning process and to promote a pro-active, positive approach to managing developments. Among the key aims is that of flexibility enabling planning authorities to respond to changing local circumstances and ensure that spatial plans are prepared and reviewed more quickly than development plans under the old system.

The P&CP Act 2004 was also highly significant for Wales as it introduced a new system of development plans known as Local Development Plans (LDP) to replace Unitary Development Plans. Whilst both the UDP and the new LDP are single documents dealing with land use planning, the similarity ends there. The underlying ethos of the new LDP system is the same as that of the LDF system in England. LDPs will express in a spatial manner the planning authority's vision for the future development of its area and how that is to be delivered. It also will be independently examined to establish whether it is 'sound', using tests broadly similar to those in England. The LDP is to be a shorter, focussed document that is prepared more quickly than the UDP, which took many years to prepare, and will be reviewed regularly.



In Scotland the current development plan framework consists of an upper tier of structure plans, prepared individually or jointly by councils, and lower tier local plans. Structure plans are approved by Scottish Ministers, while local plans are adopted by planning authorities. The majority of local plans will be subject to a public local inquiry before adoption, while structure plans are very rarely subject to the process of examination in public. A major concern of current development plans is the length of time taken to prepare them and the fact that around two-thirds of local plans are over 5 years old. This has been the major push behind the modernisation of the development plan system, heralded by the Planning etc. (Scotland) Act 2006.

In Northern Ireland, there is a centralised approach to development plan production, with area, local and subject plans prepared by the six divisional offices of the Planning Service within the Department of the Environment Northern Ireland, rather than by local government. Area plans are the main type of development plan within Northern Ireland and are based on a consideration of matters affecting the development or other use of land within one or more district council areas. They apply regional policies and the strategic guidance contained within the Regional Development Strategy (RDS) at the local level. Area plans generally contain additional local policies as well as detailed site allocations, zonings and designations and contain a written statement and maps as well as other illustrative and descriptive matter. Local plans contain the same type of detailed policies and proposals but cover a smaller area. Subject plans cover a particular type of development or use of land within a specified area.

The RDS is prepared by a separate Government Department, the Department for Regional Development (DRD), and provides the regional planning context for area, local and subject plans. The RDS contains a vision and a set of guiding principles, which are incorporated into the spatial development strategy and strategic planning guidelines. The spatial development strategy is expressed in diagrammatic form and the strategic planning guidelines cover specific geographical areas of the province as well as housing, the economy, transportation and the environment. The RDS addresses a range of economic, social, environmental and community issues, which are relevant to delivering the objectives of sustainable development and social cohesion in Northern Ireland, and is not limited to land use.

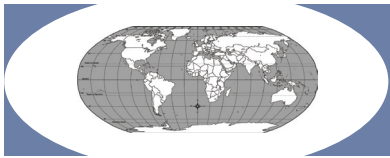
Area plans typically cover one or a group of district council areas; whereas local plans cover a smaller area and subject plans cover a particular type of development or use of land within an area. Area plans generally contain policies and proposals to cover a 15 year period and must be in general conformity with the strategic planning guidance provided by the RDS. An Issues Paper is published early in the plan preparation process and sets out a series of strategic, general and local issues to focus debate on issues that need to be addressed in the draft plan. It coincides with a wide ranging public and community consultation exercise. The published draft plan is followed by a period for public objection and representation and is then subject to an independent examination process prior to adoption.

- **Development control**

Under UK planning legislation, there is a long-standing and comprehensive definition of development that is subject to planning permission: 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land'. Most forms of development require the prior approval of the local planning authority.

However, there are general development orders which grant permission for specified minor works which would otherwise count as development; and use classes orders which remove the need to obtain planning permission for changes of use within defined categories. Both types of order (secondary legislation made by Governments under the Planning Acts) are the subject of regular amendment. Whether a change of use is material relates to a case-by-case judgment of significance. Agriculture is generally excluded from planning control.

Certain types of major development are additionally subject to environmental impact assessment (EIA). The UK's regulations here implement two European Council Directives (85/337/EEC and 97/11/EEC). There is also a Directive on strategic environmental assessment, (the SEA Directive). This assesses 'the effects of certain plans and programmes on the environment'.



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In 2006/7, some 760,000 planning applications were made in the UK as a whole; some 640,000 of these were in England. A local planning authority can make a decision to allow, allow with conditions, or refuse a planning application. Decisions should be made in accordance with the provisions of the development plan for the area unless material considerations indicate otherwise. Those options are the same for Northern Ireland, although it is the Department of the Environment that is the planning authority.

In the case of England, Scotland and Wales, the Government (or the National Assembly for Wales) can call in planning applications for their own decision. This power, which applies to cases that are of 'more than local importance', is used very selectively; in 2006/7 there were about 70 such cases in total. In Northern Ireland, Article 31 procedures are used for processing major applications and again these are small in number; during the 2006/2007 period there were 15 such applications.

Planning applications are recorded in a register available for public inspection, generally publicised in the local press and on site and notified to neighbours. Any person or organisation can object to a planning application. There may also be a need for consultation with government agencies, neighbouring authorities and other bodies. Based upon such consultations, the extent of compliance with relevant development plan policies, previous planning decisions and a visit to the site, the planning officer responsible will then compile a report to the council's planning committee with a recommendation. In practice, in many authorities, most minor applications will be decided at officer level under delegated powers. Where elected members make the decision that may sometimes depart from the recommendation made to them. Meetings of local planning committees are generally open to the public.

Planning permissions will normally be accompanied by conditions which can cover a range of matters such as the detailed appearance of a development, access requirements and landscaping. However, conditions must meet prescribed tests, for example would planning permission have to be refused if that condition were not to be imposed – if not, that condition would need special justification.

Where a matter that is necessary for a development to proceed cannot be included in a planning condition, developers may seek to negotiate a planning obligation. Such obligations may take the form of a planning agreement or a unilateral undertaking. As with conditions, they must meet certain tests. There is also the fundamental principle that planning permission may not be bought or sold. In practice, the system has been used to secure facilities that are a direct consequence of a development, such as schools, health services and public transport. A particularly common use is in connection with affordable housing, where a certain proportion of the units in an otherwise private development are made available for social rent housing or, in certain areas, for 'key workers' – for example teachers and nurses – who would not otherwise be able to afford the high costs of housing in the areas where they work.

The development control system (known in Scotland as development management) is backed up by enforcement powers. While development undertaken without permission is not an offence in itself, it is an offence to ignore an enforcement notice or a stop notice; this can lead to a fine.

In Scotland, the Planning etc. (Scotland) Act 2006 provides a framework for wide-ranging changes to the development management system, currently being brought forward through secondary legislation (See Part III).

- **Planning appeals**

An unsuccessful applicant has a right of appeal. Within the four countries that would be to the appropriate Secretary of State in England, to Scottish Ministers, to the National Assembly for Wales or, in Northern Ireland, to the independent Planning Appeals Commission (PAC). While most such appeals are against the refusal of planning permission, it is also possible to appeal against the conditions that are attached to a permission, and where the planning authority has failed to give a decision within the prescribed period (usually 8 weeks in England and Wales, or two months in Scotland). There is also a right of appeal against an enforcement notice.



In England and Wales, practically all decisions are made by independent planning inspectors employed by the executive agency, the Planning Inspectorate. However, where a proposed development is deemed to be of major importance, it may be 'recovered' for determination by the Secretary of State or the Welsh Ministers (in Wales) who will consider a recommendation from an Inspector. There are three procedures for the consideration of evidence. Most appeals are considered through written representations. However, there is also provision for evidence to be heard, either through a full inquiry involving cross examination by advocates or through a hearing where the inspector is responsible for conducting a structured discussion on issues that are likely to stem from the Council's decision.

Similarly, most appeal decisions in Scotland are made by reporters in the Directorate of Planning and Environmental Appeals. A small number may be 'recalled' for decision by the Scottish Ministers. The three methods of written submissions, hearings and inquiry sessions are also used in Scotland. The modernisation programme in Scotland includes major changes to the appeals process, linked to the new hierarchy of developments. It is proposed that appeals against national and major developments will continue to be made to Scottish Ministers. The time limit for appeals will be reduced to 3 months and reporters will have discretion to decide on the method of examination. However, while local developments that are decided by elected members may still be appealed to Scottish Ministers, it is proposed that those that are delegated to officers may be appealed to a local review body, made up of a small number of members.

The Planning Inspectorate received some 23,800 planning appeals during 2006/7 in respect of England and Wales. About one third of those appeals were successful. In Scotland, the Directorate of Planning and Environmental Appeals received 1363 appeals during 2006/7, while in Northern Ireland the PAC received 2765, reflecting a steeply rising trend during the past three years.

All planning decisions can be challenged in the courts, either on procedural grounds or by judicial review of the reasonableness of the decision.

- **Other initiatives: sustainable development**

The UK Government sees sustainable development as the core principle underpinning planning; at the heart of the concept is 'the simple idea of ensuring a better quality of life for everyone, now and for future generations'.

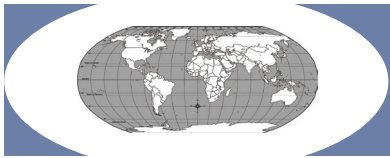
The Government has set out four key aims for sustainable development:

- social progress which recognises the needs of everyone
- effective protection of the environment
- the prudent use of natural resources
- the maintenance of high and stable levels of economic growth and employment.

In England, these aims underlie the planning policy guidance issued by the Secretary of State and they are to be cascaded down to the regional and local levels in their planning and policy making. Such plans are to take a spatial planning approach; this goes beyond traditional land use planning to integrate general policies for the development and use of land with other sectoral policies and programmes which themselves have implications for the shaping and functioning of places. Plans are also subject to new requirements for sustainability appraisal and SEA, following the EU Directive (Ref). In Wales, the Government of Wales Act 1998 placed a duty on the Welsh Assembly to promote sustainable development in the exercise of its functions and that duty has been at the core of all its policies, including those relating to planning.

In Scotland, the Scottish Executive has committed itself to working towards the same sustainable development goals and has set out its approach in its strategy Choosing Our Future (2005). The Planning etc. (Scotland) Act 2006 requires the national planning framework and development plans to be prepared with the objective of contributing to sustainable development. Plans are also subject to SEA as a result of the Environmental Assessment (Scotland) Act 2005, which requires assessment for a broader range of plans, programmes and strategies. While some Scottish authorities have carried out sustainability appraisals on their development plans, this is not a statutory requirement.





The policy context in Northern Ireland is set out in, “A Sustainable Development Strategy for Northern Ireland – First Steps Towards Sustainability” published in May 2006 and, “A Positive Step – Northern Ireland, A Sustainable Development Implementation Plan” published in November 2006. Under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004, area plans are the subject of SEA.

## PART III: EVALUATION

- **Achievements**

The UK planning system’s achievements have been considerable. It has catered for the housing and other development needs of the last half - century, in part through the designation of new towns and other major growth areas. It has helped Victorian cities adapt so they can meet the aspirations of the present era and it has protected the UK’s finest environments. At the same time, it has, in the main, prevented settlements from merging through the ‘ribbon development’ that was typical of the 1920s and 1930s. It has maintained the integrity of national parks and other heritage areas and it has defined firm boundaries to towns and villages so that, in most cases, it is instantly clear where a settlement finishes and the countryside begins. By doing so, valuable protection has been given to areas of high agricultural quality, and to designated areas such as areas of outstanding natural beauty.

On the whole, the system has stood the test of time. Politically there has been all-party agreement about maintaining it. Indeed since the 1990s, the emphasis has been on strengthening planning to make it more effective in delivering the development that is needed and, in improving the quality of that development. There has also been a drive to speed decision-making.

- **Present challenges**

- **car dependent sprawl**

While the achievements of the planning system need to be recognised, the pattern of land use that past planning has helped to shape is a highly car dependent and, in those terms, unsustainable one. Much of the housing development of the ‘planning era’ has been at a relatively low density and, all too often, it has been remote from work centres and services, and poorly served by public transport, making the car a necessity for most journeys. Allied to that, out-of-town superstores have supplanted many village stores, and often the small supermarkets of country towns, while the town bypass has become a typical location for business parks. Such de-centralised developments are generally heavily dependent on access by car and they can be vast consumers of land.

Under the new planning approach, policies aimed at a greater level of sustainability are now firmly embedded in development plans across the United Kingdom. Thus, as a generality, there has been a switch of emphasis from green field, peripheral, development to the use of ‘brownfield sites’ (previously used land). This has reinforced the pre-existing restrictions on development within green belts and rural areas generally. Moreover, housing densities have been raised and there is a greater emphasis on mixed uses, placing new homes alongside workplaces and local services. The former is supportive of more viable public transport while the latter can reduce the need to travel.

- **accommodating household growth**

Another challenge, in some ways a conflicting one, is to accommodate a substantial growth in household numbers, particularly in London and the south east of England. This need has come about through a combination of declining household size – there are more people living on their own, including elderly people – and more people have come to live in the UK, an important source of this immigration being the new member countries of the EU. The related matter of housing affordability is also a major issue.



## - Sustainable Communities Plan

In England, the main national planning initiative is the Sustainable Communities Plan which was launched in February 2003. This seeks to accelerate the provision of housing within the major growth areas of Thames Gateway (to the east of London), the London-Stansted-Cambridge corridor, Ashford, Kent and Milton Keynes/South Midlands (to the north-west of London). This growth is to be in addition to that in London where an estimated 10% growth in population is planned for, over the 15 years to 2021. A significant proportion of the new housing is to be affordable housing (see para.2.18).

The Sustainable Communities Plan also seeks to tackle some very different problems in the North and the Midlands where there are housing areas which suffer from low demand and abandonment. A number of pathfinder schemes have been established in the areas worst affected, the aim being to develop action programmes to turn this situation around.

Not surprisingly, parts of the Plan have proved very controversial. In particular, there is much opposition in the already relatively crowded South East to the accommodation of significant levels of additional housing. There are also concerns that the necessary transport links, the schools, health centres and other associated infrastructure will either not be provided or will lag far behind the new homes. Moreover, there are worries in some areas about flood risk and the potential of future development to worsen existing problems. With climate change already the cause of greater extremes of weather, this has become a critical planning issue in many places.

If we are to achieve the balanced sustainable communities of which the Government speaks, it will be vital to achieve the highest standards of urban planning and design. To that end, a proportion of the new homes to be built are to be provided in the form of 'eco-towns'. These will be small new communities housing some 5,000 to 20,000 people, and providing jobs and other local facilities. They are to be exemplary green developments with a zero carbon impact. Related to that, under the Code for Sustainable Homes, energy performance standards generally are to be progressively tightened. By 2016, all new homes are to be carbon neutral.

## - Accelerating the planning process

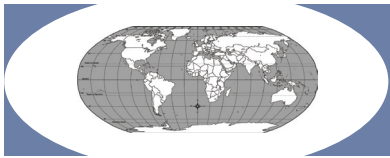
In terms of the English planning system, the introduction of the LDF/DPD system has proceeded much more slowly than was originally envisaged. Many local councils have had difficulties getting to grips with the entirely new procedures which have stretched their limited staff resources. As was the case with the system that preceded it, it is likely to be some time before the benefits of the changes can be fully assessed.

At the end of 2007, the Planning Bill was introduced. Among other reforms to the town and country planning system this brings in a new system for nationally significant infrastructure planning. This aims to streamline procedures, in particular through the rationalisation of different consent regimes and, controversially, through the setting up of an independent commission that is to be charged with making decisions on the largest infrastructure schemes within a framework set by national policy statements.

The Bill also includes proposals for a Community Infrastructure Levy (CIL). It will empower local councils to apply the Levy as a standard charge upon new developments to support infrastructure delivery. The overall purpose of the CIL is to ensure that, through the increase in land value typically associated with a grant of planning permission, development contributes fairly to the mitigation of its own impacts and that it is thereby delivered in a more sustainable way. Where introduced, CIL is likely to operate alongside the existing system of planning obligations.

## - Remote communities

In addition to those general planning pressures and issues highlighted above, Scotland also has particular challenges in planning for remote highland and island communities where the decline of traditional industries and lack of accessibility to the main centres for jobs and services creates difficulties in attracting and retaining population. A lack of affordable housing is also a critical issue, not only in hotspots such as Edinburgh, but also



in attractive rural areas such as the Highlands and in the National Parks. The main concerns with the Scottish planning system in dealing with these and other issues has been the lack of up-to-date development plans and a disproportionate amount of resources taken up with processing applications for minor developments at the expense of the larger and more significant proposals.

## - Planning reform in Scotland

As set out in the White Paper Modernising the Planning System (2005) Scotland's programme of modernisation is extensive, looking across all the main elements of the system. While the Planning etc. (Scotland) Act 2006 sets the framework, a wide range of secondary legislation is currently being drafted covering the national planning framework, development planning and development management. The draft for the second national planning framework sets out a spatial strategy for Scotland until 2030 and includes proposals for 9 'national developments'. If included in the final version of the framework, the need for these developments will have been established and any subsequent inquiry into such a development would examine issues such as location, design and impact, and not the principle of development.

Regarding development plans, the existing structure plans and local plans are to be replaced with local development plans across Scotland and strategic development plans only for the four largest cities: Aberdeen, Dundee, Edinburgh and Glasgow. There will be a statutory requirement to update plans every 5 years and new procedures to involve communities and defined agencies at each stage of the process, including neighbour notification of certain key proposals in local development plans.

In terms of development management, a hierarchy of national, major and local developments is to be created, with different procedures for dealing with applications at each level to ensure a better focus on the larger and more significant proposals. Work is ongoing to increase permitted development rights, particularly for householder developments where there is little value added through the planning process, to help release capacity to focus on major developments. Moreover, the application process is being substantially revised; for example, there are proposals to enhance the scrutiny of certain developments through pre-application consultation with communities and pre-determination hearings. Significant changes to the appeals process and additional enforcement powers also form part of the package of reforms.

## - Planning reform in Wales

In Wales, the National Assembly Government faces similar challenges, in particular the provision of sufficient affordable housing to meet the needs of communities, especially those in rural areas. A specific concern is the relationship between development and the Welsh language, particularly in those parts that are predominantly Welsh speaking, where opposition to development is often based on a perception that there will be an adverse impact. Assembly Government policy is to take account of any impact on the language and planning authorities are developing techniques to assess impact. One of the concerns often voiced is that development may lead to an influx of non-Welsh speakers, thereby diluting the use of the language in daily life and ultimately threatening its viability. Research has yet to establish whether there is a link between development and the language.

However, the need to tackle climate change is now seen as central to all the Assembly's policy aims and is currently the driver behind all emerging policies. The Assembly is committed to the use of alternative sources of renewable energy and aspires to carbon neutral development by 2011. Whilst there is broad support for many of its policies, its support for on-shore wind developments has been opposed in many areas where large new wind farms have been proposed. A challenge for the planning system will be to balance concerns regarding the impact on the environment, landscape and natural heritage with the need to minimise carbon emissions and make the maximum use of clean, renewable energy sources so as to tackle climate change.

The new Local Development Plans have the potential to contribute significantly to the response to climate change by creating more sustainable patterns of development. Welsh local planning authorities have learnt from the lessons of implementing the LDF system in England. But it remains too early to say what the benefits of the new system will be or whether it will be successful in delivering more sustainable forms of development.



The SEAs carried out for three draft plans within Northern Ireland have been the subject of legal challenge within the past year in respect of the transposition of the European Directive, and a number of process and content issues. The ongoing legal process has led to a delay in the adoption of these plans and this has impacted upon the plan programme for Northern Ireland.

- **Planning reform in Northern Ireland**

The key challenge for Northern Ireland will be the need and demand being faced by all jurisdictions, to streamline, reform and modernise the planning system. Integral to this process will be the need to respond to emerging political decisions that are expected to result in the return of the majority of planning powers to locally elected politicians, changing the consultative role that they have played for over 30 years to a decision making one.

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