

the planning users' concordat

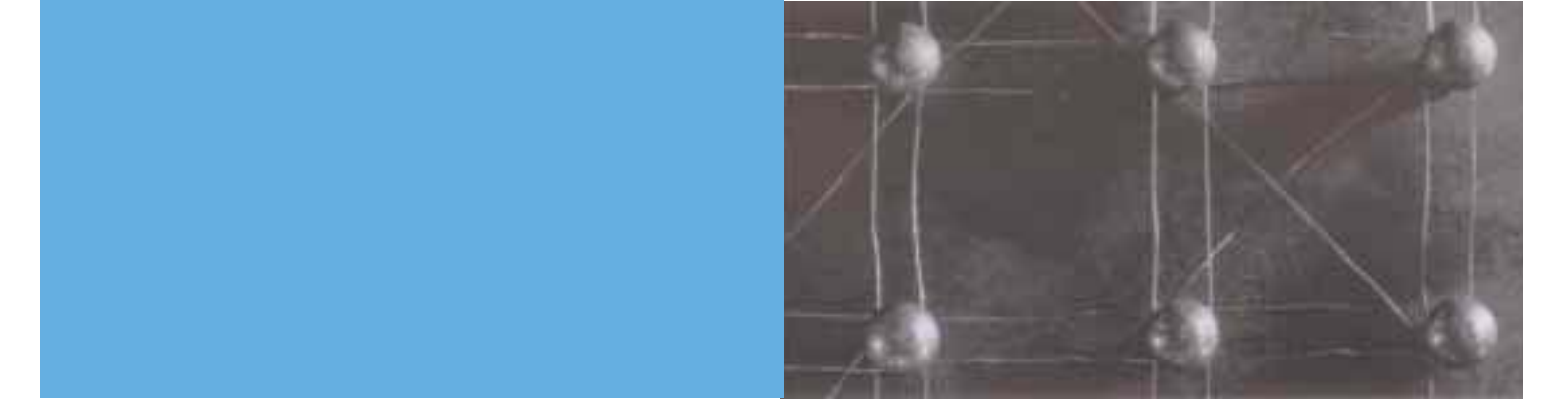
an agreement between
the Local Government Association,
the business sector, and
the voluntary sector

July 2000

Introduction

- 1 An effective planning system is vital for the well-being of the country. The role of the planning system is to balance and integrate competing demands between economic, social and environmental considerations in order to achieve sustainable development. It should incorporate six principles:

 - aimed at achieving sustainable development, taking account of economic, social and environmental issues
 - set within a regional context
 - led by development plans
 - open and transparent, involving all stakeholders
 - speedy and efficient, delivering best value; and
 - co-ordinated with other policy areas, and with public and private investment
- 2 This Planning Users' Concordat is agreed between the Local Government Association (LGA), the voluntary sector and the business sector. This concordat follows the Planning Concordat agreed between the Department of the Environment, Transport and the Regions and the LGA last year. It sets out the roles, priorities and responsibilities of all three parties and highlights the essential contribution of the voluntary and business sectors to planning decisions based on their unique and varied skills. It encourages positive engagement and promotes more effective collaboration.
- 3 It also sets out recommended best practice principles for each stage of the planning process; adhering to this best practice allows the delivery of the six principles set out above. In order to deliver an effective land use system there is also a need for detailed best practice at local and national level. Some local authorities have already led the way by producing their own local guidelines and the LGA and the IDeA will continue to



produce and promote best practice at a national level. In addition, the introduction of the statutory Best Value regime will be crucial in delivering this concordat at a local level with performance plans indicating how authorities deliver their services to the business and voluntary sectors and to the wider public.

The role of the three sectors

The business sector

- 4 The business sector can be both developer and consultee on developments. Developers contribute to sustainable communities through creating and maintaining jobs, providing housing, investing in regeneration and encouraging innovative design and new patterns of land-use. The creation of efficient commercial buildings, either through new development or conversion, is a major contributor to maintaining the competitiveness of the UK economy in an international marketplace. An effective business community can help meet wider social and environmental goals and it is therefore important that the planning system is responsive to business needs.

The voluntary sector

- 5 The voluntary sector embraces a range of national, regional and local organisations, non-governmental and not-for-profit, some of which represent the views of interest groups and communities, and some of which promote community development and regeneration. Voluntary sector organisations contribute to sustainable development by encouraging high environmental standards, and providing jobs, community amenities and affordable housing. They often have a detailed knowledge of local conditions, and a wide range of business and other skills, which they can use to the advantage of the

planning process. Voluntary sector organisations include local amenity societies, community organisations, heritage, environment and wildlife groups. The planning system is one of the most important processes through which communities can participate in and contribute to the future of their localities.

Local authorities

- 6 The local authority has, through its function as a local planning authority, a statutory duty to prepare development plans and decide on planning applications. Crucially it should, through the statutory plans and other non-statutory planning processes, provide the vision and leadership necessary to regenerate and safeguard the prosperity and amenity of localities. It has the key role of forming and maintaining relationships with the business and voluntary sectors to help bring about 'positive planning', so that the planning system is not just reactive, but initiates and steers appropriate new development to suitable areas. This should help maintain and enhance quality of life and bring about regeneration. The local authority's role is that of development enabling, and environmental improvement, as well as development control. It also has a key role in fostering community involvement: local planning authorities need to explain simply to people how the planning system works and how people can become involved. It is important that the planning process is inclusive.
- 7 The local authority has the responsibility to take planning decisions on behalf of stakeholders. It also needs to seek and take into account the views of statutory consultees, such as English Heritage, the Highways Agency, the Environment Agency and Town and Parish councils. The local authority should ensure that it has adequate resources to perform its statutory planning functions and comply with best practice.



Best practice for an effective planning system

- 8 The following best practice principles recognise the contribution that all three sectors can make to the achievement of common goals. This concordat covers four areas of best practice; regional planning, development plans, non-statutory planning guidance and planning applications.

I) Regional planning

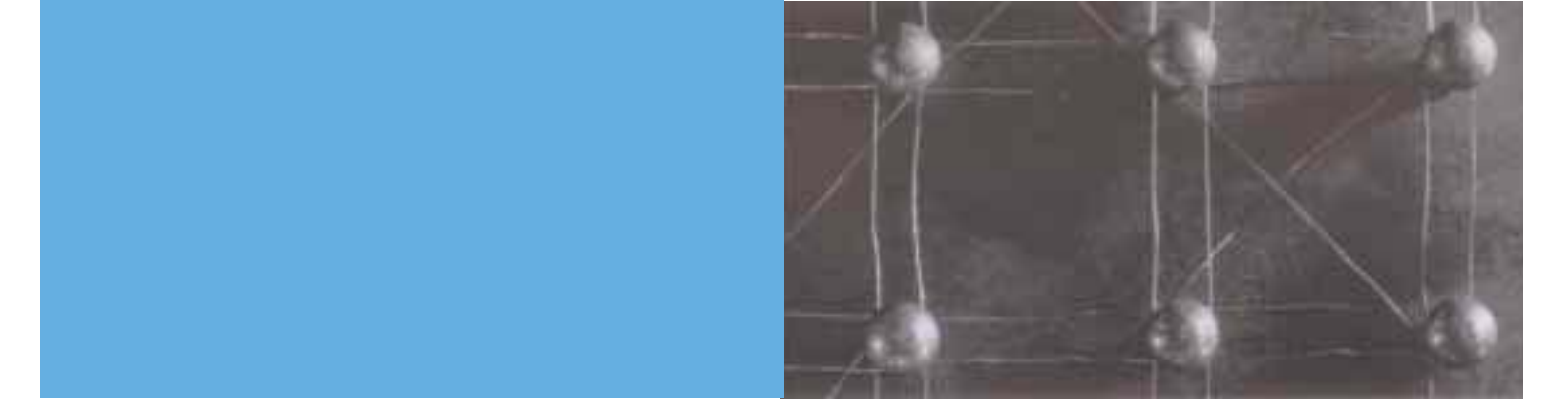
- 9 The introduction by the government of new planning arrangements, which will bring about a greater decentralisation of decision making, places a greater onus on local authorities to work with their regional partners, including the business and voluntary sectors, in order to resolve planning issues at a regional level. As part of this process the business and voluntary sectors are also encouraged to involve themselves in the formulation of regional policies and proposals. This involvement is principally in Regional Planning Guidance – which takes on added importance with the government’s introduction of a ‘spatial strategy’ going beyond a narrow approach to land-use issues and an integrated transport strategy. Also relevant are the regional strategies of the regional development agencies, and, as encouraged in the government’s strategy for sustainable development for the UK (*Better Quality of Life*), high level Regional Sustainable Development Frameworks. The latter will help inform both Regional Planning Guidance and the RDA regional strategies.

II) Development plans

- 10 The role of a local authority development plan is to set out a vision for its locality, developed in partnership with the business and the voluntary sectors. Development plans should be strategic and enabling and

establish a framework of objectives and policies for achieving sustainable development. Up to date development plans are essential if the planning system is to deliver speedy processing of planning applications, certainty for developers, and the security that local environmental quality and social and cultural assets will be protected and enhanced. Without up to date local plans local authorities cannot expect their policies and proposals to be given due weight and the planning system will not fulfil its potential. Out of date plans may harm key objectives such as securing regeneration and sustainable development, environmental protection and maintaining prosperity. Development plan policies must be integrated clearly with other local strategies, including the local authority’s community plan and the strategies for economic development, transport and housing.

- 11 The process of producing a statutory plan takes time due to the safeguards for landowners and individuals to object. Effective management by the local authority of the complex process is critical, and adequate resources and staffing need to be committed throughout the development plan process. A timetable for the development plan process needs to be published by the local authority and adhered to. Detailed good practice has been published by the Planning Officers Society (1). Early and effective involvement of the business and voluntary sectors, and the wider public, in the preparation and review of plans can help minimise the length of the public inquiry. It can prevent time-consuming and costly disputes arising later, and help produce better plans. The voluntary sector can aid the process by acting as an intermediary, assisting special interest and community groups within the wider community to formulate their input in ways that can assist the plan process. Early



involvement from all parties can ensure that the development plan is an effective expression of community planning priorities; techniques such as 'Planning for Real' help to bring together often disparate strands of local opinion into a set of coherent responses and proposals.

III) Non-statutory supplementary planning guidance

- 12** The use of Supplementary Planning Guidance (SPG) in the form of local area plans such as neighbourhood plans, village design statements and planning briefs for individual sites, is advocated by all parties. SPG can be used to undertake effective community involvement which goes beyond the confines of land use planning. By adding detail to development plans, it allows the planning system to keep pace with the fast moving development pressures in order to deliver regeneration. In order for these plans to be realistic and capable of implementation, local authorities will need to work closely with their local business sector. The voluntary sector can play a full and constructive role in this process to help ensure the plan corresponds with their needs and priorities. Voluntary groups should be encouraged to develop their own projects and initiatives to complement the policies and programmes of local planning authorities. Good examples are local design awards, projects for young people, and environmental improvement schemes that can all help improve the quality of development, enhance local distinctiveness, stimulate community involvement and engender a greater sense of civic pride.

IV) Planning applications

- 13** The key stages are: pre-application discussions and consultations; agreement of a timetable; submission of the application; consultation and community involvement;

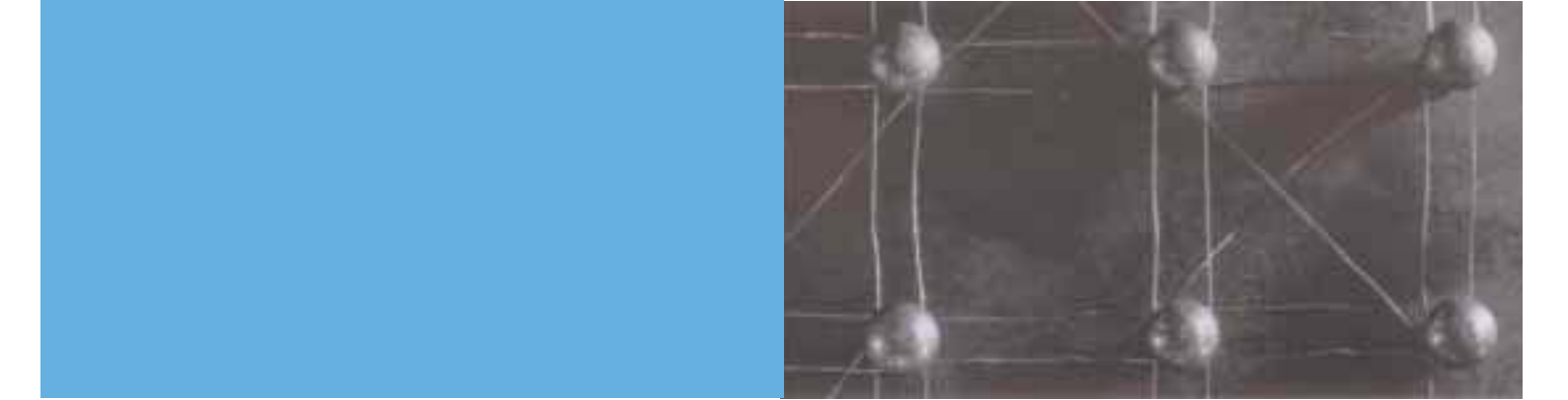
decision making and agreement of planning obligations; planning appeals; and implementation, monitoring and enforcement. The following guidelines set out best practice for local authorities and users of the planning system during these key stages.

Pre-application discussions

- 14** An organisation considering applying for planning permission should contact the relevant local authority at an early stage for preliminary advice on the likelihood of success and the key issues to be addressed. Discussions should take place between developers and officers, and the voluntary sector where appropriate. Agreement should be sought on a project brief that sets out how key issues relevant to the development – such as employment, transport and any environmental matters – will be addressed in the application. Where appropriate the likely requirements of a planning agreement should also be discussed at this stage. These discussions will usually speed up the processing of the application after its formal acceptance. They are particularly important in the case of large scale, more complex applications, or those that depart from development plans. In the case of complex applications, mutual understanding and partnership can be further assisted by the developer making a pre-application presentation which might include responding to questions from councillors. This process needs to be carried out within the guidelines set out in the LGA's Probity in Planning document (2).

Pre-application consultations

- 15** All parties involved in the planning process, particularly developers when faced with large-scale and or controversial proposals, can benefit considerably from organising pre-application public consultations. These



will assist the formal application by explaining the reasons behind the development, and the likely impact on the community, both beneficial and detrimental. Developers should consider using a range of consultation techniques, including addressing local groups and individuals on a face to face basis, which is preferable to relying solely on details of the development being announced in the local press. This will help to avoid misunderstandings and allow modifications to be considered to a development in response to local business, voluntary sector and public concerns before a formal planning application is submitted. It is good practice for the developer to involve the local authority in these pre-application consultations from the outset.

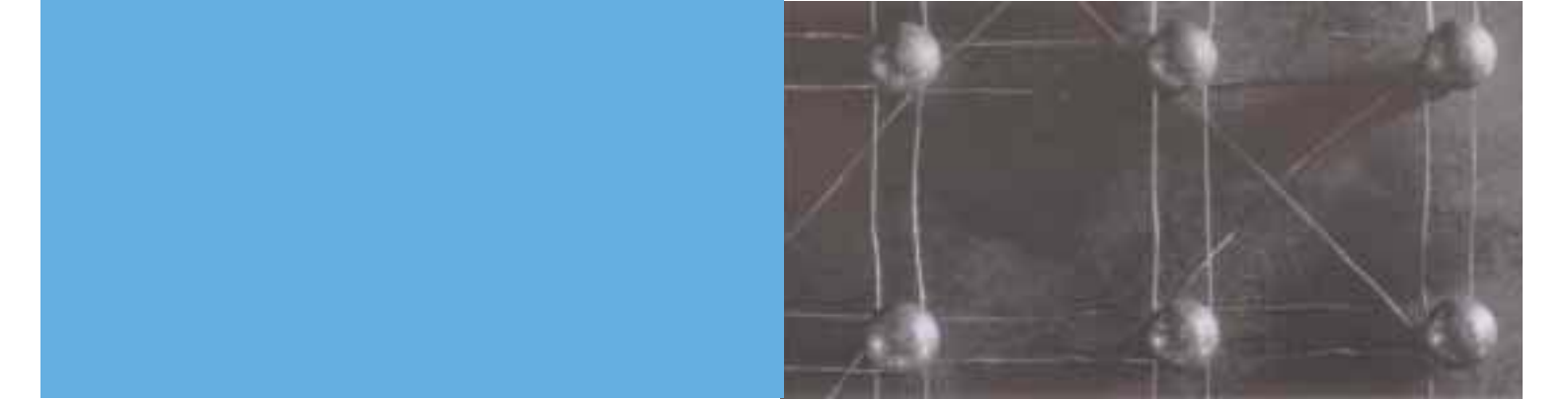
Agreement on a timetable for complex applications

- 16** It is recognised that large or complex applications will take longer to process than the eight-week target. It is good practice for the applicant and the local authority to agree a timetable for processing of the application, ideally before submission of the application. This timetable should include the major milestone dates: submission date, date for submission of further details, date for the end of local authority statutory and public consultations (including procedures such as the advertisement of departures), date for the committee decision, and a deadline for the resolution of outstanding matters such as planning obligations (see paragraphs 26 and 27 below) and planning conditions. It is accepted that the timetable may need to be adjusted as the application is progressed, for example consultations may bring to light the need for further information from the applicant. Adjustments should be made by agreement with both applicant and local authority, and the timetable should be widely publicised.

- 17** The voluntary sector, statutory and other key consultees need to be kept informed of any changes. The adoption of timetables by local authorities as good practice, and the certainty it will provide to business, is likely to reduce the incidence of current undesirable practices intended to circumvent delays such as the submission of duplicate applications.

Submission of the application and subsequent details

- 18** The relevant policies in the development plan should be fully taken into account when preparing planning applications. Applications should be submitted to the level of detail required by the local authority. An inadequate initial submission of a planning application can lead to unnecessary delays as details will need to be submitted to bring an application up to the standard required by an authority. Such delays are often avoidable. It is good practice for local authorities to produce guidelines which set out in detail what is required from applicants (for example types of site and floor plans, elevations, landscaping plans and numbers of copies) and for each type of application (full application, outline, reserved matters and listed building consent).
- 19** While supplementary details, particularly on more complex applications, may still be requested by the authority, comprehensive guidelines should reduce this need and the consequent delay. Requests for further information by local authorities should only be made where absolutely necessary to address specific issues, and should be accompanied by an explanation of the reasons behind the request. When an application is accepted, local authorities will notify statutory and other relevant consultees, including where appropriate voluntary groups, and inform them of the timetable for processing the application.



20 Local authorities should appoint a named case officer for the application who will act as the liaison between all parties. The case officer should be at an appropriate level of seniority for the significance of the application. The LGA and DETR have produced good practice guidance on the Development Team Approach (3) and this is commended to local authorities.

Consultation and community involvement

21 Meaningful consultation and early community involvement are essential features of the planning system. The speed with which decisions are taken and the quality of those decisions are not mutually exclusive: if the planning process is to enjoy support at all levels – national, regional and local – there must be adequate opportunities for effective consultation with the public and voluntary organisations. Efficient planning processes are those which allow a reasonable time for views to be expressed and taken into account without unduly prolonging the processing of the application. This should enable high-quality decisions to be taken which take proper account of locally derived information about the potential environmental, social and economic impacts, and the consequent well-being of local communities.



22 In addition to their statutory consultation duties, planning authorities should promote positive public involvement from both individuals and voluntary groups. The ways in which this could be achieved include: availability of weekly lists, allowing public speaking rights at planning committee meetings, holding meetings outside usual working hours, providing language translation where appropriate, wide circulation of committee reports, accessibility of planning documents and relevant information, avoiding excessive charges, extending office hours, making lists of planning decisions and the reasoning behind them readily available, and

ensuring buildings are accessible to the disabled. Information technology should be taken full advantage of to make planning information more widely available. Local planning authorities should seek to review their arrangements with consultees on a regular basis and monitor performance in order to highlight problems. The voluntary sector has a key role to play in delivering an efficient and effective planning system and accepts the need for prompt comments on planning proposals. Town and Parish councils can also play a valuable role in representing the views of the local community.

Decision making

23 Planning decisions need to be open and transparent - the confidence in planning of the public and of applicants depends on the ability to identify those responsible for planning decisions and the reasoning behind those decisions. Planning was an important focus of the Nolan Committee inquiry into standards of conduct in local government (4), which stressed the need to ensure that the highest standards of probity, accountability and transparency are secured. Under new local government structures planning applications will continue to be determined by planning committees which have a quasi-legal role. New arrangements, such as executive mayors or cabinets, should be designed to enhance public confidence in their planning role through greater transparency and accountability. These values can also be enhanced through such measures designed to promote public involvement which are outlined in paragraphs 21 and 22 above.

24 Local planning authorities can speed up decisions through the use of officer delegation agreements. The Good Practice on Delegation Agreements produced by the National Planning Forum (5) is commended and is currently being updated.

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- 25 As part of their new structures, local authorities are encouraged to establish a review committee (including local stakeholders such as the local business community, developers, community and voluntary groups) to review critically the performance of the local planning authority against its own targets (set by the Best Value process) and examine the transparency of procedures.

Planning obligations

- 26 The period between an approval of a planning application and the signing of the planning obligations has been identified by the business sector as a major source of delay. Planning obligations should be negotiated in accordance with the guidance in the relevant circular and the policies of the development plan. They should proceed to the draft agreement stage in parallel with the pre-application discussions and consultation period prior to a decision on the application. The agreement between a local planning authority and a developer of a reasonable timetable for the finalising of a planning obligation is recommended as good practice.
- 27 Lack of transparency in relation to planning obligations is a concern to local people. In order to promote greater transparency and confidence in the process, and greater certainty for developers, it is helpful for an indication of the types of obligations which a local authority will require to be included in an up to date development plan. This allows full consultation to be conducted with the business and the voluntary sectors at an early stage in the planning process, including inputting to the identification of local priorities for planning agreements in development plan policies. This will aid public scrutiny as part of the development plan process. Voluntary groups can make a valuable input to setting the local priorities for planning agreements at the development plan stage. When agreement on planning obligations is reached it is important that interested parties are informed of the outcome.

Planning appeals

- 28 All parties involved in planning decisions should work towards outcomes which minimise the need for planning appeals. It is in the interests of local authorities, business and the voluntary sector that appeals should be dealt with effectively. All parties should seek to avoid delaying appeals by co-operating fully with the Planning Inspectorate and seeking to meet the original deadlines set for consideration of the appeal and exchange of evidence. The Planning Inspectorate has produced useful information booklets (6) on making and taking part in planning appeals.

Implementation, monitoring and enforcement

- 29 Once a planning application has been granted and any agreement on planning obligations signed, all parties should implement the permission and other agreements in good faith. Developers should not make changes to a development without seeking renewed planning permission where this is required.
- 30 Local authorities should have a 'minor modifications' procedure which will give clear guidelines to all parties as to the circumstances in which a fresh planning application is required for changes. Local authorities should notify and consult where they consider a minor modification may have an impact on a particular group or individual. Where an authority decides that a change is significant enough to warrant a further application, the reasons behind this decision should always be given.

- 31 All parties involved can contribute to implementing, monitoring and enforcing planning decisions by, for example, alerting

local planning authorities to breaches of planning control. This will assist local authorities in their enforcement duties, which should include proactive enforcement and ensuring developers comply with planning conditions. Similarly where local authorities undertake to enter into a commitment in conjunction with granting a planning permission, the associated works should be completed within the timetable, costs and specifications agreed. A separate Enforcement Concordat has been agreed between central and local government (7), and the DETR's has produced an Enforcement Good Practice Guide (8) which is commended to all parties.

Documents referred to:

- 1 Local Plan Preparation Good Practice Note (1994, POS/ADC)
Local Plan Preparation Good Practice Note: Supplementary Report (1997, POS/ADC)
- 2 Probity in Planning: the Role of Officers and Councillors (1997, LGA)
- 3 Advice Note on the Development Team Approach (1996, National Planning Forum)
- 4 Committee on Standards in Public Life, Third Report: Standards of Conduct in Local Government in England, Scotland and Wales (1997)
- 5 Development Control: Delegation Agreements (1997, National Planning Forum)
- 6 Making your planning appeal; Planning appeals – public local inquiries; Guide to taking part in planning appeals (Planning Inspectorate)
- 7 Enforcement Concordat (1998, LGA)
- 8 Enforcement Good Practice Guide (DETR)

Signatories to the Planning Users' Concordat

The Local Government Association

The LGA speaks for nearly 500 local authorities representing over 50 million people.

The private sector represented by the British Property Federation

The British Property Federation is the trade association of the UK property industry. It has a large membership base, comprising all the major property companies and property owning financial institutions, together with the professions serving the industry. The following members are represented on the General Council of the BPF.

Argyll Property Asset Managers Ltd	Leeds Residential Property Association
BAA plc	Marks and Spencer plc
BG plc	MEPC plc
The British Land Company	Norwich Union Investment Management Ltd
Brixton Estate plc	Property Managers Association Scotland Ltd
Burford Holdings plc	Prudential Portfolio Managers Ltd
Cadogan Estates Ltd	Railtrack plc
Capital Shopping Centres plc	St Martins Property Corporation Ltd
Capital & Counties plc	Saville Gordon Estates plc
The Crown Estate	Scottish Widows Investment Management Ltd
Dorington Holdings plc	Slough Estates plc
Drivers Jonas	Taylor Woodrow Property Co Ltd
DTZ Debenham Thorpe Freshfields	Threadneedle Property Fund Managers Ltd
Frogmore Estates plc	Trafalgar House Property Ltd
Great Portland Estates plc	Wates City of London Properties plc
Greycoat PLC	SG Whitaker Ltd
Grosvenor Estate Holdings	
Hammerson plc	
Haslemere Estate plc	
Imperial Chemical Industries plc	
Jones Lang Lasalle	
Land Securities plc	

The Confederation of British Industry also supports the concordat

The voluntary sector represented by the following groups

- Council for the Preservation of Rural England
- Royal Society for the Protection of Birds
- Civic Trust
- Council for National Parks
- The Planning Aid Network of the RTPI
- Planning Aid for London
- The Joint Committee of National Amenity Societies (which comprises the Ancient Monuments Society, the Georgian Group, the Victorian Society, the Twentieth Century Society, the Garden History Society, the Society for the Protection of Ancient Buildings, the Council for British Archaeology and the Civic Trust)
- National Association of Local Councils (representing over 8,000 parish councils)
- The Urban Forum

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Tel 0207 664 3000 Fax 0207 664 3030. www.lga.gov.uk), and partners in the business and voluntary sectors.

