

**CHANGES TO THE DEVELOPMENT CONTROL SYSTEM INTRODUCED BY
VARIOUS PROVISIONS IN THE PLANNING AND COMPULSORY PURCHASE
ACT 2004**

Lead Officer: Tony Pomfret, Development Services Manager

To inform Members of the new provisions intended to speed up the planning system and ensure developers deliver

Recommendation: That the report be noted.

Resource Implications: Nil.

1.0 SUPPORTING INFORMATION

1.1 On 24 August 2005 provisions under the Planning and Compulsory Purchase Act 2004 came into force to provide that:-

- Local Authorities will have greater power to decline to determine repeat planning applications from developers;
- Most planning permissions granted after 24 August 2005 will have to be implemented within three years from the date of grant, rather than the current five, unless a longer period is stated by the planning authority;
- Statutory consultees to planning applications such as the Environment Agency and the Highways Authority will have to respond within 21 days to requests for information from the planning authority; and
- Concurrent inquiry sessions may be held into applications for major infrastructure projects called in by the Secretary of State.

1.2 Power to decline repeat planning applications - planning authorities already have the powers to decline to determine an application if the Secretary of State has refused a similar application and the authority believes that there has been no significant change in circumstances. This power is now extended so that authorities may now decline to determine an application where in the past two years the authority has refused more than one similar application and there has been no appeal to the Secretary of State against those refusals.

1.3 Three year duration of planning permissions and consents – the time limit for implementation of planning permission and outline consents has now been reduced to three years from the date of grant, if granted after 24 August 2005. In the case of outline consents the amendment means that:-

- Any reserved matter application must be made not later than the expiration of three years from the date of grant; and
- The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

In addition, the amendments remove the ability of developers to make an application to amend conditions that limit the time when development must be started or when an application for reserved matters must be made.

The reasoning given for these amendments is to create more certainty for planning authorities and communities by removing the ability for developers to hold planning permissions but not implement them for long periods of time, renewing them as necessary.

- 1.4 Inquiries for major infrastructure projects – in an attempt to deal with concerns about the time taken to determine major development projects a new section is added to the Town and Country Planning Act 1990 which allows the Secretary of State to call-in applications that relate to development of national or regional importance. Once called-in an inspector or team of inspectors will be appointed to consider the application. In addition, the Secretary of State may direct any application to be referred to him for determination if he believes it is connected to a called-in application. If the Secretary of State uses this power the applicant will have to prepare an “economic impact report”.
- 1.5 Response to statutory consultees – this is a new provision whereby those persons or bodies who are required to be consulted in relation to the grant of planning permission or consent must respond to a consultation request within 21 days after the date of receipt. This period can be extended by agreement between the parties.

2.0 CONCLUSION

- 2.1 According to the ODPM these amendments will “send a message to developers that they have a role to play in creating a faster, more certain planning system that delivers These measures will stop developable land from being wasted by speculators.....”

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Background Papers: ODPM Circular 08/2005 dated 24 August 2005