

COUNCIL BUSINESS COMMITTEE

CONSULTATION ON REVIEW OF PLANNING CALL IN DIRECTIONS

6TH MARCH 2008

Report of Head of Planning Services

PURPOSE OF REPORT

To respond to the Government's consultation paper on simplifying directions relating to planning applications which should be referred to the Secretary of State.

This report is public

RECOMMENDATIONS

That in responding to the consultation paper on the review of planning call in directions, the Department for Communities and Local Government be advised that Lancaster City Council agrees that all of the call in criteria should be contained in a single direction, and accepts the proposed content and wording of the direction.

1.0 Introduction

Whilst Parliament has granted powers to Local Planning Authorities to make Development Plans, and to determine planning applications, there are provisions to ensure that certain types of planning application must be referred to the Secretary of State before planning permission can be granted.

The purpose of referring an application is to give the Secretary of State the opportunity to "call in" the application formally to determine herself if it is considered that the application raises issues of regional or national importance.

The Planning White Paper of May 2007 gave a commitment to reduce the amount of cases which had to be referred to the Secretary of State. In reality there is a wide gulf between the number of cases referred, and those actually called in for the Secretary of State to determine (in 2006/7 786 cases were referred and only 36 actually called in).

The consultation document proposes to significantly simplify the criteria for reference to the Secretary of State, but will at the same time retain those criteria considered to be of national and regional importance.

2.0 Proposal Details

- 2.1 Currently the call in provisions are contained in no less than five separate directions issued between 1993 and 2007. It is proposed to withdraw these and to replace them with one single direction. The administration of the Development Control process has become increasingly complicated in recent years. This move is welcome and will help those involved in validating and administering applications to find a single source of reference for the directions.
- 2.2 There are no proposals to amend the terms for reference to the Secretary of State in relation to three categories of development:-
- Loss of playing fields where Sport England object to the proposal.
 - Proposals to approve buildings of over 1000 sq m, or proposals with a significant impact on openness in the Greenbelt.
 - Proposals in a flood risk area where the Environment Agency maintains an objection.
- 2.3 There are four categories which are proposed to be withdrawn because they result in the referral of a significant number of cases which do not ultimately result in call in :-
- Proposals for shopping floor space over 20,000 sq m or cases adding up to this when aggregated with recent developments.
 - Proposals for more than 150 houses or flats.
 - Proposals for more than 5,000 sq m of mixed use floor space (retail, office, leisure).

In the case of the retail and mixed use criteria however, there will be a replacement category which requires reference to the Secretary of State for proposals which are departures from an up to date Development Plan in edge or out of town locations.

- 2.4 Finally there is a new category for referral proposed for significant development which has an adverse impact on a World Heritage Site and to which English Heritage objects.

3.0 Comments

- 3.1 The Government wants to know whether consultees favour the consolidation of the referral requirements into a single new direction, and whether consultees agree with the content and wording of the new direction.
- 3.2 Officers believe that the content and the wording of the direction are straightforward and logical.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Call- in directions ensure that applications raising unusual issues of national or regional importance may be scrutinised by the Secretary of State in those rare cases where proposals justified for approval by a Local Planning Authority might conflict with a national policy position. This is an important safeguard for public confidence in the planning system. The proposals will seek to reduce the number of cases referred for scrutiny in those categories which rarely have cause to be called in. They should not however reduce the number of actual call in cases, because applications of that nature and importance remain covered by the new direction proposals.

FINANCIAL IMPLICATIONS

Indirectly the ability to determine more major applications without reference to the Government Office can reduce delays and improve performance on major applications. Where Planning Delivery Grant or any future grant regime depends on maintaining performance, the measures can do nothing but help the City Council to maintain grant income.

The issues referred to in Legal Implications might involve greater legal costs for the City Council to defend challenges to decisions in such cases.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Third parties often see the call in provisions as a means of trying to influence the Secretary of State to overturn the Local Planning Authority's decision. With fewer applications having to be referred, there may be more legal challenges by third parties disaffected by the Council's decisions.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

DCLG : Review of Call in Directions
January 2008

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