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## The planning system

The purpose of the planning system is to deliver sustainable development. It does this by determining what types of development should happen in particular locations. This is done by assessing planning applications and looking at a range of other factors - the outcome of which should be the approval of development suitable for a particular area, taking into account environmental, social and economic objectives. The planning system can also be used to deliver environmental improvements to an area.

In England, the relevant local planning authority must make its decisions on planning applications in line with the policies found in their development plan, unless there are very good reasons not to (known as 'material considerations'). This is called a 'plan-led' system.

The plan-led approach provides the general public with greater certainty about what can be built in an area, and ensures that the right development occurs in the right place (for example, by avoiding conflict with important wildlife sites).

### The planning process

Under the current planning system, both new building, and major changes to the local environment or existing buildings, require planning permission, unless these are deemed 'permitted developments', or they benefit from a 'neighbourhood development order'.

In order to gain planning permission, applications must be submitted to the local planning authority, unless they are for nationally significant infrastructure projects (NSIPs), in which case they are determined by the Planning Inspectorate.

### The local planning authority

The local planning authority is responsible for making decisions on planning applications through its planning officers and planning committee. The local planning authority may be a district council, or national park authority.

- National parks

National parks authorities act as the local planning authority for their area. Their status means that planning controls and permitted developments are stricter.

- Parish/town/community councils

These councils must be passed planning applications for possible comment. However, they do not have power to make a decision on them.

## Planning policy

Decision makers have to take into account policy that has been created at both local and national levels when determining a planning application. These are:

- National planning policy

National planning policy is produced by the Department for Communities and Local Government (DCLG).

Although national policy does not deal with local specifics, such as allocation of sites for development, it does set out broad objectives for sustainable development and how it should be achieved, such as through the protection of the natural environment.

There are two types of national planning policy at present: the National Planning Policy Framework (NPPF) and National Policy Statements (NPS).

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied locally. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and it should also be a material consideration when determining planning applications.

National Policy Statements (NPS) relate to nationally significant infrastructure only (such as major power stations and transport links) and set out national policy to inform the decision making about such projects. Decisions about nationally significant infrastructure are made by the Planning Inspectorate, in accordance with NPSs and obligations under relevant international law.

- Local Plans

The local plan is produced by the Local planning authority. The local plan may be a single document, or it may contain a collection of documents that set out policies relating to, and guiding changes to, the local area over the next 10–15 years, such as allocating areas for certain types of development. For further details see our PDF *How to get involved with local development plans*.

'Local development frameworks' previously performed the same role as local plans and many will continue to do so until they are replaced by local plans.

- Neighbourhood planning

Neighbourhood planning enables communities to shape the development and growth of a local area through the production of a neighbourhood development plan, a neighbourhood development order, or a Community Right to Build Order.

Neighbourhood development plans will become part of the local statutory development plan and will form the basis for determining planning applications in that area. A neighbourhood development order enables the community to grant planning permission for the development it wishes to see. For further information see our PDF *'Neighbourhood Planning'*.

- Sustainability Appraisals (SA)

The purpose of Sustainability Appraisals (SA) is to make recommendations to improve the quality of development plans by reducing harmful environmental effects. A process is undertaken which is reported on the SA document. The public are entitled to see this document and comment on its findings.

### **Planning applications**

Planning applications can take different forms.

Full planning applications require a high level of detail, particularly if they relate to a large development. They allow decision-makers to assess the likely impacts that the development might have on an area.

An outline application is considerably less detailed and is used by developers to establish the principle of development in a location. The details of design are left out.

- Environmental Impact Assessment (EIA)

The purpose of an Environmental Impact Assessment (EIA) is to evaluate the potential impacts of a development on the environment. An EIA may be necessary for any planning applications whose location, scale or nature are likely to have significant effects on the environment. For example a single, small, dwelling may not require an EIA, while a larger development such as a power station probably will.

EIAs enable risks to the environment to be identified early in the planning process so damage can be avoided or mitigated. If an EIA identifies significant impacts that cannot be avoided or mitigated, a decision maker may decide to refuse permission.

A report on the EIA must be submitted with every planning application that requires one. This is known as the Environmental Statement. For more info, see the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)). Search for: Circular 02/99: Environmental impact assessment.

- Notification

Once a planning application has been submitted it must be made public, giving interested parties the opportunity to support or object to it. Application notices are posted at the site and notification is given in the local press.

Plans can be viewed at the offices of the local planning authority and may also be available on their website. There is a minimum 21-day timescale for comments.

- Permitted development

There are some types of development that do not require planning permission. These are known as permitted developments.

These developments have minor impacts such as limited extensions to houses. However, if you live in a national park or conservation area, permitted development rights may be further restricted.

For full details about permitted developments please contact your Local Planning Authority. More information about permitted development rights can also be found on the Planning Portal website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)).

- **Objections**

Any interested parties are able to object to planning applications.

Objections can take the form of trying to prevent the application from going ahead, or used to improve the proposal so that if it does go ahead it won't harm wildlife, or includes measures to improve the area for wildlife (see our PDF *Getting involved in planning applications*).

- **Determining a planning application**

The majority of routine applications, eg small house extensions or plans for a domestic outbuilding, are determined by Planning Officers through what is known as 'delegated' powers.

However, for larger or more controversial applications, the local planning authority's planning committee may take the final decision. In this case, it will be the job of the Planning Officer to provide the planning committee with adequate information so that they can make an informed decision. The Planning Officer also gives a recommendation to the planning committee on what decision, in his/her professional judgement, they should take.

- **Planning committee**

The planning committee is also responsible for considering applications for planning permission.

The committee is made up of local councillors (except in the case of national parks). When making their decisions, the planning committee must take into account:

- national policies, including the relevant Planning Policy Statements
- the policies set out in the Local Development Framework
- other material considerations that can add to, or outweigh, these policies.

- **Material considerations**

A material consideration is one that is of overriding importance and must be taken into account when deciding an application. For example, material considerations may reflect a change in local circumstances since plans were adopted.

### **Appealing against a decision**

In England and Wales, third parties (eg the general public) cannot appeal against a planning decision. However, if you have made an objection to a planning application, which is refused and then the developer appeals, you have the right to make further representations to this appeal. If an inquiry is held, you also have the right to appear at the inquiry to make your case.

The Planning Inspectorate or Local planning authority should get in contact with you about what you have to do when the appeal is lodged.

### **Planning Inspectorate**

The Planning Inspectorate has four main responsibilities:

- to process any appeals against refusals of planning approval
- to process appeals against enforcement action
- to hold inquiries into local development plans
- to determine applications for nationally significant infrastructure projects

The Planning Inspectorate deals with almost all appeals. Their inspectors are appointed by the Secretary of State. However, the Secretary of State can decide any planning appeal (known as a recovered appeal), but does so in only a handful of cases, usually if they are large or controversial developments.

### **Enforcement action**

The Local planning authority may take action when planning permission has not been sought, or when a development breaches the conditions of its permission. This may result in an enforcement notice being sent to the offender outlining what has to be done to remedy the situation and gives the right to appeal against the notice.

### **Local Government Ombudsmen**

The Local Government Ombudsmen deal with complaints about the procedure that a planning application has gone through, rather than on the application itself.

They only deal with complaints about the conduct of a council, eg that a council has not followed the planning procedures properly.

For more information see the Local Government Ombudsmen website ([www.lgo.org.uk](http://www.lgo.org.uk)) and take a look at our PDFs *Getting involved in planning applications* and *How to get involved with local development plans*.

### **Useful planning links**

The Department for communities and local government: [www.communities.gov.uk](http://www.communities.gov.uk)

Planning aid: [www.rtpi.org.uk/planningaid/](http://www.rtpi.org.uk/planningaid/)

The Planning Portal: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)