

Southend-on-Sea Borough Council

Report of Deputy Chief Executive & Executive Director

To

Cabinet

On

Date 27 July 2021

Report prepared by:

Agenda
Item No.

16

Motion by Steven Reed MP on planning reforms for third parties

Place Scrutiny Committee
Cabinet Member: Councillor Mulroney
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To inform members of the proposed changes to the development control system regarding notification of third parties which would remove the right of neighbours and other interested parties to comment on planning applications when they are submitted in areas zoned for growth or renewal.
- 1.2 Member approval is specifically sought to endorse a cross party motion passed in the House of Commons on 21st June 2021 (**Appendix 1**). This stated that: *“This house believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications.”*

2. Recommendation

- 2.1 **Agree to endorse the motion proposed by Steven Reed MP (attached at Appendix 1).**

3. Background

- 3.1 The right of third parties to be notified of planning applications which may affect them dates from 1962 and is a well-established principle within the English planning system. The first person in relation to development control is the applicant, the second being the local authority. ‘Third parties’ are any other person with a view on a planning application. This could be a next-door neighbour, or a local interest group.
- 3.2 The local authority is currently required to place notices and publicise applications. This is done in line with the adopted Southend Statement of Community Involvement 2020.

- 3.3 The Government published a White Paper on planning reform in Summer 2020. An overriding aim of the changes is to speed up the planning system. It proposes to put more emphasis on consultation at the plan making stage and at the same time to “streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes.”
- 3.4 Areas identified as “Growth” areas would automatically be granted outline planning permission for the principle of development, while in “Renewal” areas there would be a faster planning application process. Within “Protected” areas any proposals would come forward using the current planning application process. Such areas would be designated through a local plan, but are likely to cover most of the Borough in combination.
- 3.5 The government is to consider “the most effective means for neighbours and other interested parties to address any issues of concern, where, under this system, the principle of development has been established leaving only detailed matters to be resolved.” Planning notices will be digital rather than a physical site notice.
- 3.6 Steven Reed MP wrote to each local authority on 7th July (**Appendix 1**), reporting that a motion was passed in the House of Commons with support from MPs of all political parties in relation to the proposed reforms. The motion reads:
- “This house believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications.”*
- 3.7 Steven Reed MP requests that each Council passes the same motion to show widespread support for the principle of protecting residents’ right to have a say over individual planning applications in their own area.
- 3.8 Whilst the Local Plan would allocate areas into different zones and a proposal may fit with the allocation within that zone as members will be aware there are far more issues involved in planning applications that can make them unsuitable or inappropriate in a given area. It has long been a tenet of planning that each application is dealt with on its merits, this would seem a difficult position to achieve if none of the merits or demerits of a planning application were able to be subject to public scrutiny and comment.

4. Other Options

- 4.1 The alternative option is not to formally endorse the motion passed by the House of Commons.

5. Reasons for Recommendations

- 5.1 The recommendation is proposed to highlight the proposed changes to the development control system and to add the Council’s support to the motion to

retain local residents' right to object to individual planning applications. Without such rights being enshrined, the ability of local communities to shape new development in a manner that best reflects local character and identity will be diminished.

6. Corporate Implications

Contribution to the Southend 2050 Road Map

- 6.1 The removal of long held third party rights which enable people to have their say on planning applications would impinge on the ambition of the Council for local people to have pride in Southend and to be involved in making a difference in their local area.

Climate Change Implications

- 6.3 The climate change implications of removing rights for third parties to comment on planning applications are unknown, but the removal of the ability of local communities to influence their built environment could harm the Council's ambitions on climate change.

Financial Implications

- 6.4 See People Implications below.

Legal Implications

- 6.6 The Planning White Paper proposes changes to existing planning legislation that would remove the rights of third parties to comment on planning applications.

People Implications

- 6.7 There is a human resource involved in notifying third parties. This would be reduced or removed if the reforms were to come into effect. However, this potential saving is balanced against the benefits for the public of having a say in how their neighbourhood develops over time. To continue the *status quo* would involve no additional costs.

Property Implications

- 6.8 There are no obvious property implications for the Council.

Consultation

- 6.9 The proposed changes in the White Paper remove the ability of local residents and other interested persons to comment on planning applications affecting their local area in certain circumstances (as set out in paragraph 3.4)

Equalities and Diversity Implications

- 6.10 The removal of rights to comment on planning applications will have an adverse effect on all sections of the community.

Risk Assessment

- 6.11 The changes to the planning system are being proposed by national government. This report highlights the risk of local engagement in planning decisions being significantly eroded.

Value for Money

- 6.13 As mentioned above there is a cost of staff time processing neighbour notification letters and dealing with correspondence. However, this potential saving must be measured against the erosion of involvement of local residents in the shaping of their communities, contrary to the ambition of 2050.

Community Safety Implications

- 6.14 The recommendation will have a neutral effect on community safety.

7. Background Papers

- 7.1 The Planning and Compulsory Purchase Act 2004 [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- 7.2 Planning White Paper – [Planning for the future \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)
- 7.3 Southend Statement of Community Involvement - localplan.southend.gov.uk/statement-community-involvement

8. Appendices

- 8.1 Appendix 1: Letter from Steven Reed MP