



Fact Sheet 5 - Overview of the Planning System

The planning system is administered by district, borough or city councils (sometimes within joint arrangements). Law and regulation govern its procedures with many quite complex requirements covering a wide variety of issues. However, within the legal framework, which planning decisions must follow, are issues around local (political – with a small ‘p’) priorities, subjective judgements and a balancing of priorities. The most important guidance to planning authorities and developers alike on the balancing of priorities is set out in the ‘National Planning Policy Framework,’ which was refreshed in 2018. A number of other elements of the planning system of potential relevance to GA Airfields are mentioned at the end of this Fact Sheet.

To develop this introduction in more detail:

a. The planning system is in two main parts:

- The Preparation of a Development Plan (usually a ‘Local Plan’) for the authority area setting out three main types of policies – policies to allocate sites for a particular land use – such as housing or employment; policies to protect important features in the authority’s area – such as sensitive landscapes or ecologically valued areas and policies to explain what the authority will consider when dealing with a planning application – such as building design or energy efficiency requirements (see also Fact Sheet 6). The development plan must be based on comprehensive evidence and information. Local planning authorities must also co-operate across boundaries.
- Development Control – the management of proposals to develop or change the use of land. The most common form of development control is the need for a potential developer to prepare and submit a planning application (see Fact Sheet 7). There are variations on this – such as a listed building application or an advertisement application. Also, in some circumstances the developer may just need to consult with the planning authority before carrying out the development (for example if ‘permitted development’ rights apply).

b. Law and regulation

This is contained in various Town and Country Planning Acts and Town and Country Planning Regulations. These rules and regulations, which must be followed by the planning authority, set out the fundamental requirements to ensure that all elements of development plan preparation and decision-making are undertaken in a consistent and transparent manner with public consultation and engagement at every stage. If decisions fail to follow these procedures there are mechanisms to appeal to the courts and decisions may be overturned (quashed).

Most Local Plans will be discussed at an Examination in Public, in front of a Planning Inspector who will test the ‘soundness’ of the Local Plan.

One key principle is embodied in planning law – that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This ties together the two parts of the



planning system as set out above although the phrase 'material considerations indicate otherwise' has frequently led to challenges in the courts.

Section 19 of the Planning and Compulsory Purchase Act 2004 sets out the specific matters which a local planning authority must address in preparing a local plan. Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the general form and content of local plans and Regulation 10 contains additional matters to be taken into account in the plan.

c. National Planning Policy Framework (NPPF)

The Government's planning policies and guidance are set out in the NPPF. The starting point is the key principle set out above. The second key principle is that the purpose of the planning system is to contribute to sustainable development –which embraces economic, social and environmental sustainability. These two key principles lead to the overarching policy, which is a 'presumption in favour of sustainable development'.

The importance of the NPPF, and the changes made in 2018 is developed further in Fact Sheet 6.

d. Other elements of the planning system which may be of relevance to GA airfields are:

- The protection of green belts, National Parks, Areas of Outstanding Natural Beauty, European sites of ecological significance and a range of other designated areas of the landscape. Not all of these are managed by the planning authority but by bodies such as Natural England and the Environment Agency but these protections must be taken into account by the planning authority.
- Planning enforcement – if development has been undertaken without the appropriate permission, the planning authority may seek to have the development 'regulated' or even removed. (See Fact Sheet 9)
- Listed building and conservation area management and protection is operated through a system similar to the planning application process.
- Nuisance and pollution – normally managed by the Environment Agency or Environmental Health but frequently overlap with planning decisions.
- Highways and movement – normally managed by a County Council or Unitary Authority but these bodies are frequently closely involved with planning policy development and the consideration of applications.

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*This is one of a series of Fact Sheets available from the GAAC.
The planning system is not straightforward. Local policies and concerns vary across the country and as each airfield is unique, interaction with the planning system needs to be tailored to fit. If your airfield has a particular issue or if you would like further*



information, please contact the above address or see our website at www.gaac.org.uk