

CONSULTATION RESPONSE



“PLANNING FOR A SUSTAINABLE FUTURE”

17 August 2007

THE PLANNING WHITE PAPER

INTRODUCTION

1. While HBF and our members continue to welcome attempts to ensure that the planning system is both responsive and efficient we believe that there is a case to be made that focuses on culture and delivery within the existing system rather than constantly tweaking the system or processes themselves.
2. The process of planning reform has been one of constant change since 2001 and, while there is evidence of some changes in outputs these have not all been positive for the delivery of new development. Indeed, many of the changes have resulted in a hiatus in terms of creating plans and granting implementable planning consents.
3. If it is accepted that the new structure is essentially OK then the problems lies in its implementation. This is a matter of focus and priority by all stakeholders in the new process rather than the process itself. It is, for example, a constant annoyance to HBF that local planning authorities claim not to have enough resources to produce development plan documents yet continue to produce and adopt a plethora of supplementary planning documents.
4. That is not to say that there are not further changes that can be made that will facilitate better planning. We still maintain that the planning system over regulates and seeks to micro manage too much of the private market. However, the answer to this is to focus on outcomes and results rather than process and system.
5. Many local authorities who are positive about change and development appear to make things happen within the current system. We should learn the lessons from these authorities and developers in order that we can focus any further change on ensuring successful change.
6. It is a sad fact that, in many places in the Country the planning debate has not moved on for over 20 years despite radical changes to the planning objectives and delivery mechanisms. We therefore welcome the moves that government has already made towards requiring local authorities to approach development in their areas in a business plan way such as the requirements for a 5 year rolling supply of deliverable and developable land for housing, backed up by an agreed evidence base and a trajectory plan of delivery. We are similarly supportive of positive funding carrots for local authorities such as housing and planning delivery grant. However, we suggest that permissions gained via the appeals process should not count towards an authorities performance delivery.

7. We have attempted to answer the questions posed by the White Paper consultation below. However, all of our responses should be set in the context of the fundamental issue of encouraging a change of culture within both local government and local communities of rewarding those who produce and deliver appropriate and agreed planning strategies.

1a) Proposed reforms to the development consent regime for nationally significant infrastructure projects

8. The HBF has little to say on the proposed reforms for major infrastructure projects since our members are not directly involved with such proposals and it is unlikely that the proposed process will be extended to major residential or mixed use applications.
9. However, we have experienced delays and uncertainty over the release of significant strategic sites associated with major infrastructure provision such as the development of Gatwick and Stansted airports. This had led to significant shortfalls in housing provision and a great deal of uncertainty in local communities which manifests itself as opposition to the associated development with which our members are concerned.
10. Therefore we welcome any move towards providing greater clarity, certainty and transparency in planning such projects since this will assist in the delivery of strategic residential and mixed use sites and will give local communities the reassurance that the associated development will be necessary to support the major infrastructure.

National Policy Statements

11. The proposal to introduce national policy statements for key infrastructure sectors is wholeheartedly welcomed since it will provide greater certainty and clarity which, in turn, will lead to better delivery of all development through the planning system.
12. Many government policies are hidden in obscure publications and statements. The formalisation of this process and the clear publication of national policy statements, and their quinquennial review will allow for long term strategic planning for major infrastructure.

1b) Proposals to reform the town and country planning system

Q33. Delivering more renewable energy

13. The extension of permitted development rights for micro generation on non residential land uses is supported.
14. However, one of the issues not addressed in the consultation regarding permitted development on residential land was the possibility that developers should also be granted permitted development rights to install micro generation

in schemes that do not currently have such a requirement. This would allow the micro generation products to be better integrated into the dwellings at the construction stage rather than as a retro fitted item by the householder.

15. Similar permitted development rights for non residential developers would also allow for micro generation to be fitted as part of a build project rather than retro fitted from the new occupier.

Q34. Joined up community engagement

16. HBF would not resist the removal of the requirement for an independent examination of Statements of Community Involvement. A national “duty to involve” is considered appropriate since there is little deviation between local authorities’ approach to such consultation resulting in unnecessary duplication of effort and cost. Resources have been diverted away from production of vital development plan documents such as Core Strategies resulting in delays to delivery of development.
17. Community engagement as part of development projects is already adequately covered within the planning system and will inevitably increase as pre application discussions and planning performance agreements become more widespread and integrated within the system.
18. We have addressed many of the issues regarding this subject in our responses to the associated consultation papers.

Q35. More flexible response to a successful legal challenge

19. HBF supports the idea that all development plans (including RSS) should be able to revisit any part of the plan making process without having to restart the entire process. Obviously, in those cases where the fundamentals have been unsound the process will have to be restarted but we accept that there are many plans that will be unsound only in a less critical manner and that it should be possible to address the specific error in order to produce a sound plan or strategy.

Q36. Removing the requirement to list supplementary planning documents in local development schemes

20. HBF has been extremely concerned at the growing incidence of LPAs producing new policy via supplementary planning documents rather than through the longer, but more publicly robust, process of formal development plan documents.
21. Our concerns have been worsened by the limited involvement of the government (through their government offices in the regions) to take appropriate action against LPAs who seek to bypass the public scrutiny element of DPDs, instead opting for the non statutory SPD process.
22. While we accept that the amount of weight to be placed on SPD as opposed to an adopted DPD in the decision making process is supposed to be different we

have numerous examples of LPAs apparently placing equal weight on all types of policy document.

23. This problem has been exacerbated by the slow progress the majority of LPAs have made with regard to meeting the timetables of their own local development schemes.
24. One of the benefits of the local development scheme is to give consultees and other third parties clear notice of the production and publication of policy documents that will be used in the decision making process. The removal of SPD from the scheme will not only lead to greater confusion and less transparency in the decision making process but will further encourage many LPAs to produce either unnecessary SPDs or, more worryingly, SPDs which overstep the mark of merely supplementing policy rather than establishing new policy. Indeed, we would suggest that the weight to be given to SPD should be removed over time in order to focus attention on the benefits of adopting policies within development plan documents.
25. HBF strongly objects to the removal of this requirement and instead argues for a tightening of the procedures whereby LPAs should not be allowed to produce any SPDs if they are not contained within the published LDS.
26. Furthermore, we believe that the system would achieve greater certainty and transparency if LDSs were, themselves, subject to a short period of consultation before adoption. This would ensure that LPA resources are focussed on delivering clear and useful DPDs rather than diverting their focus onto non statutory SPD.

Q37. Sustainability appraisal and supplementary planning documents

27. We agree that sustainability appraisal of subsidiary documents is unnecessary where the parent document has, itself, been the subject of a full SA. However, in order to implement such a practice, the above concerns regarding the current widespread abuse of SPD must be addressed. SPD should demonstrate clearly how it is subsidiary to a higher DPD policy and how it has been assessed in the sustainability appraisal process.

Q38. Permitted development for non domestic land and buildings

28. HBF has no comment to make on this proposal

Q39. Neighbour agreements

29. Even though many of our members might benefit from this proposal it is not considered to be helpful within the planning system as a whole to devise a new set of rules for what would, in all probability, relate to a small number of applications.
30. There are already a number of ways that LPAs can reduce the numbers of applications, for example, through the use of local development orders.

Q40. Minor amendments of planning permission

31. HBF strongly agrees that it should be possible to make minor amendments to planning permissions. While we would prefer to see a national interpretation of what is considered to be “not material” in order that there is consistency and clarity in the system we fully appreciate that the circumstances could vary significantly for each site.
32. Nevertheless, HBF and our members would be happy to work with CLG and other stakeholders to agree how such materiality could be considered.

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