

CONSULTATION RESPONSE



LOCAL PLANNING REGULATIONS CONSULTATION

7 Oct 2011

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PPS12 Consultation
Communities and Local Government
Planning Directorate
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London. SW1E 5DU

Dear Mr Bridgman

Thank you for consulting the Home Builders Federation (HBF) on the above proposed changes to the local planning regulations. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of our membership of multinational plc's, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year. Our members are, therefore, particularly interested in the mechanics of the local planning process since they interact with it on an almost daily basis. It is, therefore, essential that the process proposed is both practical and inclusive.

It is curious that these draft regulations have been prepared when there is still considerable debate over the content of both the Localism Bill and the National Planning Policy Framework (NPPF), both of which contain policy approaches which will have a significant bearing on the detailed mechanics of local planning. While we are keen to support the speedy production of the revised regulations we have had to respond to this consultation on the basis of the draft NPPF and the current iteration of the Localism Bill as being debated in the House of Lords. Subsequent changes to either of these documents might affect how the regulations should address a number of issues.

Regulation 7: Development Plan Documents

Development Plan Documents (DPDs) are the most critical part of the plan led system since it is only these that carry statutory weight and thus the primacy of the development plan in decision making.

The proposed regulation appears to give the status of DPD solely to a single document that achieves ALL of the defined functions. While the HBF would welcome this approach to development planning this is not how the relevant legislation is set up nor, at the present time, is this proposed to be changed through the Localism Bill.

The existing legislative framework allows any number of Local Development Documents to be produced yet confers “development plan” status (for the purposes of S38(6)) in terms of decision making, to just those documents specified in existing Regulation 7.

The explanation of the changes in the consultation document also appears to refer to development plan documents (in the plural).

With that in mind the Regulation should be written to reflect the legislative fact that more than one document can be considered part of the development plan and that each document can cover one or more of the issues set out in Regulation 7.

We therefore suggest the first sentence is amended to read:

“The descriptions of documents which must be considered as a DPD for the purposes of Section 38 (whether prepared by a local planning authority individually or in cooperation with other local planning authorities) are any document containing statements regarding one or more of the following:”

We believe that it would be advantageous if the approved proposals map were also included in the list of those documents required to be a DPD.

Regulation 14(2)(b) should refer to Regulation 13(1) rather than 13(2). However it is noted that the 2004 regulations also contain this anomaly and refer to Regulation 17(2) rather than 17(1).

Regulation 21: Representations relating to a development plan document

This proposed regulation states that any person may make representations about a DPD. However, as part of the adoption process of a DPD. However such representations should be allowed on all of the submission documents, not just the DPD itself. This would be consistent with Regulation 23 and Regulation 18 with regard to proposed submission documents including such background documents.

Clearly, the DPD itself may rely heavily on the evidence base on which it draws for justification. Representations should be allowed to challenge that evidence base since it

would be pertinent to the derivation of the policy within the DPD itself. To exclude such representations (as currently proposed) would render the submission of the documents set out in Regulation 23 (1)(e) irrelevant.

I trust that you find the above comments helpful with regard to the drafting of these new regulations. It is important that we maintain a clear and practical development plan system through the current period of changes to the planning system and these regulations will be vital to that transition.

The HBF would, of course, be more than happy to discuss the proposed new process in greater detail should you find that helpful to do so. I look forward to seeing the government response in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Whitaker', with a stylized, flowing script.

Andrew Whitaker
HBF Planning Director