



Department for
Communities and
Local Government

Technical consultation on planning

Consultation response form

We are seeking your views to the following questions on the proposals to streamline the planning system.

How to respond to this consultation

Please email your response to the questions in this consultation by **26 September 2014** to planning.consultation@communities.qsi.gov.uk.

Alternatively you can write to:

Planning Consultation Team
Department for Communities and Local Government
1/H3 Eland House
Bressenden Place
London SW1E 5DU

When you reply please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

(i) Your details

Name:	Malcolm Watt
Organisation (if applicable):	Cotswolds Conservation Board
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(ii) Are the views expressed on this consultation an official response from an organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Please tick the one box that best describes you or your organisation

Public Authority:

District/Borough Council

London Borough Council

Unitary Council

County Council

National Park/Broads Authority

Parish/Town Council

Other public sector (please specify)

AONB Conservation Board,
Countryside and Rights of Way Act
2000

Voluntary/Community:

Designated neighbourhood forum

Community organisation

Voluntary/charitable sector

Residents Association

Other (please specify)

Retail (A1) and Financial and Professional Services (A2) Business:

Bank/Building society

Estate agent

Professional service

Betting shop

Pay day loan shop

Existing A1 retail/shop

Other A2 (please specify)

Other:

Land Owner

Developer/House builder

Developer association

Professional institute/professional e.g. planner, consultant

Professional Trade Association

Local Enterprise Partnership

Other (if none of the options in the lists above apply to you, please specify here)

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1. Neighbourhood planning

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on neighbourhood planning?

Yes No

Time limit for taking decisions on the designation of a neighbourhood area

Question 1.1: Do you agree that regulations should require an application for a neighbourhood area designation to be determined by a prescribed date? We are interested in the views of local planning authorities on the impact this proposal may have on them.

Comments

Question 1.2: If a prescribed date is supported do you agree that this should apply only where:

- i) the boundaries of the neighbourhood area applied for coincide with those of an existing parish or electoral ward; and
- ii) there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought?

Comments

Question 1.3: If a date is prescribed, do you agree that this should be 10 weeks (70 days) after a valid application is made? If you do not agree, is there an alternative time period that you would propose?

Comments

Question 1.4: Do you support our proposal not to change the period of six weeks in which representations can be made on an application for a neighbourhood area to be designated? If you do not, do you think this period should be shorter? What alternative time period would you propose?

Comments

Further measures

Question 1.5: We are interested in views on whether there are other stages in the neighbourhood planning process where time limits may be beneficial. Where time limits are considered beneficial, we would also welcome views on what might be an appropriate time period for local planning authority decision taking at each stage.

Comments

Pre-submission consultation

Question 1.6: Do you support the removal of the requirement in regulations for a minimum of six weeks consultation and publicity before a neighbourhood plan or Order is submitted to a local planning authority?

Comments

Question 1.7: Do you agree that responsibility for publicising a proposed neighbourhood plan or Order, inviting representations and notifying consultation bodies ahead of independent examination should remain with a local planning authority? If you do not agree, what alternative proposals do you suggest, recognising the need to ensure that the process is open, transparent and robust?

Comments

Consulting landowners

Question 1.8: Do you agree that regulations should require those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

Comments

No. The requirement to consult owners of land which may be affected is likely to be impractical: its value is doubtful because the owner can prevent development anyway using his property rights; a neighbourhood plan is already a burdensome process for a parish council or residents' association; it's very often impossible to find out who owns a patch of land; owners would do their best to obstruct conservation interests by interpreting this as affecting protective designations as well as development designations.

Question 1.9: If regulations required those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process, what would be the estimated cost of that requirement to you or your organisation? Are there other material impacts that the requirement might have on you or your organisation? We are also interested in your views on how such consultation could be undertaken and for examples of successful approaches that may have been taken.

Comments

Introducing an additional basic condition to test the extent of consultation

Question 1.10: Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or Order? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

Comments

No. The additional test of soundness on examination relating to consultation processes is unnecessary and obstructive: the referendum process is already available as a backstop to consultation actions.

Strategic Environmental Assessment

Question 1.11: Do you agree that it should be a statutory requirement that either: a statement of reasons, an environmental report, or an explanation of why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive must accompany a neighbourhood plan proposal when it is submitted to a local planning authority?

Comments

Yes. The preparation of a statutory Strategic Environmental Assessment is an onerous task, particularly for those preparing a Neighbourhood Plan. The proposal to simplify the process is supported.

Question 1.12: Aside from the proposals put forward in this consultation document are there alternative or further measures that would improve the understanding of how the [Environmental Assessment of Plans and Programmes Regulations 2004](#) apply to neighbourhood plans? If there are such measures should they be introduced through changes to existing guidance, policy or new legislation?

Comments

Further measures

Question 1.13: We would like your views on what further steps we and others could take to meet the Government’s objective to see more communities taking up their right to produce a neighbourhood plan or neighbourhood development order. We are particularly interested in hearing views on:

- stages in the process that are considered disproportionate to the purpose, or any unnecessary requirements that could be removed
- how the shared insights from early adopters could support and speed up the progress of others
- whether communities need to be supported differently
- innovative ways in which communities are funding, or could fund, their neighbourhood planning activities.

Comments

Question 1.14: Are there any further comments that you wish to make in response to this section?

Yes No

Comments

2. Reducing planning regulations to support housing, high streets and growth

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on reducing planning regulations to support housing, high streets and growth?

Yes No

Increasing Housing Supply

Question 2.1: Do you agree that there should be permitted development rights for:

(i) light industrial (B1(c)) buildings and

Yes No

(ii) storage and distribution (B8) buildings to change to residential (C3) use?

Yes No

Comments

Question 2.2: Should the new permitted development right:

- (i) include a limit on the amount of floor space that can change use to residential
- (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and
- (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?

- | | | |
|-----------------------------------|------------------------------|----------------------------------------|
| (i) limit on floor space | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) apply in Article 1(5) land | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (iii) other prior approval issues | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Comments

<p>Since the prior approval matters listed take no account of the visual impact of such changes of use, it is important that this right is not available in land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites. (Article 1(5) land).</p> <p>The setting of Listed buildings and other historic assets need to be considered.</p>

Question 2.3: Do you agree that there should be permitted development rights, as proposed, for laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3) use and to carry out building work directly related to the change of use?

Yes No

Comments

Question 2.4: Should the new permitted development right include:

(i) a limit on the amount of floor space that can change use to residential and

Yes No

(ii) a prior approval in respect of design and external appearance?

Yes No

Comments

Question 2.5: Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?

Yes No

Comments

Question 2.6: Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

Yes No

Comments

Question 2.7: Do you agree that the permitted development rights allowing larger extensions for dwelling houses should be made permanent?

Yes No

Comments

Supporting a mixed and vibrant high street

Question 2.8: Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?

Yes No

Comments

Question 2.9: Do you agree that a planning application should be required for any change of use to a betting shop or a pay day loan shop?

Yes No

Comments

Question 2.10: Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?

Yes No

Comments

Question 2.11: Do you agree that there should be permitted development rights for:

(i) A1 and A2 premises and

Yes No

(ii) laundrettes, amusement arcades/centres, casinos and nightclubs to change use to restaurants and cafés (A3)?

Yes No

Comments

Question 2.12: Do you agree that there should be permitted development rights for A1 and A2 uses, laundrettes, amusement arcades/centres and nightclubs to change use to assembly and leisure (D2)?

Yes No

Comments

Supporting retail facilities

Question 2.13: Do you agree that there should be a permitted development right for an ancillary building within the curtilage of an existing shop?

Yes No

Comments

Question 2.14: Do you agree that there should be a permitted development right to extend loading bays for existing shops?

Yes No

Comments

Question 2.15: Do you agree that the permitted development right allowing shops to build internal mezzanine floors should be increased from 200 square metres?

Yes No

Comments

Question 2.16: Do you agree that parking policy should be strengthened to tackle on-street parking problems by restricting powers to set maximum parking standards?

Yes No

Comments

Supporting growth

Question 2.17: Do you agree that there should be a new permitted development right for commercial film and television production?

Yes No

Comments

Yes. The Cotswolds is becoming an attractive area for film and television productions. Filming has recently taken place in Northleach. Such activity can bring local economic benefits. Excluding the AONB from the proposed permitted development rights procedure could disadvantage the Cotswolds. The conditions proposed relating to reinstatement temporary use and protection of listed buildings etc would appear to provide enough safeguards as far as the AONB is concerned.

Question 2.18: Do you agree that there should be a permitted development right for the installation of solar PV up to 1MW on the roof of non-domestic buildings?

Yes No

Comments

Yes. This is a welcome proposal with the conditions proposed. It would be preferable to exclude roofs in Article 5(1) land “visible from” a highway (which include public rights of way) to “fronts”.

The setting of listed buildings and other historic assets need to be considered.

Question 2.19: Do you agree that the permitted development rights allowing larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings should be made permanent?

Yes No

Comments

Question 2.20: Do you agree that there should be a new permitted development right for waste management facilities to replace buildings, equipment and machinery?

Yes No

Comments

Question 2.21: Do you agree that permitted development rights for sewerage undertakers should be extended to include equipment housings?

Yes No

Comments

Question 2.22: Do you have any other comments or suggestions for extending permitted development rights?

Yes No

Comments

Implementing the proposals

Question 2.23: Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence regarding the impact of the proposal on the number of new betting shops and pay day loan shops, and the costs and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?

Yes No

Comments

Article 4 Directions

Question 2.24: Do you agree:

(i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 direction and

Yes No

(ii) should the compensation regulations also cover the permitted development rights set out in the consultation?

Yes No

Comments

Question 2.25: Are there any further comments that you wish to make in response to this section?

Yes No

Comments

3. Improving the use of planning conditions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on improving the use of planning conditions?

Yes No

Deemed discharge for certain types of conditions where the local planning authority does not make a timely decision

Question 3.1: Do you have any general comments on our intention to introduce a deemed discharge for planning conditions?

Yes No

Comments

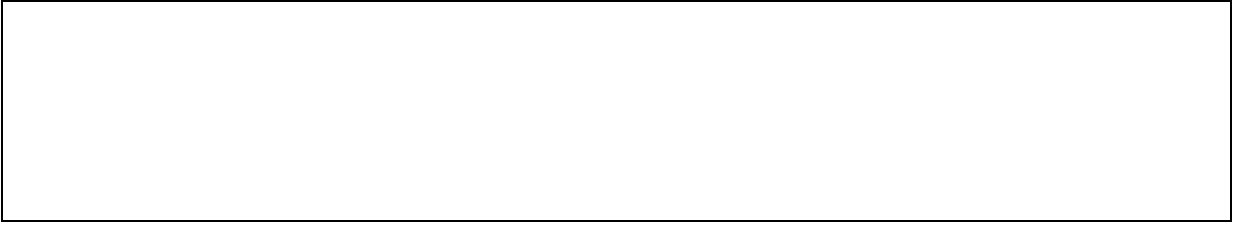
The problem is real but the solution is misconceived: effectively, when a LPA is dilatory, it seeks to penalise the local environment rather than the LPA itself, thus making the planning system work worse rather than better. A better remedy would be to require the LPA to return the original application fee if submitted details are not dealt with in a timely manner.

Question 3.2: Do you agree with our proposal to exclude some types of conditions from the deemed discharge?

Yes No

Where we exclude a type of condition, should we apply the exemption to all conditions in the planning permission requiring discharge or only those relating to the reason for the exemption (e.g. those relating to flooding). Are there other types of conditions that you think should also be excluded?

Comments



Question 3.3: Do you agree with our proposal that a deemed discharge should be an applicant option activated by the serving of a notice, rather than applying automatically?

Yes No

If not, why?

Comments

Question 3.4: Do you agree with our proposed timings for when a deemed discharge would be available to an applicant?

Yes No

If not, why? What alternative timing would you suggest?

Comments

Question 3.5: We propose that (unless the type of condition is excluded) deemed discharge would be available for conditions in full or outline (not reserved matters) planning permissions under S.70, 73, and 73A of the Town and Country Planning Act 1990 (as amended).

Do you think that deemed discharge should be available for other types of consents such as advertisement consent, or planning permission granted by a local development order?

Yes No

Comments

Reducing the time limit for return of the fee for applications for confirmation of compliance with conditions attached to planning permissions

Question 3.6: Do you agree that the time limit for the fee refund should be shortened from twelve weeks to eight weeks?

Yes No

If not, why?

Comments

Local planning authorities should be able to set their own fees for prior approvals: in these difficult times it is unreasonable for developers to be subsidised by the council tax payer.

Question 3.7: Are there any instances where you consider that a return of the fee after eight weeks would not be appropriate?

Yes No

Why?

Comments

Sharing draft conditions with applicants for major developments before a decision is made

Question 3.8: Do you agree there should be a requirement for local planning authorities to share draft conditions with applicants for major developments before they can make a decision on the application?

Yes No

Comments

We doubt that this would be feasible, given the time limits on the development control process. Certainly Option B in §3.38 would seem impracticable.

Question 3.9: Do you agree that this requirement should be limited to major applications?

Yes No

Comments

Question 3.10: When do you consider it to be an appropriate time to share draft conditions:

- ten days before a planning permission is granted?
- five days before a planning permission is granted? or
- another time?, please detail

Comments

Question 3.11: We have identified two possible options for dealing with late changes or additions to conditions – Option A or Option B. Which option do you prefer?

Option A Option B Neither

If neither, can you suggest another way of addressing this issue and if so please explain your alternative approach?

Comments

Requirement to justify the use of pre-commencement conditions

Question 3.12: Do you agree there should be an additional requirement for local planning authorities to justify the use of pre-commencement conditions?

Yes No

Comments

The main reason LPAs impose pre-commencement conditions is because it was found in the 1960s and 1970s that it was impractical to enforce many conditions unless this was done, and Government circulars recommended this technique. The situation has surely not changed.

Question 3.13: Do you think that the proposed requirement for local planning authorities to justify the use of pre-commencement conditions should be expanded to apply to conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead?

Yes No

Comments

Question 3.14: What more could be done to ensure that conditions requiring further action to be undertaken by an applicant before an aspect of the development can go ahead are appropriate and that the timing is suitable and properly justified?

Comments

Question 3.15: Are there any further comments that you wish to make in response to this section?

Yes No

Comments

4. Planning application process improvements

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on planning application process improvements?

Yes No

Review of requirements for consultation with Natural England and the Highways Agency

Question 4.1: Do you agree with the proposed change to the requirements for consulting Natural England set out in Table 1? If not, please specify why.

Yes No

Comments

Question 4.2: Do you agree with the proposed changes to the requirements for consulting the Highways Agency set out in Table 2? If not, please specify what change is of concern and why?

Yes No

Comments

Review of requirements for consulting with English Heritage

Question 4.3: Do you agree with the proposed changes to the requirements for consulting and notifying English Heritage set out in Table 3? If not, please specify what change is of concern and why?

Yes No

Do you agree with the proposed change to remove English Heritage's powers of Direction and authorisation in Greater London? If not, please explain why?

Yes No

Comments

Question 4.4: Do you agree with the proposed changes to the requirements for referring applications to the Secretary of State set out in Table 4? If not, please specify what change is of concern and why.

Yes No

Comments

Question 4.5: Do you agree with the proposed minor changes to current arrangements for consultation/notification of other heritage bodies? If not, please specify what change is of concern and why.

Yes No

Comments

Further measure to streamline statutory consultation arrangements

Question 4.6: Do you agree with the principle of statutory consultees making more frequent use of the existing flexibility not to be consulted at the application stage, in cases where technical issues were resolved at the pre-application stage?

Yes No

Do you have any comments on what specific measures would be necessary to facilitate more regular use of this flexibility?

Yes No

Comments

Impacts and benefits of the proposals

Question 4.7: How significant do you think the reduction in applications which statutory consultees are unnecessarily consulted on will be? Please provide evidence to support your answer.

Comments

Notifying railway infrastructure managers of planning applications for development near railways

Question 4.8: In the interest of public safety, do you agree with the proposal requiring local planning authorities to notify railway infrastructure managers of planning applications within the vicinity of their railway, rather than making them formal statutory consultees with a duty to respond?

Yes No

Comments

Question 4.9: Do you agree with notification being required when any part of a proposed development is within 10 metres of a railway?

Yes No

Do you agree that 10 metres is a suitable distance?

Yes No

Do you have a suggestion about a methodology for measuring the distance from a railway (such as whether to measure from the edge of the railway track or the boundary of railway land, and how this would include underground railway tunnels)?

Yes No

Comments

Consolidation of the Town and Country Planning (Development Management Procedure) Order 2010

Question 4.10: Do you have any comments on the proposal to consolidate the Town and Country Planning (Development Management Procedure) Order 2010?

Yes No

Comments

Measurement of the end-to-end planning process

Question 4.11: Do you have any suggestions on how each stage of the planning application process should be measured? What is your idea? What stage of the process does it relate to? Why should this stage be measured and what are the benefits of such information?

Yes No

Comments

This should not be done routinely because of the administrative burden. The Government should commission survey work to look at this every year.

Question 4.12: Are there any further comments that you wish to make in response to this section?

Yes No

Comments

5. Environmental Impact Assessment Thresholds

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on Environmental Impact Assessment Thresholds?

Yes No

The proposals we are consulting on

Question 5.1: Do you agree that the existing thresholds for urban development and industrial estate development which are outside of sensitive areas are unnecessarily low?

Yes No

Comments

Question 5.2: Do you have any comments on where we propose to set the new thresholds?

Yes No

Comments

Question 5.3: If you consider there is scope to raise the screening threshold for residential dwellings above our current proposal, or to raise thresholds for other Schedule 2 categories, what would you suggest and why?

Comments

Question 5.4: Are there any further comments that you wish to make in response to this section?

Yes No

Comments

Consideration needs to be given to the implications of raising the thresholds for developments within the setting of designated landscapes and heritage assets.

6. Improving the nationally significant infrastructure regime

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on streamlining consents for nationally significant infrastructure projects?

Yes No

Non-material and material changes to Development Consents Orders

Question 6.1: Do you agree that the three characteristics set out in paragraph 6.10 are suitable for assessing whether a change to a Development Consent Order is more likely to be non-material? Are there any others that should be considered?

Yes No

Comments

Making a non-material change

Question 6.2: Do you agree with:

- (i) making publicising and consulting on a non-material change the responsibility of the applicant, rather than the Secretary of State?

Yes No

- (ii) the additional amendments to regulations proposed for handling non-material changes?

Yes No

Comments

Making a material change

Question 6.3: Do you agree with the proposals:

- (i) to change the consultation requirements for a proposed application for a material change to a Development Consent Order?

Yes No

- (ii) to remove the requirement on an applicant to prepare a statement of community consultation for an application for a material change?

Yes No

- (iii) to remove the current requirement to publish a notice publicising a proposed application where an application for a material change is to be made?

Yes No

Comments

Question 6.4: Do you agree with the proposal that there should be a new regulation allowing the Secretary of State to dispense with the need to hold an examination into an application for a material change?

Yes No

Comments

Question 6.5: Do you agree with the proposal to reduce the statutory time periods set out in the 2011 Regulations to four months for the examination of an application for a material change, two months for the examining authority to produce a report and their recommendation and two months for the Secretary of State to reach a decision?

Yes No

Comments

Guidance on procedures

Question 6.6: Are there any other issues that should be covered if guidance is produced on the procedures for making non-material and material changes to Development Consent Orders?

Yes No

Comments

The proposal we are consulting on

Question 6.7: Do you agree with the proposal that applicants should be able to include the ten consents (see main document) within a Development Consent Order without the prior approval of the relevant consenting body?

Yes No

Comments

Question 6.8: Do you agree with the ways in which we propose to approach these reforms?

Yes No

Comments

Question 6.9: Are there any other ideas that we should consider in enacting the proposed changes?

Yes No

Comments

Question 6.10: Do you have any views on the proposal for some of the consents to deal only with the construction stage of projects, and for some to also cover the operational stage of projects?

Yes No

Comments

Question 6.11: Are there any other comments you wish to make in response to this section?

Yes No

Comments