

'Planning for a Sustainable Future' – Response to CLG White Paper
Proposed Responses

Questions		Proposed Responses
QUESTION 1 The proposed package of reforms	Do you agree that there is a strong case for reforming the current system for planning for nationally significant infrastructure? Do you agree in principle that the overall package of reforms proposed here achieves the objectives that we have set out? If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?	There is no doubt that the existing Planning System is failing to deliver major infrastructure development for the wider national benefit. In this sense the System has failed to effectively engage the public in this important decision making process. However, in addressing reform it is essential that the Government maintains a balance between the desire to enable economic growth for the national benefit whilst maintaining transparency and achieving public engagement in a decision making process that will transfer from the local to the national. The introduction of national policy statements providing a clear framework for determining nationally significant projects is welcome and long overdue. Also welcome is the introduction of the independent Commission to take such nationally significant infrastructure decisions but it is essential if this is to have public support as a transparent process that it is not seen as a Government led Commission.
QUESTION 2 Introduction of national policy statements	Do you agree, in principle, with the introduction of national policy statements for key infrastructure sectors in order to help clarify Government policy, provide a clear and strategic framework for sustainable development, and remove a source of delay from enquiries? If not, do you have alternative suggestions for helping to achieve these objectives?	The introduction of national policy statements is welcomed.

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QUESTION 3 Content of national policy statements	<p>Do you agree that national policy statements should cover the core issues set out above? (The core issues are:</p> <ul style="list-style-type: none"> • Establish objectives based upon the use of strategic and environmental assessment • Indicate how objectives for the specific key infrastructure are integrated into Government policy, PPS, national planning policy and international requirements • Take into account projected capacity and demand • Consider safety and technology issues • Identify where adverse impacts need to be addressed • Be locationally specific as appropriate). <p>Are there any other criteria that should be included?</p>	The core issues proposed appear to be comprehensive.
QUESTION 4 Status of national planning statements	<p>Do you agree, in principle, that national policy statements should be the primary consideration for the Infrastructure Planning Commission in determining individual applications? If not, what alternative status would you propose?</p>	Clearly national planning statements should be among the principal considerations for the Infrastructure Planning Commission in determining individual applications but the concept of 'other material considerations' needs to be introduced to give the flexibility it offers to the existing Development Control process at the local level. The Infrastructure Planning Commission needs to be able to embody flexibility in considering other matters which are important and may range from planning policy statements through to third party consultation responses.
QUESTION 5 Consultation on national planning statements	<p>Do you agree, in principle, that these proposals would ensure effective public engagement in the production of national policy statements, including with local communities that might be affected? (The proposals for consultation are:</p> <ul style="list-style-type: none"> • Inform consultation with experts or organisations in reviewing evidence for policy preparation 	The proposals appear to be comprehensive.

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	<ul style="list-style-type: none"> • Thorough and effective consultation on draft policy • Consultation with local, regional and national bodies and statutory agencies • Specific consultation with communities where they are most affected • To be taken into account and explain how consultation has influenced policy). <p>Are there any additional measures that would improve public and community engagement in their production?</p>	
QUESTION 6 Parliamentary Scrutiny	Do you agree, in principle, with the intention to have Parliamentary scrutiny for proposed national policy statements? What mechanisms might ensure appropriate Parliamentary scrutiny?	Parliamentary scrutiny would appear appropriate for policy statements determining national infrastructure provision.
QUESTION 7 Timescale of national policy statements	Do you agree, in principle, that 10-25 years is the right forward horizon for national policy statements? If not, what timeframe do you consider to be appropriate?	For the provision of such national important infrastructure 10 years would appear to be too short and a minimum of 20 years will be more appropriate and in context with the timeframe for planning through the regional spatial strategies etc.
QUESTION 8 Review of national policy statements	Do you agree that 5 years is an appropriate period for the Government to consider whether national policy statements remain up to date or require review? What sort of evidence or circumstances do you think might otherwise justify and trigger a review of national policy statements?	Five years would appear to be an appropriate period for review. A trigger for the review outside this timescale is likely to be caused by issues of major national and international significance
QUESTION 9 Opportunities for legal challenge	Do you agree, in principle, that this opportunity (6 weeks) for legal challenge would provide sufficient and robust safeguards to ensure that a national policy statement is sound and that people have confidence in it? If not, what	A 6 week period for legal challenge on a policy statement guiding national infrastructure on this scale is considered to be too short and a 12 week period would seem more appropriate

alternative would you propose?

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QUESTION 10 Transitional arrangements	Do you agree, in principle, that subject to meeting core elements and standards for national policy statements set out in this White Paper, policy statements in existence on commencement of the new regime should be capable of acquiring a status of national policy statements for the purposes of decision making by the Commission? If not, what alternative arrangements do you propose?	This would seem appropriate
QUESTION 11 The preparation of applications for nationally significant infrastructure projects	Do you agree, in principle, that promoters should have to prepare applications to a defined standard before the Infrastructure Planning Commission agrees to consider them?	Yes, in order to ensure transparency and consistency
QUESTION 12 Consultation by promoters	Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the Infrastructure Planning Commission? Do you think this consultation should take a particular form?	It is considered appropriate that promoters should consult the public, landowners and local communities before submitting an application to the Commission in the same way that the local planning application system is now frontloaded to favour community engagement
QUESTION 13 Consulting Local Authorities	Do you agree, in principle, that relevant Local Authorities should have special status and any consultation? Do you think the Local Authority role should take a particular form?	It is considered important for transparency and to engender public support that if decision making is being taken away from the local level that Local Authorities should have special status in any consultation. The Local Authority view should be given significant weight by the Commission in reaching its decision

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QUESTION 14 Consulting other organisations	Do you agree, in principle, that this list of statutory consultees is appropriate at the project development stage? (The list includes: Health and Safety Executive, Director of Public Health, Highway Authorities, CAA, Coal Authority, Environment Agency, English Heritage, Natural England, Waste Regulation Authority, British Waterways, Internal Drainage Board, Regional and Local Resilience Foray, CABE, HM Railway Inspectorate, Office of Rail Regulation, National Parks Authority, Mayor of London, Devolved Administrations, Rural Development Authorities, Regional Assemblies). Are there any bodies not included who should be?	The list appears to be comprehensive
QUESTION 15 Statutory consultees responses	Do you agree, in principle, that the Government should set out in legislation an upper limit on the time that statutory consultees have to respond to a promoter's consultation? If so, what time limit would be appropriate?	It is important in order not to hold up the consideration of applications that an upper time limit should be set and a period 12 weeks is suggested
QUESTION 16 The Infrastructure Planning Commission's role	Do you agree, in principle, that the Commission should issue guidance for developers on the application process, preparing applications, and consultation? Are there any other issues on which it might be appropriate for the Commission to issue guidance?	The list of guidance appears appropriate but also ought to include guidance on responding to climate change and sustainability
QUESTION 17 The Infrastructure Planning Commission's advisory role	Do you agree, in principle, that the Commission should advise promoters and other parties on whether the proposed project falls within its remit to determine the application process, procedural requirements and consultation? Are there any other advisory roles which the Commission could perform?	It is essential that the Infrastructure Planning Commission is prepared to engage in such pre-application advice

QUESTION 18 Rules governing propriety	What rules do you consider would be appropriate to ensure the propriety of the Commission's interaction with promoter and other parties?	The Commission should be bound by a nationally published set of standards governing propriety and its decision making and actions should be reviewed on an annual basis by an independent body to ensure that propriety is met
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QUESTION 19 The Commission's role at the point of application	Do you agree, in principle, that the Commission should have the powers described above (i.e. to refuse to accept an application that does not satisfy prescribed requirements)? Are there any other issues the Commission should address before or at the point of application?	It is important that the Commission has the ability to reject proposals which do not meet the required criteria
QUESTION 20 Determining applications for nationally significant infrastructure projects	Scope of Infrastructure Planning Commission (includes a series of thresholds triggering the Commission's involvement for energy, transport and water and waste)	Thresholds appear to be appropriate
QUESTION 21 Electricity system	Do you agree, in principle, that all projects necessary to the operational effectiveness, reliability and resilience of the electricity transmission and distribution networks should be taken by the Commission? If not, which transmission and distribution network projects do you think could be determined locally?	It is agreed that such projects need to be determined in a consistent manner and therefore determination by the Commission would seem appropriate. However, it is particularly important with such projects that are close to local communities that the comments from that local community and from the Local Authority are given particular prominence in the decision making process
QUESTION 22 Gas infrastructure	Do you agree, in principle, that the consenting regime for major gas infrastructure should be simplified and updated, rationalising the regime to bring nationally significance decision making under the Commission?	This would seem appropriate

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QUESTION 23 Other routes to the Infrastructure Planning Commission	Do you agree, in principle, that it is appropriate for Ministers to specify projects for consideration by the Commission via national policy statements or Ministerial directions to the Commission? If not, how would you propose changing technology or sectorial circumstances should be accommodated?	A considerable degree of caution must be applied to the principle of Ministers specifying projects for consideration by the Commission especially with regard to transparency and fairness of the decision making process and not taking away the power to make local decisions where that is appropriate
QUESTION 24 Rationalisation of consent regimes	Do you agree, in principle, that the Commission should be authorised to grant consents, confer powers including powers to compulsory purchase land and amend legislation necessary to implement nationally significant infrastructure projects? Are there any authorisations listed that it would be appropriate to deal with separately, and if so which body should approve them, or that are not included and should be? (The list includes: <ul style="list-style-type: none"> • works to construct infrastructure projects • deemed planning permission • compulsory purchase of land • powers to amend, apply or disapply local and public legislation governing infrastructure such as railways or ports • powers to stop up or divert highways or other rights of way or navigating rights, both temporarily and permanently • permission to construct associated infrastructure and access land • listed building consent, conservation area consent, schedule monument consent • hazardous substances consent 	This list would seem comprehensive

	<ul style="list-style-type: none"> • creation of new rights over land • powers to lop or fell trees • powers to authorise any matters ancillary to the construction operation of works 	
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QUESTION 25 The Commission's mode of operation	Do you agree, in principle, that the proposed arrangements for the Commission to deal with cases is an appropriate way to ensure that consideration is proportionate and that an appropriate range of specialist expertise is brought to bear on the final decision? If not, what changes or alternative mode of operation would you propose?	The nature of proposals which are likely to be considered by the Commission necessitate an appointment of at least 5 panel members and any discretion to delegate to a single Commissioner would need to be extremely limited, follow from public consultation and have a clear and transparent framework developed within which such decisions are taken
QUESTION 26 Preliminary stages	Do you agree, in principle, that the list of statutory consultees set out above (the same as listed at Question 14) is appropriate at the determination stage? Are there any bodies not included and should be?	The list appears to be comprehensive
QUESTION 27 Examination	Do you agree, in principle, that the procedural reform set out above would improve the speed, efficiency and predictability of the consideration of applications, while maintaining the quality of consideration and improving the opportunities for effective public participation? If not, what changes or other procedural reforms might help to achieve these objectives?	The process appears to be satisfactory
QUESTION 28 Hard to reach groups	What measures do you think would better enable hard to reach groups to make their views heard in the process for nationally significant infrastructure projects? How might Local Authorities and other bodies such as Planning Aid be expected to assist in engaging local communities in the process?	The answer to this question depends on the nature of the project proposed and its locality but in each case the Local Authority would be able to advise the Commission on whether it thinks there are hard to reach groups who need to be involved in a consultation process. There may be an extended role for the Planning Advisory Service as well as Planning Aid in assisting in the engagement of local communities in this national process
QUESTION 29	Do you agree that the Commission should decide	The framework proposed would appear satisfactory

Decision	applications in line with the framework set out above? If not, what changes should be made or what alternative considerations should it use?
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QUESTION 30 Conditions	Do you agree, in principle, that the Commission should be able to specify conditions in this way subject to the limitations identified and for Local Authorities to then enforce them? If not, what alternative approach would you propose?	Whilst it is entirely appropriate for the Commission to specify conditions for any development promoted to comply with in the same way that conditions are attached to planning permissions. However, any expectation that Local Authorities would then enforce the conditions should be supported by additional resources to ensure that this can be effectively carried out and does raise the question of Local Authorities ability to retain the necessary specialist expertise that may be required with some nationally significant projects to ensure satisfactory compliance with conditions. Where this is the case, additional resources should be made available to engage such specialists
QUESTION 31 Rights of challenge	Do you agree, in principle, that this opportunity for legal challenge to a decision by the Infrastructure Planning Commission provides a robust safeguard that will ensure decisions are taken fairly and that people have confidence in them? If not, what alternative would you propose?	The proposal and the six week period required would appear to be satisfactory
QUESTION 32 Commission skill set	What experience and skills do you think the Commission would need?	The Commission skill set would need to include experts in planning, law, engineering, environment, heritage, health, technical specialists appropriate to the infrastructure being provided (e.g. gas, electricity, water etc.) Community engagement and national, regional and Local Government
QUESTION 33 Proposals to reform the Town	What types of non-residential land and property do you think might have the greatest potential for micro-regeneration and which should we examine first?	It is suggested that public sector land and buildings should be examined first followed by the agricultural industry

and Country Planning System – delivering more renewable energy		
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QUESTION 34 Joined up community engagement	We think it is important to enable a more joined up approach to community engagement locally. We propose to use the new 'duty to involve' to ensure high standards but remove the requirement for the independent examination of the separate planning statements of community involvement. Do you agree?	This is a welcome change as the independent examination of SCIs caused some confusion and rarely gained the engagement amongst communities and other third parties that is intended to have
QUESTION 35 More flexible response to a successful legal challenge	Do you agree that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?	This is also a welcome proposal which should reduce the abortive cost we have seen already incurred by some Local Authorities under the new Local Development Framework process
QUESTION 36 Removing the requirement to list Supplementary Planning Documents and local development schemes	Do you agree, in principle, that there should not be a requirement for Supplementary Planning Documents to be listed in the Local Development Scheme?	Yes, this is also a welcome change that would enable Local Authorities to retain flexibility of response to prepare SPDs where necessary without having to revise the Local Development Schemes and seek Government office and Planning Inspectorate approval to them
QUESTION 37 Sustainability appraisal and Supplementary Planning	Do you agree, in principle, that there should not be a blanket requirement for Supplementary Planning Documents to have a sustainability appraisal unless there are impacts that have not been covered in the appraisal of a parent DPD or an assessment is required by the SEA directive?	As per response to Question 36, this is welcome and adds flexibility to the process

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QUESTION 38 Making the planning process more efficient and effective	Permitted development for non-domestic land and buildings. Which types of non-residential development offer the greatest potential for change to permitted development rights? What limitations might be appropriate for particular sorts of development in local circumstances?	A review of permitted development rights for industrial premises and retail premises is suggested
QUESTION 39 Neighbour agreements	What is your view on the general principle of introducing a streamline process for approval of minor development which does not have permitted development rights and where the neighbours to the proposed development are in agreement?	This suggestion is completely impractical and can only lead to the planning system being brought into disrepute. It will be impossible to maintain consistency of decision making and it may result in undue pressure being brought to bear on neighbours who hitherto have been able to rely on the planning process to consider proposals consistently and fairly, thus giving a degree of certainty of protection of their rights where it is appropriate
QUESTION 40 Minor amendments of planning permission	Do you agree that it would be possible to allow minor amendments to be made to a planning permission? Do you agree with the approach?	Most Councils develop their own approach to tolerance with regard to accepting minor amendments of planning permission and there is not considered to be any justification for amending the current system in this regard. Again, it is only likely to serve to undermine the process making it difficult to achieve consistency and transparency in the decision making process