



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](mailto: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**

<b>Name:</b>	Stephen Russell
<b>Organisation (if applicable):</b>	Landscape Institute
<b>Address:</b>	Charles Darwin House, 12 Roger Street, London
<b>Post Code:</b>	WC1N 2JU
<b>Email Address:</b>	<a href="mailto:stephenr@landscapeinstitute.org">stephenr@landscapeinstitute.org</a>
<b>Telephone Number:</b>	020 7685 2649

**(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)

**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)

# Contents

<b>1. Neighbourhood planning</b>	<b>5</b>
<b>2. Reducing planning regulations to support housing, high streets and growth</b>	<b>11</b>
<b>3. Improving the use of planning conditions</b>	<b>21</b>
<b>4. Planning application process improvements</b>	<b>30</b>
<b>5. Environmental Impact Assessment Thresholds</b>	<b>36</b>
<b>6. Improving the nationally significant infrastructure regime</b>	<b>38</b>

# 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

Local planning authorities need to be supported in the designation process because there are too many variables to be so prescriptive. The authority has no control over the timing or numbers of designation requests that might come in nor can they easily assess the level of technical support needed by each community to enable the plan to be completed.

**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

n/a

**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**

n/a

**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**

We cannot agree with any suggestion to reduce the time period in which representations can be made on an application for a neighbourhood area to be designated. Time needs to be provided to local communities, who have many other demands on their time, to enable their involvement in the neighbourhood planning process.

**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**

n/a

## 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

No. The existing process is an iterative one allowing local people to contribute to an evolving plan. The proposed changes would result in unsubstantiated plans having to be considerably altered after submission, resulting in more alterations and potentially stimulating greater local conflict which could end up taking longer and working within a climate of distrust.

**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

Yes. We agree with this.

## 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

Yes. We agree with this.

**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

By their nature, neighbourhood plans ought to involve at the outset all of the local community. A standard invitation should be developed to assist local communities to ensure that all landowners are aware that plans that might affect their land are being prepared and be invited to contribute to the plan's preparation.

### 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

Yes. We agree with this.

### 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. We strongly agree with this suggested statutory requirement.



**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

Emphasis should be given to consult through a non-technical summary to further the understanding by everyone of the potential environmental impacts.

### 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

The most obvious mechanism to encourage local involvement in plan making is to propose that, after a period of time, it will become the responsibility of the Local Planning Authority to prepare the neighbourhood plan. Although this appears as a threat in reality such a mechanism remains within the democratic framework

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

Yes  No

**Comments**

n/a
-----

## 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

The list of exclusions should also include National Parks and AONBs

**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 checked="" 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**

n/a
-----

**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**

n/a
-----

**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**

n/a

**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**

Our agreement with this is conditional – the right should not extend to development in the open countryside.

**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**

n/a

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

Yes  No

**Comments**

n/a

**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**

n/a

**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**

n/a

**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**

n/a

**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**

n/a

**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**

n/a

## 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

n/a
-----

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

Yes  No

### Comments

n/a
-----

**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

n/a
-----



**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**

n/a

**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**

n/a

**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**

n/a

**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**

n/a

**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**

n/a

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

Yes  No

**Comments**

n/a

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

Yes  No

**Comments**

n/a
-----

**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**

n/a
-----

**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**

n/a

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

Yes  No

**Comments**

n/a

### 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**

**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**

We do agree with the proposal to exclude some types of conditions from the deemed discharge; and we agree with those that have been listed for exemption. If there are situations where there are conditions requiring submission of further details that are not the subject of reserved matters eg for detail design, landscape plans or management and maintenance plans then we do not think these should be exempt i.e. they should also be excluded from the types of conditions that have

deemed discharge.

There could be exempt and non-exempt conditions within one planning permission as long as it was clear which were exempt and which were not.

We wonder if requirements from Development Consent Orders for Nationally Significant Infrastructure Projects should also feature on this list?

**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**



**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**

Yes

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

Yes  No

**Comments**

Yes

**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**

n/a

**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**

Option A is preferred as the details relating to the granting of planning permission and the application or precise wording of conditions (and their justification) may be added or amended as part of a Committee decision (or delegated decision by a senior officer) following consideration of all aspects (including third party representations). Draft conditions forming part of a recommendation in a report cannot be relied upon with certainty. A requirement for there to be consultation with the applicant on any added or amended conditions prior to issuing a decision would be likely to result in unnecessary delay and uncertainty (e.g. possibly requiring potential referral back to a planning committee and then back to the applicant ad infinitum).

**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**

No, unless this is simply a matter of using model standard text. This seems to add an unnecessary burden on planning authorities as the existing requirement for a condition to be included in the decision should suffice. Pre-commencement conditions are routinely and appropriately required for matters such as landscape design and tree protection. These are generally applied either because insufficient information has been submitted to provide assurance that these matters are being / will be dealt with appropriately, or the information submitted is unacceptable and would result in refusal.

The rationale for a pre-commencement condition would generally be that the matter requiring discharge is so critical to the scheme that it is in both the applicant's and the planning authority's interests to ensure that such matters are properly resolved before carrying out works that might otherwise prejudice the outcome of such matters. The implications of failure to deliver on expectations could result in the development proposals becoming unviable or requiring revisions that would necessitate a new planning application.

It might be that the above rationale would be the basis for template / model text that would justify the use of pre-commencement / pre-occupation conditions.

The design of external works such as drainage, levels, earthworks, retaining features, walls and fences, lighting and furniture and hard surface areas, including play areas, car parks and streets, is fundamental to the landscape quality, character and functionality of a development. The protection of existing trees and other vegetations and the successful establishment of new planting is dependent on the spaces made available and the quality of ground preparation, materials, workmanship and ongoing maintenance. These standards and specifications must be considered and agreed in advance of site operations, with due allowance for costs and management responsibilities. The importance of this point is underlined by the recent findings of the Government-commissioned Farrell Review of Architecture and the Built Environment, which attached a great deal of importance to the need to prioritise landscape matters:

*“Landscape architecture and urban design are often the most valued by the public yet contradictorily the least valued in terms of fees and are frequently where the first savings are made on any given project. Something has to be done about this.”*

*“Landscape should be seen as the primary infrastructure which creates value directly and indirectly. Government and built environment professionals need to reprioritise the importance of its role and perception in placemaking. This applies at all scales, from streets to parks to regional planning.”*

Furthermore, whilst the details of hard and soft landscape design need to be resolved prior to works commencing on site, it is also generally desirable for the implementation of planning to be carried out by the developer prior to the handing over of land or premises to third parties, particularly in the case of owner-occupied housing.

Landscape matters and related external works therefore represent a special case

requiring careful attention and some certainty of successful delivery prior to the start of construction works or change of ownership that may otherwise obstruct, damage or preclude the desired outcomes of a development. In the absence of detailed planning obligation agreements, pre-commencement conditions have proved to be the most successful mechanism for providing assurance on such matters.

In considering the application of landscape conditions, it is helpful for all concerned to use conditions that distinguish between design, implementation and aftercare, thus allowing staged discharges.

Landscape design proposals may well be submitted on a phased basis, from sketch or illustrative design through general principles and on to fully detailed specifications, design and, where appropriate, construction drawings. These phased levels of submission should reduce the risk of abortive work and expense. When the final required level of detailed design is approved, the relevant design condition can be discharged.

A separate implementation condition, requiring the works to be carried out in accordance with the approved documentation, would only be discharged following successful completion of the works, possibly on a phased basis for larger developments. This reflects the variable nature of soft landscape in particular, which can be very dependent on the quality of materials and workmanship, and should ensure that both the applicant/developer and the planning authority are receiving value for money and achieving the desired outcomes.

Finally, a maintenance condition, based upon operation schedules and defined management responsibilities, should ensure that plant material and communal areas are effectively maintained for a specified period, with any defects being remedied as necessary. This recognises that young plant material is particularly susceptible to lack of maintenance. This provides assurance for end users or occupiers and further certainty of outcome for the planning authority. Its discharge would be at the end of the specified maintenance period.

**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

Examples of need would be the risk of irreparable damage caused by the clearance of vegetation, the construction of access routes or other site works prior to carrying out and considering the results of tree, ecology or archaeological surveys. The imposition of conditions requiring submission of such survey information and proposals for addressing the findings could be simply stated. It is anticipated that such conditions would only be applied where they were relevant.

Therefore, a site with no trees on or adjoining the proposed area of development (or associated areas of disturbance) would not require a tree survey. Where development proposals posed a direct or indirect risk of damage to existing trees with some significance, it would be appropriate, reasonable and normal practice to require a pre-commencement survey with proposals for intervention or action, based upon the widely-accepted British Standard BS5837.

**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**

The Landscape Institute would be happy to provide more detail model guidance on the above matters that would assist both developers and planning authorities.

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

Yes  No

**Comments**

n/a

## 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

The Landscape Institute agrees, but on two conditions. First, that the Board of Natural England supports this change and second, that the Government supports a mechanism to protect land designated as a Site of Importance for Nature Conservation (local plan designation of land that supports species and habitats that are of the same quality as SSSIs)

**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

The Landscape Institute is concerned that restricting the Highways Agency's consultative role to matters of safety and queuing would preclude its making any comments regarding other effects of changing traffic, such as signage, lighting, noise, loss of tranquility, visual intrusion etc. all of which may be particularly important in sensitive areas, the countryside generally and in some previously developed areas. Such effects may well be mitigated through design but need to be recognised in the consultation response and the Highways Agency is a source of expertise in these respects. The existing wording relating to character is a more useful description and should be retained.

**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**

n/a
-----

**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**

n/a
-----

**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**

We agree with the first change but disagree with the second. The Garden History Society relies on local County Gardens Trusts for volunteer support in responding to an area of the national heritage the understanding of which is evolving. There may come a time when the Secretary of State's direction is not needed but it is not now.

**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**

n/a



## 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

n/a
-----

## 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

n/a
-----

**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**

n/a

**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**

n/a

**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**

n/a

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

Yes  No

**Comments**

n/a
-----

## 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

We agree, provided that the distances from sensitive areas remain intact as triggers to environmental assessments. This is vital to alert, for example, the impact of new housing with the population of domestic animals on ground nesting birds within a SSI, SINC, SPA or local nature reserve. The other consideration is that steps need to be taken to prevent accumulation of a number of minimum area sites to avoid triggering the EA.

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

Yes  No

#### Comments

Development size may not be so critical but the potential impact on habitats and biodiversity or on landscape remains of real concern.

The Landscape Institute is also keen to see that projects which may affect, either directly or indirectly, sensitive areas, rather than simply being within them, should be screened. This would have a particular relevance, for example, to matters of landscape character and quality and the potential adverse effects of insensitive development on the setting of National Parks, AONBs, Conservation Areas and other sensitive areas.

**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**

n/a

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

Yes  No

**Comments**

n/a

## 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

We do not agree because the impact of a failure to consult would only be discovered too late. The definition of non-material change is difficult to predict the implications but the fact it is there must imply some discipline in the original drafting.

## 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

n/a

**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

A commitment to review these changes would give further confidence that the intentions are about effectiveness and efficiency, and not a weakening of regulatory resolve.



**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**