Department for Communities and Local Government **Appendix 1**
Technical consultation on implementation of planning changes – draft responses to questions

Chapter	Question	Suggested response
One – changes to planning application fees *(Pages 7 – 9)*	Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest? *(page 8)*	Planning fees should adjust in line with inflation for all authorities, irrespective of the performance of an authority. However, more focus should be given to local authorities being able to recover the full costs of planning applications as the costs of local planning decisions are substantially higher than the planning fee income received and the opportunity to locally set planning fees should be considered alongside the possibility of agreements with developers, particularly for large and complex planning applications (see comment below). Local authorities are currently failing to recruit into planning posts which is hampering performance and is therefore not achieving the government's aim which is to deliver sustainable planning growth. The government should be addressing the need for support to local authorities and not seeing this as a stick to beat struggling authorities with. It is vital that all authorities are given the support to improve their performance to ensure a more effective/efficient service. The government should legislate for authorities to set fees which recover the full cost of providing the service to ensure it is not cross subsidised from other areas or from the general council tax payer. Those who use the service, should pay the full cost of the service. If the government will not consider this sensible step, then as a minimum the government should consider resetting the planning fees on a national scale before allowing annual RPI uplifts in the revised fees. The government should also consider setting a floor and ceiling so that increases don't fall below say 1% or go above say 4% to protect both local authorities
One – changes to planning application fees *(Pages 7 – 9)*	Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?	Should this proposal be supported then the question isn't whether planning fees should rise with inflation, only if the authority is not an underperforming authority, but whether a top up should be applied to those authorities that perform well. There should be encouragement not penalty. See comment above about an alternative being the ability for a local planning authority to be able to recover the full cost of an application.

	(page 8)	In terms of delay, yes there should be a delay to allow local authorities to look at their services and to realign any resources and improve processes
One – changes to planning application fees *(Pages 7 – 9)*	Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform? *(page 9)*	The opportunity to introduce flexibility is welcomed but the devil is in the detail. PPAs already exist between developers and local authorities to help ensure that resources are targeted but smaller applicants and builders might not be able to afford such an approach. Opportunities to provide a fast-track services for minor and other applications at a premium could be seen as a positive move for applicants as at that level, speed of decisions can be crucial to the applicant and the person carrying out the work.
One – changes to planning application fees *(Pages 7 – 9)*	Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement? *(page 9)*	A fast track approach could be offered for small planning applications which are non-contentious, for example, those that conform to a site allocated in a neighbourhood plan. Sites where a comprehensive masterplan has been agreed could include a fast track agreement
One – changes to planning application fees *(Pages 7 – 9)*	Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system? *(page 9)*	None

Chapter	Question	Suggested response
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle? a) future local plans b) future neighbourhood plans; c) brownfield registers *(page 13)*	This puts a lot of onus on the planning policy documents and could slow the process down rather than speed it up. These processes would need looking at in much more detail and the implications for communities and LPAs. Once the PiP is approved then there is no going back – this could lead to appalling design and infrastructure problems, for example, what if the density set through the PiP simply doesn't work in practice because there is a need for more open space, flood risk mitigation etc. Should PiP be accompanied by an agreed masterplan on large allocated sites? The current system of outline permission and reserved matters approval is not broken and there is no need to fix it. The broad acceptability of development on brownfield land is a policy matter which is addressed through the NPPF. If this policy position needs to be strengthened then it can be most effectively done through the NPPF/PPG.Nevertheless, there is no evidence that the change in process would be likely to result in more brownfield sites being developed. Sites which do not require EIA, which are deliverable; free of constraint (that cannot be mitigated); capable of development; and capable of supporting 5 or more dwellings on sites 0.25ha and above are often subject to full planning applications in any event as, on any analysis of policy, the principle is likely to be acceptable. As such PiP would be likely to add further complication to the process rather than simplify it. Notwithstanding the above, the process as proposed could deliver false certainty to developers who proceed on the basis of the PiP only for unforeseen issues, e.g. previously unidentified contamination, to arise during the Technical Detail Consent stage. It is much preferable to developers to gain this certainty at outline stage. It is unclear what the change in process would add to allocated sites over and above their allocation in a development plan in terms of providing certainty to developers.

		PiP could serve to undermine democracy and local decision making in the planning process with local communities becoming disengaged from the process as they feel that a decision is a *fait accompli* following permission in principle. b) future neighbourhood plans; Yes – subject to the detail as above and comments below. The scope of the Neighbourhood Plan Examination may need to change to consider soundness, in the same way that an Examiner in a Local Plan EiP does, rather than just that the plan meets the current basic conditions. Other proposals for Neighbourhood Plans is aimed at speeding up and simplifying the process but this would do the opposite and add work and complexity in screening for the need to carry out EIA and Habitats assessments for specific sites and undertaking those assessments if deemed necessary. c) brownfield registers. Brownfield registers seem to be Local plans-lite! Like a local plan they will essentially allocate land through providing a form of outline planning permission. However, they won't be subject to the same in-depth process as local plans in terms of consultation and examination. Furthermore, the register places a very strong emphasis on housing on brownfield sites above other uses, reducing viability for other uses such as employment. Notwithstanding this, it will put a further resource burden on authorities as it seems that authorities will need to put more work into the identification and consultation on sites and also site assessment and evidence to make sure that the right recommendations are made in terms of uses and capacities. The consultation also proposes 'measures' to ensure that progress on planning permission on brownfield sites is made (governments wish that 90% of brownfield sites have pp by 2020. Not all brownfield sites will be suitable for housing development

Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.2: Do you agree that permission in principle on application should be available to minor development? *(page 14)*	This would add little to the existing process as minor development is likely to be subject to a full application and is likely to be acceptable in broad policy terms anyway. The Technical Detail Consent would be likely to be as complex (or as simple!) as a full application so it would be likely to add little by way of certainty to developers.
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included? *(page 15)*	This constrains any negotiations on layouts and could lead to problems. There should, at least be a caveat, that this can be amended should the delivery of any infrastructure, community facilities or good design be affected. Once these are set – that would not enable, for example, the ability to amend the quantum of open space, flood mitigation measures, good road layout. There would need to be a lot more emphasis put on master planning work on sites at an early stage to ensure that sites also provide for sufficient employment, open space, community facilities and highway infrastructure. There is a risk that, if something isn't specified at the plan stage, then we won't be able to ask for it later. There should be flexibility built in so that this does not preclude us from dealing with any issues that may arise at the time of application.
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage? *(page 15)*	These should be able to be more flexible Particularly for the brownfield register, we may not know all the technical details, such as infrastructure, that need to be addressed at the application stage. We won't be able to have the level of background work and evidence for sites included in a brownfield register or neighbourhood plans as we would for our own local plans. Councils could have standard 'checklists' of the technical details available to advise of the issues to be addressed through all developments, and what level of detail would be required. It is likely that most LPAs would take a precautionary approach on this and require, rightly, the level of detail that would be required for a full application. As such the process would add nothing to the existing planning application process.

Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites? *(page 17)*	For PiPs in Local Plans local authorities go through the SEA/Habitats assessment process anyway to look at any environmental impacts however the general proposal to require LPAs to carry out EIA puts significant new burdens onto Councils. LPAs do not have the resources to carry out such work and in some areas do not have the expertise. Similarly, those who advise LPAs on detailed matters such as the Environment Agency, Natural England, Highways England, do not have the resources to support LPAs in carrying out EIA. The brownfield register is concerning as it may lead to local authorities having to do further SEA work around any site submitted to us through this process and add an extra resource burden. However, as the brownfield register would be essentially allocating sites then this level of work would be required.
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.6: Do you agree with our proposals for community and other involvement? *(page 17)*	The integrity of the planning system is based around public consultation and the added value that this can bring to development proposals. Local knowledge can be crucial to making high quality decisions and as such it is imperative that legislation requires consultation on all matters relating to PiP (if it is introduced) including the technical matters.
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.7: Do you agree with our proposals for information requirements? *(page 19)*	Certainty for all involved, including developers, the local community and the LPA is best achieved through the current planning application process. Without proper assessment of the technical details normally required at outline stage, PiP would not be of value as the technical details required under para 2.40 of the consultation document could prevent development. Supporting the current process rather than radical reform which potentially only serves to alienate local communities, should be the focus of attention for all involved in the development process.

Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application? *(page 19)*	The fee should reflect the fee for a full planning application given the breadth of the information required to be assessed by the LPA.
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle? *(page 20)*	Yes. We support the suggestion for local variation
Two - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development *(pages 10 – 20)*	Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites? *(page 20)*	No. determination periods should reflect those for planning applications to allow for proper consultation with the local community; proper consideration of the issues by the LPA, consultees and the local community; and consideration of applications for PiP by the relevant Planning Committee.

Chapter	Question	Suggested response
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight? *(page 24)*	Notwithstanding views on the role of brownfield registers, we would agree that SHLAAs are probably the most appropriate starting point for identifying sites for such a register. We do this annually anyway (as the consultation suggests should happen) and we already record when land is brownfield. We of course do a certain level of assessment for sites in the SHLAA so we have a decent baseline. The main unknown and, perhaps, concern here is that the consultation is suggesting that we undertake a call for sites aimed at a 'wide an audience as possible'. We already undertake a call for sites which is publicised on our website. We would be interested to know the thinking in terms of what we may need to do for any additional publicity.
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered? *(page 25)*	The consultation states that we should only reject brownfield sites if we can demonstrate that there is no realistic prospect of sites being suitable for new housing. Therefore, the emphasis is very much on establishing why a site isn't suitable for housing rather than why a site might be more suitable for other uses i.e. employment. This immediately puts a residential hope value on all brownfield sites and reduces the viability and attractiveness of them for any other uses. Particularly as most brownfield sites would have a realistic prospect for new housing. It also then puts the burden on the LPA to argue why a site isn't suitable for housing rather than a promoter putting forward why it should be. The assessment criteria are really pretty loose and don't really provide anything that would enable authorities to make a decision that a site would be unsuitable for the register. The 'capable of development' criteria allow the consideration of constraints that can't be mitigated. However it says that authorities need to support decisions about constraints with strong evidence. This means that there is a burden for providing additional evidence towards a brownfield register which is much wider in scope than a local plan and can include any number of sites. There is a concern regarding how much additional evidence and assessment will be needed for sites on a brownfield register – which links to other similar comments on work needed to establish a Permission in Principle.

		The consultation sets out that where a site is subject to an allocation for a use other than housing in an 'up to date' local plan it is unlikely that the site would be regarded as being suitable for housing. Does this imply that where a site is allocated for employment, for example, in a not 'up to date' local plan would therefore be suitable for housing?
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives? *(page 26)*	There is concern here regarding the resources needed to undertake such work. It means that authorities will be responsible for undertaking EIA screening of any speculative sites put forward, potentially leading to an EIA including consultation. Could this responsibility to provide this evidence be passed to the site promoters if the development falls within the EIA regulations?
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet? *(page 27)*	As above, concerns over additional resources needed to undertake an SEA.
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.5: Do you agree with our proposals on publicity and consultation requirements? *(page 27)*	The consultation states a requirement for LPAs to carry out consultation and 'other procedures' on their registers. If the registers are to be updated annually then this means an annual consultation process. What level of consultation that would be required for this? This could have substantial resource issues. It would appear that brownfield registers are essentially allocating sites outside of the regular plan making process in which sites would usually be subject to consultation and independent examination. What if there is disagreement on whether a site should be included or, for example, on the quantum of housing included.

Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.6: Do you agree with the specific information we are proposing to require for each site? *(page 28)*	One piece of information proposed for the register is an estimate of the number of homes that the site would likely support. However, one of key rationales of granting permission in principle is that you cannot then open issues again at a future application stage. Therefore if we are stating a number or range of houses on a site then would we be held to this in future applications. Deciding on an appropriate level of housing will therefore be key and, again, a resource issue
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner? *(page 29)*	No particular issue with this.
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.8: Do you agree with our proposed approach for keeping data up-to-date? *(page 29)*	Registers should be reviewed once a year at the most, linked to the publishing of the SHLAA.
Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle? *(page 30)*	The consultation seems to propose that authorities will be assessed against the 90% target set out by the Government. It is important that it should be 90% of <u>suitable</u> brownfield sites. However the key argument is going to be what is judged as suitable. Authorities should not have an issue in providing permission in principle on sites which they think are suitable but there is the potential for many sites to be considered unsuitable by the authority but which others disagree on. How does the Government factor this into the 90% calculation? It is a concern because if we are judged not to be meeting the target then we are risk of not being able to claim an up to date 5 year supply when considering applications for brownfield development. There is a risk that, at applications, developers will bring the argument that we are not meeting our 90% target and take this to appeal to say we don't have a 5 year supply.

Three - Introducing a statutory register of brownfield land suitable for housing development *(Pages 22 – 30)*	Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter? *(page 30)*	Providing positive support to local authorities which are struggling to cope with demand. Also, developers sitting on huge land banks with planning permissions should be 'encouraged' to build

Chapter	**Question**	**Suggested response**
Four - Creating a small sites register to support custom build homes *(Pages 31 – 32)*	Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size? *(page 32)*	
Four - Creating a small sites register to support custom build homes *(Pages 31 – 32)*	Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment? *(page 32)*	This would be a list of small sites that are not necessarily suitable and would need normal planning permission. We are struggling to really see the value in it, particularly for the extra administrative effort it would involve to keep it.
Four - Creating a small sites register to support custom build homes *(Pages 31 – 32)*	Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they? *(page 32)*	There needs to be controls to prevent building on every green space in an area, for example orchards and wildlife areas. Could conflict with NPs. Not sure parishes would like this approach
Four - Creating a small sites register to support custom build homes *(Pages 31 – 32)*	Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required? *(page 32)*	Yes – but still concerns over the proposal as above

Chapter	Question	Suggested response
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for? *(page 34)*	Proposals regarding the designation of Neighbourhood Forums do not have an impact on us as a parished authority – we know who our qualifying bodies are.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum? *(page 35)*	As a parished Authority this does not affect us.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum? *(page 36)*	We haven't been through this process yet so it's difficult to know, however, we take some comfort that the average is 5-6 weeks although it depends on the complexity of the plan and the issues raised in the Inspector's report. If we have worked effectively to ensure that the NDP proposal, which we accept and go out to Reg 16 consultation on, meets the basic conditions and the requirements of the 1990 Act then an issue will only arise if the Examiner makes/recommends substantive changes to the plan which we cannot agree to. Otherwise the 5 weeks suggested for the decision to be taken seems reasonable though organising the referendum (depending upon electoral services workload may take longer)
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner? *(page 36)*	Yes although would add that statutory consultees should be included as recommendations made by an examiner may relate to the interests of such bodies.

Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision? *(page 36)*	Six weeks further consultation followed by 5 weeks to issue a final decision seems on the face of it reasonable but the resource implications of achieving this will depend on the level of response received to the consultation and the complexity of the issues raised.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.6: Do you agree with the proposed time period within which a referendum must be held? *(page 37)*	The ability to arrange a referendum depends upon the other demands being placed upon electoral services at the time. For example in 2016 we have the Police and Crime Commissioner elections in May and the EU referendum in June making other referenda difficult to accommodate. This is one occasion where 'as soon as possible' would provide an acceptable level of flexibility. The three exceptions suggested, however, do provide some discretion – in particular in agreement with the qualifying body.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum? *(page 37)*	The caveat regarding unresolved legal challenges suggests that this should be 8 weeks from the deadline for legal challenges (6 weeks) following the referendum.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.8: What other measures could speed up or simplify the neighbourhood planning process? *(page 37)*	Speed and simplicity may seem to be the answer to getting Neighbourhood Plans in place but quality and community ownership are far more important.

Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum? *(page 39)*	This in effect introduces a right of appeal to the qualifying body, in our case Town or Parish Council's, if we determine that we are unable to adopt/make the plan or order following examination and recommended modifications of the Examiner. If plans are properly developed to be in conformity with higher level plans (adopted/saved and emerging) this shouldn't be a problem.
Five - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums *(Pages 33 – 39)*	Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan? *(page 39)*	No comment – as a parished area.

Chapter	Question	Suggested response
Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans? *(page 43)*	We don't have particular issues with the criteria being set out for when intervention may be necessary. However, we would comment that in some circumstances there are issues that are beyond the local authorities control that may cause the under delivery or housing. We would urge the Government to explore the reasons for under delivery with the local authority before considering whether interventions are necessary. For instance, Tewkesbury, in order to boost housing delivery, made decisions on planning applications to approve two sites that form part of the strategic allocations contained within the JCS. One of these sites, at Brockworth for 1500 dwellings, has been subject to an SoS call in and a subsequent public inquiry. The application was called in on 24th November 2014 and the LPA are still awaiting the decision. If there is an under delivery of housing as a result of circumstances such as this then is it really reasonable for intervention from the Government? Further on this point is the issue of resources. We are being asked to produce plans as quickly as possible and keep them up to date. However, local authorities have consistently facing worsening resource issues which actively work against them being able to do this. We would also ask that they do look carefully at where intervention would have the greatest impact on speeding up plan production. The JCS is a good example where the authorities have positively and actively progressed the plan as soon as quickly as they have been able. We are now in a situation where the plan would have been in examination for almost 2 years before we receive an Inspectors report and be able to progress it further towards adoption. We struggle to see how Government intervention, at the local authority level, would assist in speeding up this process. Many of delays experienced in the plan making process have been due to changes in guidance, evidence and regulations that have provided uncertainty for local authorities. Authorities spend a considerable amount of time and resource building extensive evidence to support the development of local plans. Establishing the objectively assessed need for housing is a particular example where new evidence, released mid-examination, can cause significant delay where a local authority is sent back to do further work. This has been the experience of the JCS which

		was submitted on the basis of the latest available evidence at the time. In these type of circumstances I would question how intervention by the Government would speed up the plan making process. We have also have new and changing Government guidance in the form of Gypsy & Travellers and Affordable Housing as well as various ongoing consultation documents (such as this one) and various statements made by ministers that are constantly brining in new ideas and (potentially) legislation and duties on councils. This all adds uncertainty to the plan making process that causes further delays as we all work out what these may or may not mean for our plans. These issues are even more acute when the plan is mid-examination. A key intervention that the Government could make is to be clearer on transitional arrangements for plans while these policies are being brought forward so they we don't have to come to a stop or delay while we deal with the uncertainty. This is also an issue for keeping plans up-to-date as it would be unfair to render a recently adopted plan out of date on the basis that Government has subsequently implemented new guidance or policy.
Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning? *(page 43)*	Yes-although see above comments
Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.3: Are there any other factors that you think the government should take into consideration? *(page 43)*	Yes – see above

Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention? *(page 44)*	Yes, we would agree that the LPA should be provided the opportunity to set out the individual circumstances experienced that have caused on delay in the plan making or the under delivery of housing.
Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.5: Is there any other information you think we should publish alongside what is stated above? *(page 44)*	None
Six - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place *(Pages 40 – 44)*	Question 6.6: Do you agree that the proposed information should be published on a six monthly basis? *(page 44)*	No comment

Chapter	Question	Suggested response
Seven - Extending the existing designation approach to include applications for non major development *(Pages 45 – 48)*	Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest? *(Page 47)*	No objection to the threshold for non-major applications. There should be no threshold in terms of decisions overturned at appeal. It is right that the planning system allows for decisions to be set locally. If a Council can justify its reason to refuse applications, notwithstanding whether they are overturned by a Planning Inspector or the Secretary of State then it should not be penalised for exercising its judgement on matters which affect its local area. If a Council cannot justify its opposition to a proposal then an Inspector has thee option of awarding costs against the Council for unreasonable behaviour. There needs to be no further penalty than this.
Seven - Extending the existing designation approach to include applications for non major development *(Pages 45 – 48)*	Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal? *(Page 47)*	As set out above, there should be no threshold for decisions overturned at appeal.

Seven - Extending the existing designation approach to include applications for non major development *(Pages 45 – 48)*	Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular (a) that the general approach should be the same for applications involving major and non-major development? (b) performance in handling applications for major and non-major development should be assessed separately? (c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions? *(Page 48)*	Agreed subject to the comments in 7.1 above. Agreed subject to the comments in 7.1 above. Agreed subject to the comments in 7.1 above.
Seven - Extending the existing designation approach to include applications for non major development *(Pages 45 – 48)*	Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments? *(Page 48)*	Agreed

Chapter	Question	Suggested response
Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for? *(Page 50)*	It is likely to be only the large planning consultancies who could offer a cost effective replacement for the LPA service and these firms have broad relationships with developers across the country. There would be too much potential for conflicts of interest which would harm the public perception of the planning system. Local communities are often suspicious of the relationships between developers and agents. Decisions are based on recommendations provided by Planning Officers who know their area and understand the potential impacts on specific local communities. Having a recommendation affecting a historic Cotswolds village from a private consultant based in Inverness or Carlisle with no prior knowledge of the area could lead to poor quality decisions. Decisions are best made locally and the best decisions are made of the basis of local knowledge and expertise which can only be provided by those who live and work in an area. This would potentially be disastrous for the concept of Localism. The use of private consultants could also add delays to the process with locally elected members wanting to call applications to Committee rather than allowing applications to be dealt with under delegated powers as at present. There is a significant element of trust between Councillors and their planning teams which could not be replicated if applicants could choose any private consultant to deal with their application. There are huge question marks over such an approach; for example, who would be liable for costs at appeal, for example in circumstances where costs are awarded for unreasonable behaviour, or where a high court challenge of a decision is successful. It is impossible for a consultant with no previous experience of working in the area to properly understand all the material considerations relating to an application. An understanding of the local area means that locally based officers can sometimes favourably recommend developments that appear on the face of it to be unacceptable on policy grounds. The proposal would be likely to add unnecessary complication to the planning application process when efforts should be focussed on supporting high quality local decision-making.

Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.2: How should fee setting in competition test areas operate? *(Page 51)*	The LPA needs to be able to cover the cost of processing the application, i.e. the administrative costs and those relating to the decision making process, whether this be under delegated powers or by committee. The alternative provider's fee must be approved by the LPA to ensure that there is no suggestion of 'buying' a recommendation. It is difficult to know how alternative providers will propose a fee given the potentially iterative process involved in many applications. Considerable amounts of officer time can be spent, even on relatively minor applications, discussing applications with the local community and local councillors. It is difficult to see how this could be picked up in a fixed fee proposal at the outset of an application. The proposal seems to completely misunderstand the role of the LPA planning officer.
Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to? *(Page 51)*	
Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition? *(Page 52)*	See earlier comments

Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information? *(Page 52)*	See earlier comments
Eight - Testing competition in the processing of planning applications *(Pages 49 – 52)*	Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system? *(Page 52)*	See earlier comments

Chapter	Question	Suggested response
Nine - Information about financial benefits *(Pages 53 – 55)*	Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports? *(Page 54)*	Agree in principle with including information about estimated financial benefits. However, the ability to estimate meaningfully the likely impact of council tax, new homes bonus and business rates based on the information contained within a planning application is extremely difficult particularly for the complexities involved in estimating business rate valuations. In addition, small district councils carry neither the capacity or skills to make the required meaningful judgements in terms of banding domestic properties or estimating the valuation of a business. Consideration should be given to making the applicant engage with the Valuation Office Agency as part of the planning application process to provide likely council tax bandings and business rate valuations to aid the local authority in including reasonable financial information within the planning report
Nine - Information about financial benefits *(Pages 53 – 55)*	Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure? *(Page 55)*	See 9.1 above

Chapter	Question	Suggested response
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application? *(Page 56)*	No. The mechanism is already in place to resolve disputes over s106 through the appeal process. If a LPA does not consider a proposal to constitute sustainable development because the s106 proposal by the developer does not adequately mitigate the impact on the local community then the developer has the opportunity to appeal. Rather than set up a new process, further complicating the planning system, more resources should be made available to PINS to deal with such matters.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made? *(Page 57)*	See above
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.3: Do you agree with the proposals about what should be contained in a request? *(Page 57)*	These timescales are consistent with the timescales for appeals against non-determination; nevertheless if there has been no substantive pre-application discussions with the LPA regarding s106 matters then the procedure should not be open to the applicant.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties? *(Page 57)*	No. As with planning appeals, this should be limited to the applicant. If another party to the s106 agreement, e.g the landowner, disagrees with the detail, the agreement cannot be concluded. It is up to the parties to reach an agreement.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period? *(Page 57)*	Do not understand the need for a formal cooling off period. The parties can agree at any stage in the process and proceed with a grant of permission.

Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible? *(Page 57)*	The appointed person should be a fully trained planning inspector.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support? *(Page 58)*	No. It is the applicant's proposal. The fee should be paid by the applicant, consistent with all planning application matters. The introduction of the process would be adding a new burden to the LPA, adding a fee to this new burden would be bizarre in the context of the planning system.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.8: Do you have any comments on how long the appointed person should have to produce their report? *(Page 58)*	Consistent with current PINS guidance and practice.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.9: What matters do you think should and should not be taken into account by the appointed person? *(Page 58)*	All material planning considerations should be taken into account by a planning inspector to decide whether the proposed development, including the proposed s106 obligations, constitutes sustainable development.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request? *(Page 58)*	All matters relating to planning applications should be available on the planning register, therefore the Council's website. All decisions are already open to challenge, with appeal decisions also subject to the slip rule whereby minor errors can be amended.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application? *(Page 59)*	As soon as possible within an extension of time agreement between the applicant and developer.

Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply? *(Page 59)*	No comment
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations? *(Page 59)*	None, if these are properly agreed between the LPA and parties to the agreement, and are consistent with the CIL regulations.
Ten - Introducing a Section 106 dispute resolution service *(Pages 56 – 59)*	Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process? *(Page 59)*	No

Chapter	Question	Suggested response
Eleven - Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights *(Pages 60 – 61)*	Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended? *(Page 61)*	Schools can create significant problems to local communities in relation to noise and traffic impacts. Consistent with other developments of a significant scale, full planning permission should be required to ensure that all the proposed impacts are properly considered and subject to full consultation to take place.
Eleven - Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights *(Pages 60 – 61)*	Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right? *(Page 61)*	See above

Chapter	Question	Suggested response
Twelve - Improving the performance of all statutory consultees *(Page 62)*	Question 12.1: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application? *(Page 62)*	Many statutory consultees are under-resourced. The key issue is ensuring that bodies like the Environment Agency, Highways Agency and Local Highway Authority, as well as in-house specialisms within LPAs are properly resourced so that they can provide a fit-for-purpose service. This is no criticism of those bodies whose staff wish to provide a high quality service but at times find themselves unable to do so A maximum time period would be of great benefit to LPAs as the decision maker but only if the consultee has the ability and resources to provide a properly considered response that addresses the concerns of the local community. The corollary of this is that decisions are informed by hastily prepared advice that leads poor quality development and leaves the decision-maker open to challenge or liable to costs at appeal, further slowing down the planning process and the delivery of much need housing/commercial development.
Twelve - Improving the performance of all statutory consultees *(Page 62)*	Question 12.2: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details. *(Page 62)*	There should be no maximum period set down in the legislation. The time required for consultees to respond should reflect the complexity of the issues and the need for iterative discussions with the LPA and developer. If the developer is unhappy with delay beyond the statutory time period then the developer can appeal non-determination. If the LPA is unhappy with the delay then it can determine the application on the basis of information available to it at the time. If the developer has not provided the necessary information them the application can be refused on that basis. If any party has acted unreasonably then then an appeal inspector can award costs against that party.

Chapter	Question	Suggested response
Thirteen - Public Sector Equality Duty *(Pages 63 – 64)*	Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified? *(Page 64)*	No comment
Thirteen - Public Sector Equality Duty *(Pages 63 – 64)*	Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document? *(Page 64)*	No comment