

DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

Technical Consultation on Planning – Department for Communities & Local Government

<https://www.gov.uk/government/consultations/technical-consultation-on-planning>

This consultation puts forward a range of proposals which the government intends to further improve the planning system and build upon the improvements already made.

The government state they are seeking views on proposals which will:

- “make it even easier for residents and business to come together to produce a neighbourhood plan, drawing on the experience gained from over 900 neighbourhood areas which have already been designated by local authorities
- expand permitted development rights, further reducing red tape, supporting housing and growth; these proposals will help ensure the planning system is proportionate and full planning permission is only required where this is genuinely justified
- improve the use of planning conditions and enable development to start more quickly on site after planning permission is granted
- improve engagement with statutory consultees so they are consulted in a proportionate way on those developments where their input is most valuable
- remove unnecessary bureaucracy and reduce the cost and time taken to get planning permission, by raising the environmental impact assessment screening thresholds for industrial estate and urban development projects which are located outside of defined sensitive areas
- expand the number of non-planning consents which can be included within a development consent order.”

This consultation closes on 26 September 2014.

The consultation document is structured so as to allow respondents to comment on those consultation proposals which are most relevant to them. A number of potential responses are outlined below in relation to a selection of specific consultation questions posed within the first two sections of the consultation document.

Section 1: Neighbourhood Planning

Consultation 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.*

Draft Response: A prescribed date is a sensible approach, giving certainty to all involved. However, consideration should also be given to the establishment of exceptional criteria whereby planning authorities could potentially exceed this time limit. This would accommodate unforeseen circumstances, excessive and legitimate capacity pressures and other circumstances which would make such prescription difficult to achieve.

It would also be sensible to monitor and review this approach at a set time period.

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

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

Draft Response: Yes. These are good examples of potential circumstances which could clearly make achievement of a prescribed time period unreasonable to achieve.

Consultation 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?*

Draft Response: The response to this question should be based on real experience from those planning authorities where Neighbourhood Plans have progressed.

Consultation 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?*

Draft Response: Yes. There does not appear to be any case to reduce this representation period.

Consultation 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.*

Draft Response: The key principle of Neighbourhood Plans is that they are driven by communities. The instigation of prescribed time limits throughout the process may not be the best way to achieve proper community involvement or close working with the planning authority. A better approach may be to provide a series of guidelines as to how the process should best take place with target time periods for each phase without the inclusion of potential penalties. Good practice could also be provided to help guide all those involved. Such an approach may better reflect the varying circumstances of each area/community and allow flexibility to achieve the best Neighbourhood Plan rather than, necessarily, the quickest.

There is, of course, a clear need for Neighbourhood Plans to be drawn up in a timely manner and close monitoring could identify any particular trends indicating where this was not being achieved and where additional support and other action could be targeted.

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?*

Draft Response: This proposal is agreed as long as the requirement to prepare a consultation statement is retained. This is critical in ensuring that effective consultation and involvement has been carried out with all groups within the community.

Consultation 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?*

Draft Response: Yes. As stated in the consultation document, local planning authorities have experience of managing publicity and consultation for their own Local Plans and for planning applications and are well placed to undertake this activity.

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?*

Draft Response: Yes. This should be a clear requirement.

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*

Draft Response: This question is best answered by those who have already prepared Neighbourhood Plans.

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?*

Draft Response: Yes. Effective and meaningful consultation is critical. All areas and sections of the local community need to be effectively involved throughout the process. Taking the example of affordable housing, for example, it may well be the case that some people will be in favour of new provision (particularly where they are in housing need) whilst others may not. It is important that Neighbourhood Plans involve all sides with differing views on such issues in order to reach an effective outcome.

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?*

Draft Response: Yes. There must be confidence that sufficient information exists to determine whether a neighbourhood plan is likely to have significant environmental effects.

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

Consultation Question 2.1 – *Do you agree that there should be permitted development rights for (i) light industrial (B1(c)) buildings and (ii) storage and distribution (B8) buildings to change to residential (C3) use?*

Draft Response: No. There is a clearly identified need to achieve housing growth. However, this

should not automatically be at the expense of employment generating activity which itself may find it difficult to achieve planning permission in other locations. In addition, many such uses will be incompatible with residential use meaning that the operation of any adjacent light industrial uses may be compromised by allowing residential development.

There will, of course, be circumstances where such uses could and should be allowed to change to residential. Such proposals should be the subject of a full planning application as at present to ensure that the benefits of both uses are properly considered. If communities are to be sustainable there needs to be room for both economic and residential development.

Consultation 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?*

Draft Response: Yes, subject to the prior approvals set out.

Consultation 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)?*

Draft Response: No. Before introducing such a change, there should be a proper evaluation of the current three year exemption trial. Any adverse economic impact in specific locations should be identified and the proposal amended accordingly. The current exemption acknowledges that special circumstances exist in some locations which mean such exemptions are not appropriate. It is unlikely that these circumstances will have changed in a short period and the option for areas to seek exemption should be retained.

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

Draft Response: Yes, subject to the prior approvals set out.

Consultation 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?*

Draft Response: Yes. As stated, A1 and A2 are broadly found on high street locations and the need to keep the definitions separate appears limited.

Consultation 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?*

Draft Response: Yes. This proposal appears in line with LGA recommendations.

Consultation Question 2.11 – *Do you agree that there should be permitted development rights for (i) A1 and A2 premises and (ii) laundrettes, amusement arcades/centres, casinos and nightclubs to change use to restaurants and cafés (A3)?*

Draft Response: Yes, subject to the prior approvals set out.

Consultation 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)?*

Draft Response: Yes, subject to the prior approvals set out, although consideration should be given to the potential full range of uses this might permit prior to reaching a final decision.