



Department for
Communities and
Local Government

Streamlining the planning application process: consultation

Government response

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Introduction

1. In January 2013 the Government published a consultation paper¹, which sought views on a package of measures to reduce burdens on applicants and local authorities involved in the planning application process.
2. The consultation paper proposed measures covering the follow themes:
 - Simplifying Design and Access Statement requirements
 - Improving the validation stage
 - Changes to decision notices
3. A total of 254 responses were received. Local authorities represented the largest group of respondents (74), followed by parish councils (56). 30 responses came from individual planners or consultants, while 28 professional trade associations responded to the consultation exercise. The remainder came from a broad range of organisations, including chambers of commerce, architects, developers, landowners, voluntary organisations and members of the public.
4. This document provides a summary of the responses which were received to each of the substantive proposals and the Government's response to them.

¹ *Streamlining the planning application process* (21 January 2013)
<https://www.gov.uk/government/consultations/streamlining-the-planning-application-process>

Simplifying Design and Access Statements

Thresholds for Design and Access Statements

5. To raise the current thresholds so that only applications for major development and listed building consent must be accompanied by a Design and Access Statement, but with lower thresholds applying in designated historic areas.

Summary of Responses - raising the threshold to major development

6. There was strong support for the principle of raising the statutory threshold to reduce the number of planning applications that must be accompanied by a Design and Access Statement. 77% were in favour of this suggestion, with support across a broad cross-section of respondents. The proposal was welcomed by both local planning authorities and representatives of the development industry. The response from parish councils was more mixed, although around half agreed with raising the Design and Access Statement threshold.
7. On the question of what the new threshold should be, 61% of respondents agreed that major development² is the right level. This was broadly acknowledged as an appropriate benchmark that would focus Design and Access Statements on those applications where they offer greatest value. As a clear and well-established definition, several responses welcomed the simplicity offered by using major development as the threshold.
8. Of the 39% of respondents that disagreed with the proposed threshold, the majority considered that it was too high (i.e. that too many developments would be exempted) and expressed concern about the impact on decision-making and design quality. A very small number of respondents were concerned about the effect on the accessibility of development. Many of those opposed to the changes noted that small-scale developments can have significant impacts on their surroundings and on this basis, it was suggested that minor applications should continue to be accompanied by a Design and Access Statement. However, a substantial minority of those who disagreed with the proposal either: a) suggested it was too low; or b) advocated abolishing Design and Access Statements entirely.
9. Relatively few respondents who disagreed with major development as the threshold (whether because they considered it too high or too low) suggested a different threshold, and there was no alternative approach which consistently emerged from the representations received.

Government Response - raising the threshold to major development

10. Major development is a well-established definition that will provide a simple and appropriate threshold compared to the currently complex arrangements. It is recognised that the significance of a development is not solely a function of its scale. However, we consider that the design merits and accessibility of smaller development proposals can

² As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 but excluding engineering and mining operations and waste development

be adequately understood without the provision of a statutory Design and Access Statement. The Government attaches great importance to the design of the built environment and expects planning policies and decisions to reflect this. The changes would not alter a local planning authority's ability to set out design and access policies in its local plan and use these policies to help determine applications. Nor would they affect an applicant's ability to explain or justify their design with reference to local circumstances and policy in a proportionate manner.

11. Reducing the number of applications that require a Design and Access Statement would remove statutory burdens on applicants, but it is not considered that this would be at the expense of good design and accessibility. As such, the proposal will be taken forward as consulted on.

Summary of Responses - lower thresholds in designated areas

12. There was strong support for the proposal of setting lower thresholds for applications in conservation areas and World Heritage Sites (designated areas), with 84% of respondents in favour. While supportive of the principle, a number of respondents questioned the effectiveness of the lower thresholds that were proposed³. In particular, it was suggested that cubic measurements would add unnecessary complexity.
13. A number of respondents pointed out that there may be overlap with heritage statements, which are typically required by local authorities for developments in conservation areas. On this basis, some respondents suggested that lower thresholds were not necessary at all. Others proposed that a statutory 'Heritage Statement' or 'Heritage and Design Statement' with specific content requirements should replace Design and Access Statements for heritage applications.
14. A small number of responses suggested that the lower threshold should also apply in other locations, such as National Parks and Areas of Outstanding Natural Beauty by expanding the definition of designated area.

Government Response - lower thresholds in designated areas

15. Noting the detailed comments received, the proposal will be taken forward subject to revised thresholds for designated areas. In these locations, a Design and Access Statement will be required with planning applications for the provision of:
 - one or more dwelling; or
 - a building or buildings where the floorspace created by the development is 100 square metres or more.
16. This approach is considered to be simpler than was proposed in the consultation document. It also aligns more closely with the definition of major development and therefore provides a more logical lower threshold for designated areas. We recognise that some small-scale developments that could have a significant impact in designated areas (such as shopfronts) will not be 'caught' by these thresholds. However, the planning policy framework against which applications for such development are

³ The lower thresholds for designated areas proposed in the consultation paper were: a) extensions of existing buildings exceeding 100 square metres; and b) new buildings exceeding 100 cubic metres

assessed is not altered by removing the statutory requirement to provide a Design and Access Statement.

17. We do not consider it necessary to introduce statutory Heritage Statements for certain types of application. The Government's expectations for applications that affect heritage assets are set out in paragraph 128 of the National Planning Policy Framework. It is not considered necessary to statutorily prescribe the form by which applicants and local planning authorities take account of this policy. Simplification of the statutory content of Design and Access Statements (see below) will give applicants more flexibility to tailor statements to the circumstances of a particular site (such as the presence of heritage assets) and avoid overlap with other documents.
18. Areas of Outstanding Natural Beauty, the Broads and National Parks were removed from the definition of designated area in 2010. While they are undoubtedly sensitive to new development, we do not consider it necessary to apply the lower threshold in these locations by reincorporating them into the definition of designated area. This would place a disproportionate statutory burden on applicants in these areas. As with applications in designated areas that will not be caught by the lower threshold, the planning policy framework against which applications in those 'other sensitive locations' are considered is unchanged.

Content of Design and Access Statements

19. To remove some of the rigid statutory prescription around what a Design and Access Statement must contain.

Summary of Responses – content of Design and Access Statements

20. The proposed simplification of Design and Access Statement content was widely welcomed, with 78% of respondents in favour of the proposal. Most of the local planning authorities that responded, as well as the majority of respondents representing developer or applicant interests, agreed with the changes. There was recognition that removing statutory prescription would reduce the amount of unnecessary or irrelevant information that is included in Design and Access Statements. Parish councils were the main group that did not support the proposed simplification, although just over half of those that responded agreed with the proposal. Those that objected were generally concerned that the changes would 'water down' Design and Access Statements.

Government Response - content of Design and Access Statements

21. The proposed changes retain the core elements of Design and Access Statements. Applicants would still have to explain the design concepts and principles which have informed the proposed development, and to demonstrate how context has informed their scheme. Similarly, applicants would still be required to explain the approach to access, and state how any consultation on access issues has been taken into account. Within this broad framework, applicants would be better able to tailor content to the scale and nature of their development. Rather than watering down Design and Access Statements, we consider that the proposal would encourage a more proportionate approach to their preparation. As such, the proposal will be taken forward as consulted on.

Improving the validation stage

Proposal

22. To help improve the validation stage and implement Section 6 of the Growth and Infrastructure Act, the consultation sought comments on proposed revisions to the system of local lists and a specific procedure for enabling applicants to access the appeals system where there is a dispute over the validation of a planning application.

Summary of Responses

23. A range of comments were received regarding the proposed changes to local lists and validation. There was widespread support amongst applicants and representatives of the development industry for giving greater consideration at the validation stage as to whether a particular piece of information on a local list is genuinely necessary in the circumstances of an individual application.

24. Local planning authorities provided a range of comments on how the current system of local lists is implemented. Some drew attention to the need to amend current practices to introduce a level of planning judgement in deciding what information is reasonable in a particular case. This would have an impact on working procedures and the allocation of resources in the development management process.

25. A number of detailed comments were received on the wording of the legislation that would reintroduce the right of appeal in validation disputes. Significant support was received for the principle of reintroducing a right of appeal for applicants where validation has not taken place.

26. A minority of respondents, while supportive of the overall aspiration, commented on the need for a more immediate means of resolving a validation dispute than having to wait to appeal against non-determination. Some local authorities challenged the 7 working day timescale for responding to applicants' notices, where they are submitted after the statutory time period has passed.

Government Response

27. The Government considers that the changes to local lists are essential to ensuring that genuine improvements to the validation process are achieved. We expect that this may require changes to existing procedures in some local planning authorities to ensure they comply with the legislative and policy framework on validation. These changes should be beneficial for applicants and local planning authorities in terms of reducing costs of administration and delays in validation.

28. The consultation responses generally supported the need for some form of redress to the planning appeals system where a validation dispute takes place. The consultation paper makes clear that the appeal route is an option of last resort, pursued after negotiations have been exhausted. We believe that the proposed appeal route will influence behaviour amongst all parties and encourage a more proportionate approach to validation. Whilst we acknowledge the interest in a more immediate right of appeal, a potential consequence of this could be a disincentive to negotiate between the parties

concerned, leading to a greater proportion of appeals. It also runs the clear risk of adding procedural complexity. The Government will monitor the implementation of the new arrangements before considering any further changes.

29. The Government notes the comments received from local planning authorities regarding the 7 working day timescale, which would apply in cases where an applicant submits a non-validation notice and the normal determination period has already lapsed. Clearly in such instances, the application will have been known to the local planning authority for some time and an applicant would have already experienced substantial delays in progressing a planning application, and we do not consider that 7 working days for a response is an unreasonable deadline on the part of a local authority in such circumstances.
30. We will therefore take forward the changes to information requirements and validation as proposed in the consultation.

Changes to decision notices

Proposal

31. To remove the requirement introduced in 2003 for local planning authorities to provide a written a summary of reasons for approval (and a summary of relevant policies and proposals) on decision notices when granting planning permission.

Summary of Responses

32. 68% of respondents supported this proposal, with particularly strong backing from local authorities, of which approximately 90% were in favour of the change. Many responses confirmed that the current requirement duplicates publicly available information produced elsewhere, and as a result, adds little to the application process. Of those respondents that did not agree with the proposal, many expressed concern about the impact on transparency of the decision-making process. Some respondents questioned whether there was scope to simplify decision notice requirements further by removing the requirement to state how the local planning authority has worked with the applicant in a positive and proactive manner.

33. A small number of respondents suggested that reasons for approval should continue to be provided on decision notices in cases where the planning committee goes against the recommendation of the planning officer because the planning officer report will not necessarily set out in clear terms what the reasons for approval are.

Government Response

34. The relevant planning officer report (either for delegated decisions or for decisions to be taken by committee) typically provides more detail on the reasoning behind a particular decision than a decision notice. In order to understand the full rationale for a decision, the officer report would need to be obtained. Officer reports for both minor and major applications are typically available online. In addition, the minutes and decisions of planning committee meetings are often published electronically.

35. The summary on decision notices therefore adds little to the transparency or quality of the decision-making process, but does contribute to the administrative burdens on local planning authorities. The proposal will therefore be taken forward as consulted on.

36. Retaining the requirement to provide a summary of reasons for approval on decision notices only in instances where the committee approves against the recommendation of officers would introduce unnecessary regulatory complexity. Furthermore, there will be nothing to stop a local authority from continuing to provide reasons for approval in such cases where they feel it would add clarity.