CIfA / CBA / ALGAO:England Response to Technical consultation on implementation of planning changes

Chapter 1: Changes to planning application fees

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?

1.1.1 No. We recognise the contribution which fees currently make to meeting the costs of development management services and the potential for such fees further to contribute to services, including archaeological and heritage services providing advice to planning authorities in the planning process.

1.1.2 We agree that fees should be adjusted in line with inflation but are concerned that such increases might be restricted to areas *'where the local planning authority is performing well'*, given the diverse factors which can contribute to under-performance and the potential vicious circle if underperforming authorities are slowly starved of funds.

1.1.3 A more appropriate means to facilitate good performance may be more overtly to link increases in fees to compliance with standards and process rather than restricting the link to outcomes. In the case of archaeological and heritage services providing advice in the planning process this would involve those services complying with professional standards such as those provided by CIfA (see http://www.archaeologists.net/codes/ifa). The current focus solely on outcomes risks incentivising speed over quality in decision-making with a 'fail-safe' option to grant permission.

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?

1.2.1 See above with regard to the principle of linking fees to performance.

1.2.2 Notwithstanding the above concerns, if change of this type is introduced, there should be a period of grace to allow authorities to meet the required criteria.

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?

1.3.1 Yes, provided that such provisions do not in any way detract from the delivery of a standard service. In relation to the historic environment, such services are already available through Historic England's Enhanced Advisory Services

(https://historicengland.org.uk/services-skills/our-planning-services/enhanced-advisory-services/).

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?

1.4.1 See above.

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

1.5.1 Given the stringent financial constraints on local authorities, we are particularly concerned to see that any measures introduced assist rather than obstruct such authorities (and the archaeological and heritage services which support them) in the key task of facilitating sustainable development.

Chapter 2: Permission in principle

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.

2.1.1 No, unless there are adequate safeguards for the historic environment and in particular for heritage assets with archaeological interest.

2.1.2 The Chancellor of the Exchequer, George Osborne, in reply to a letter from The Heritage Alliance, reassured the heritage sector that the principles of heritage protection under NPPF would be retained in the proposed changes to planning law and policy (http://www.theheritagealliance.org.uk/tha-website/wp-content/uploads/2014/07/GO-to-KP-31-8-15.pdf):

'The Government is committed both to meeting our housing need and protecting the historic environment. The Government is very clear that there is a need to protect our heritage assets.'

2.1.3 The NPPF provides at paragraph 128:

'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

2.1.4 Such pre-determination assessment and evaluation is crucial to assess whether sites include, or have the potential to include, heritage assets of archaeological interest including:

- heritage assets (whether designated or not) of national importance which might constrain development – the vast majority of assets of archaeological interest are undesignated
- heritage assets not of national importance but in respect of which mitigation and/or compensation (often through recording to advance the understanding of the significance of the asset) is necessary. Such requirements are normally secured by means of planning conditions or obligations, but these crucial mechanisms are of little value without appropriate, pre-determination assessment and evaluation. Moreover, where extensive archaeological remains are present, such necessary mitigation and/or compensation can affect the viability of development.

This is particularly important, given the definition of archaeological interest in the NPPF which includes the potential for a future expert archaeological investigation to reveal more about our past.

2.1.5 Sites are routinely identified and allocated in local and neighbourhood plans in the absence of archaeological assessment and evaluation so that the risks outlined above are not at this stage fully identified. Similarly, the mechanism expected to identify sites for inclusion on brownfield registers – Strategic Housing Land Availability Assessment (SHLAA) – does not routinely involve such archaeological assessment and evaluation. Consequently, there is a very real risk that the development of some sites identified and allocated in these documents will be unsustainable, causing significant harm to nationally-important heritage assets with archaeological interest and/or will be unviable by reason of the archaeological mitigation or compensation required.

2.1.6 The very real dangers of allowing permission to be granted without appropriate archaeological assessment and evaluation were brought home by the case of the Rose Theatre which cost the Government dear (not only in terms of compensation to allow developers to find a design solution to the presence of significant archaeological remains but also in reputational damage) and ultimately played a large part in the introduction of PPG 16.

2.1.7 The consultation recognises that *'sites can have particular constraints and sensitivities'* (paragraph 2.26) which produce a situation where *'a decision may be taken to allocate a site, but not grant permission in principle'* (paragraph 2.28). However, the expectation, repeated more than once in the consultation (see, for example, paragraph 2.8(b)), that permission in principle will be granted 'in most cases' for sites identified in qualifying documents suggests that Government has not fully grasped the implications of the proposal for archaeology, particularly in the light of the proposed presumption in favour of the development of brownfield land.

2.1.8 Furthermore, the response of Baroness Williams of Trafford on the 22nd March to the expression of such concerns in the House of Lords only increases our concerns:

'I hope that I have set out the rigorous process of consideration and engagement that will be followed to grant PIP and in that context, the scenario when no scheme can be given technical details consent, is an extremely rare one. But if it does occur, in those

rare circumstances we have made provision for PIP granted on application to be revoked or modified.'

2.1.9 So far as archaeology is concerned:

- the process of consideration and engagement envisaged is not *'rigorous'*
- the scenario when no scheme can be given technical details consent is unlikely to be *'an extremely rare one'* and
- the expedient of revoking or modifying permission in principle if archaeological issues subsequently come to light is unrealistic particularly in the light of the compensation implications.

2.1.10 If Government wishes to avoid re-visiting 'in principle decisions … at multiple points in the process' (paragraph 2.3), it must fully recognise and address the corollary, namely that in order to avoid re-assessment at a later stage all necessary information which may affect the principle of development or its viability must be assessed before permission in principle is granted (and, with regard to archaeological issues, this should be specifically recognised in legislation and stated in policy). This has the potential, for instance, to encumber and slow down plan-making (thereby undermining one of the other aims of Government in this consultation and cutting across the recent conclusions of the Local Plan Review Group which wished to see plan-making speeded up). If all necessary information is not available (including that necessary to assess the effects of development upon the historic environment) permission in principle cannot be granted and this must be made clear.

2.1.11 This is far from the case at present – For example, authorities are expected to *'take a positive, proactive approach when including sites in their registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing.'* (paragraphs 3.5 and 3.16 of the consultation document). This is a materially different approach to one that seeks to establish that there is no in-principle objection to development.

2.1.12 We retain grave concerns that *'the need to protect our heritage assets'* recognised by the Chancellor of the Exchequer in his letter to The Heritage Alliance is not reflected in the current proposals and would welcome the opportunity further to discuss how this commitment can best be achieved.

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

2.2.1 Only if the implications for the historic environment, so far as the principle of development and its viability, are fully addressed prior to the granting of permission in principle (see above).

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?

2.3.1 No. Even where there is no in-principle objection to development, the amount of residential development may have to be revised once detailed consideration is given to the impact of development on the historic environment and other material considerations.

2.3.2 Although the indication in the consultation that a range of levels of development should be specified is welcomed as lending some flexibility to the process, in the absence of detailed archaeological assessment and evaluation at the outset it may not be possible accurately to predict appropriate levels of development.

2.3.3 In the light of the concerns expressed above in relation to the historic environment, a permission in principle should also include certification that all necessary pre-determination archaeological assessment and evaluation has been carried out in relation to the land in question.

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?

2.4.1 No, save that the archaeological implications of development and any necessary conditions or obligations adequately to mitigate or compensate for any harm to heritage assets should be included.

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

2.5.1 See paragraph 2.1.5 above in relation to the historic environment.

2.5.2 The approach to Environmental Impact Assessment and Habitats Directive issues (which is supported) demonstrates that environmental issues can be addressed in the process, if there is a willingness to refuse to deal with any application for permission in principle which lacks sufficient detail adequately to assess the implications of development.

Question 2.6: Do you agree with our proposals for community and other involvement?

2.6.1 No. Consultation with communities in relation to their historic environment is an important part of the process and we would like to see a requirement to consult them in this regard at the technical details consent stage.

Question 2.7: Do you agree with our proposals for information requirements?

2.7.1 No.

2.7.2 As explained above, it is not safe to assume that sufficient archaeological information has already been produced for sites allocated in local and neighbourhood plans as suggested in paragraph 2.37 of the consultation document.

2.7.3 Moreover, some applications for minor development can have a disproportionate effect on heritage assets such as buried remains. Any application for permission in principle should contain such information as is required fully to assess any in-principle objection to the development.

2.7.4 Historic Environment Records (HERs) have a crucial role to play in ensuring that appropriate archaeological information is available. A valuable step towards addressing these (and other) archaeological concerns would be to introduce a statutory duty for local authorities to maintain or have access to an up-to-date HER supported by appropriate expertise (similar to that imposed on Welsh Government by section 35 of the Historic Environment (Wales) Act 2016).

2.7.5 So far as the technical details stage is concerned, any impact statement should contain archaeological assessments and evaluations as necessary carried out in accordance with CIfA Standards and guidance (see http://www.archaeologists.net/codes/ifa) and any proposals for mitigation must include any necessary archaeological conditions or obligations.

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?

2.8.1 No comment, save that such fees should contribute to the cost of providing archaeological advice to planning authorities.

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?

2.9.1 There is merit in setting relatively short timescales for the duration of permission in principle (for instance, the one year envisaged at option B in paragraph 2.44 for permission in principle on application) and for allowing local variation where justified by local circumstances.

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?

2.10.1 Yes.

Chapter 3: Brownfield register

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

3.1.1 Strategic Housing Land Availability Assessments are useful tools for this purpose but do not currently ensure that all appropriate archaeological assessment and evaluation is carried out in the identification of sites (see above). The need for such assessment and evaluation (carried out in accordance with CIfA Standards and drawing upon information from Historic Environment Records and other sources) must be made clear.

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

3.2.1 We welcome the recognition in the third criterion at paragraph 3.17 ('capable of development') that the *'National Planning Policy Framework has strong policies for conserving and enhancing both the natural and the historic environment which should be taken into account, together with other specific policies in the Framework that indicate development should be restricted.'* This criterion must fully embrace all necessary archaeological assessment and evaluation.

3.2.2 However, the caveats identified in the accompanying text raise serious doubts as to the rigour with which these criteria will be applied in identifying sites.

- Government's intention is repeated that authorities *'should only reject potential sites if they can demonstrate that there is no realistic prospect of sites being suitable for new housing'* (paragraph 3.16).
- The need to omit sites with constraints is qualified by the words *'that cannot be mitigated'*. The impact of development on almost any site can be mitigated to some degree; the real question is whether the mitigation or compensation envisaged is sufficient to ensure that the development in question is sustainable and should proceed.
- By contrast, *'Authorities will need to support decisions about potential constraints with strong evidence'* (paragraph 3.17) [my underlining].

3.2.3 The disparity between the low threshold for identifying sites and the high threshold for omitting them is stark and ominous given the expectation that *'the large majority of sites on registers that do not already have an extant planning permission will be granted permission in principle, and technical details consent subsequently, for housing.'* (paragraph 3.5).

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

3.3.1 See paragraph 2.5.2 above.

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?

3.4.1 It is our view that the potentially significant effects on the historic environment have not been adequately reflected in the proposals for brownfield registers. This needs to be taken into account in assessing the requirements of the Strategic Environment Assessment Directive and accompanying Regulations.

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

3.5.1 Yes.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

3.6.1 Yes, save that it should also be a requirement for authorities to provide details of site constraints including archaeological issues that will need to be addressed at the technical details stage.

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

3.7.1 No comment.

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

3.8.1 Yes.

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?

3.9.1 The proposals provide too strong an incentive to obtain permission in principle through entry on a brownfield register in the absence of adequate safeguards for the historic environment.

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?

3.10.1 No.

Chapter 4: Small sites register

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

4.1.1 No comment.

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?

4.2.1 No. Entry on such a register is likely to create an expectation that a site is suitable for development, particularly in the light of the rhetoric surrounding local and neighbourhood plans, brownfield registers and permission in principle.

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

4.3.1 Those sites considered unsuitable for housing development for archaeological or any other reasons.

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?

4.4.1 Details of constraints would be useful.

Chapter 5: Neighbourhood planning

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?

5.1.1 No comment.

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

5.2.1 No comment.

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?

5.3.1 No comment.

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?

5.4.1 Yes, save that there should be discretion to invite other interested parties to make representations where appropriate.

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

5.5.1 No comment.

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

5.6.1 No comment.

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

5.7.1 No comment.

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

5.8.1 No comment, save that any measures to speed up or simplify the neighbourhood planning process should not preclude or undermine appropriate consideration of the historic environment in plan-making.

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?

5.9.1 No comment.

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?

5.10.1 Yes.

Chapter 6: Local plans

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

6.1.1 We support the plan-led approach to facilitating the prompt delivery of sustainable development and agree the importance of having an up-to-date plan in place. We also agree that *'Local planning authorities play a key role in supporting housing delivery'*.

6.1.2 Nonetheless, we remain concerned that the centralising of planning powers can undermine community involvement and local input with the potential to create a democratic deficit.

6.1.3 Insofar as the criteria involve consideration of performance on housing delivery (see paragraph 6.18), we have already made the point (in response to the recent consultation on changes to national planning policy) that '[t]*he answer to under-delivery of housing allocated in local plans should not, in the first instance, be the*

identification of further land for development but should address the reasons for non-delivery, many of which (such as land banking and market conditions) are beyond the powers of local authorities.' Consequently, the criteria identified in the consultation need to be balanced by consideration of other factors (see question 6.3 below).

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?

6.2.1 Yes.

Question 6.3: Are there any other factors that you think the government should take into consideration?

6.3.1 Other factors include resources and, so far as housing delivery is concerned, constraints and environmental capacity.

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?

6.4.1 Yes.

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

6.5.1 No comment.

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

6.6.1 No comment.

Chapter 7: Expanding the approach to planning performance

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?

7.1.1 No. The thresholds should be consistent with those for major development and the emphasis should be as much on the quality of decision as on its speed.

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?

7.2.1 No. The threshold should stay the same, particularly in the light of the proposals to deprive under-performing authorities of the benefit of increases in fees.

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?

7.3.1 Yes.

(b) performance in handling applications for major and non-major development should be assessed separately?

7.3.2 Yes.

(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?

7.3.3 Yes. We strongly support this.

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?

7.4.1 Yes.

Chapter 8: Testing competition in the processing of planning applications

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

8.1.1 Although this *'will not include any changes to decision-making on planning applications which will remain with the local authority whose area the application falls within'* (paragraph 8.1 of the consultation document), we would have particular concerns if and insofar as the processing of applications extends beyond an administrative process and involves issues of professional judgement.

8.1.2 Any processing should be carried out in accordance with professional standards by competent practitioners.

Question 8.2: How should fee setting in competition test areas operate?

8.2.1 We would allow approved providers and local planning authorities in test areas to set their own fee levels.

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to [do?]?

8.3.1 Approved providers should only be able to do those things in respect of which they have demonstrated competence.

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

8.4.1 By ensuring that approved providers are members of relevant professional bodies and accountable as such.

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?

8.5.1 No comment, save that the range of information needs to be clearly identified. Membership (and accountability as a member) of a relevant professional body will provide some safeguards to protect sensitive information although it may be appropriate to supplement this by enacting (or utilising pre-existing) criminal sanctions.

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

8.6.1 No comment.

Chapter 9: Information about financial benefits

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

9.1.1 We do not object to the listing of these benefits, but there should be clarity as to what constitutes an economic consideration which needs to be taken into account when making a planning decision and what does not. Such planning considerations need to be clearly balanced against legitimate social and environmental considerations (including those relating to the historic environment). Any wider financial benefits of development need to be viewed in the light of a full and informed appraisal of its cost (social and environmental as well as financial).

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?

9.2.1 See paragraph 9.1.1 above.

Chapter 10: Section 106 dispute resolution

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

10.1.1 Yes. There is much to be said for an arm's length mechanism for resolving disputes when negotiations over section 106 agreements have stalled, but this will add a further financial burden for local authorities who will have to share the funding of such services in the absence of unreasonable behaviour.

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

10.2.1 No comment.

Question 10.3: Do you agree with the proposals about what should be contained in a request?

10.3.1 Yes.

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?

10.4.1 Yes, with the agreement of the main parties.

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

10.5.1 No comment.

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

10.6.1 Appointments could be made through relevant professional bodies which could assist in ensuring that appropriately qualified and competent persons were appointed.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

10.7.1 Yes, provided that this does not prove to be a significant drain on local authority resources and provided there is the ability to penalise unreasonable behaviour.

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

10.8.1 No comment.

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

10.9.1 Any matter relevant to the appropriateness of the proposed obligations.

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website?

10.10.1 Yes.

Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

10.10.2 Yes.

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?

10.11.1 No.

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

10.12.1 Where there has been a significant change of circumstances since the resolution of the dispute.

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?

10.13.1 Other obligations (such as section 278 agreements) may be appropriate, but should at least be drawn to the attention of the appointed person. It might be possible to restrict further obligations to those notified to the appointed person prior to the making of his or her decision.

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?

10.14.1 No comment.

Chapter 11: Permitted development rights for state-funded schools

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?

11.1.1 Where there is ground disturbance even with relatively minor development there is the risk of harm to the historic environment (and, in particular, buried remains) in the absence of appropriate safeguards. This is not altered by the educational

purpose of the development, nor by the temporary nature of that development, given the finite and irreplaceable nature of the archaeological resource.

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?

11.2.1 No, not so far as the historic environment is concerned. The prior approval provisions in question work on the basis that approval is granted and but details have to be agreed. This does not allow for the situation where there may be an in-principle objection to development and what is needed is a full application which can be granted or refused.

Section 12: Changes to statutory consultation on planning applications

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?

12.1.1 The benefit is the potential speeding up of the process; the risk is that when complex issues are encountered there is insufficient time properly to address them and flawed decisions are made either unnecessarily frustrating sustainable development (where there is ill-considered advice to refuse permission) or promoting unsustainable development (where there is a failure to raise legitimate objections).

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.

12.2.1 Whatever additional time is allowed, there should be the ability to extend this in exceptional circumstances. It may be possible to set time limits applicable in most cases but there must always be flexibility to cater for the more complex or esoteric cases.

Chapter 13: Public Sector Equality Duty

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?

13.1.1 No comment.

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?

13.2.1 No comment.

14 April 2016