



Planning White Paper Consultation
Government response to consultation replies



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Introduction

The Planning White Paper, *Planning for a Sustainable Future*, was published on 21 May 2007 and comments were invited by 17 August 2007. The White Paper set out proposals to reform the regime for development consent for nationally significant infrastructure, and other measures to improve the Town and Country Planning system. Some of the proposals would require legislation, others changes in policy and guidance.

The White Paper raised some important questions for consultation. Responses to these questions were sought to inform the development and implementation of policy.

This document summarises the results of the consultation on the White Paper and sets out the Government's response to the main points made. Hazel Blears's statement to Parliament, (below) sets out the Government's overall response on key issues emerging from the consultation on the Planning White Paper and next steps in relation to the Planning Bill.

The report then deals with comments made in relation to *nationally significant infrastructure projects*, first the comments made in the large number of general (mostly campaign) responses which raised cross-cutting themes, and then the comments more detailed received on the questions on nationally significant infrastructure projects included in the White Paper.

The last part of the report deals with comments made on the *town and country planning elements* of the White Paper. Again, this part is divided into two. The first element deals with the responses to the specific questions included in the White Paper. The second element reports and responds to the main comments received on elements of the town and country planning chapters which were not subject to specific questions. Finally we set out the next steps we are taking in taking forward the town and country planning elements of the Planning White Paper.

The Government's response also takes account of responses received through meetings with stakeholders, community consultation exercises or through the other routes listed below.

Ministerial Statement on Planning Policy

In the white paper *Planning for a Sustainable Future*, published on 21 May 2007, we set out a wide-ranging package of proposals for reform of the planning system.

Planning is critical to protecting the countryside and our environment, building sustainable homes and communities, and supporting growth and prosperity. It also plays a vital role in ensuring individuals and local communities have a say in what gets built.

Since 1997 we have made major improvements to town and country planning: more houses are being built, with better use of brownfield land; more development in town centres is helping to revitalise our towns and cities; planning decisions are being made quicker; and we have made the system more efficient and customer focused.

But significant problems remain. The planning system remains too complex, bureaucratic and inefficient. These problems are particularly acute for major infrastructure projects, which are subject to different planning regimes. Currently a single project may require consent under numerous different regimes. Lack of clarity in national policy, poor preparation of specific project proposals, lengthy and adversarial inquiry processes and slow decision-making, means that some planning decisions have taken years.

These delays, combined with the lack of certainty in the system, can result in high costs for business; prolonged uncertainty and blight for communities; and pose a serious threat to UK competitiveness, growth and jobs. Moreover delays in the provision of essential infrastructure needed to ensure clean, secure energy and water supplies and decent transport have quality of life implications for everyone.

We need to ensure that the planning system enables us to meet the long term challenges we face as a society:

- to meet our climate change objectives by speeding up the shift to renewable and low carbon energy, supporting the development of low and zero carbon homes and businesses; and ensuring development is resilient to the impacts of climate change;
- to achieve our target of 3 million new homes by 2020 so current and future generations have access to a decent home at a price they can afford;
- to enable us to meet the challenge of globalisation by being efficient and responsive to business needs; and supporting the development of vital infrastructure, such as ports, roads and airports, needed to ensure that the UK continues to attract investment and jobs;

- to provide certainty for investment in new infrastructure such as power stations, gas storage facilities and electricity networks need to ensure energy supplies are secure.

Our proposals for planning reform are a central part of the Government's wider agenda for addressing these long term challenges in a way which demonstrates our commitment to achieving a prosperous economy and high quality of life for all; while also reducing carbon emissions and protecting the environment.

The white paper proposed that we should establish a new, single consent regime for nationally significant transport, energy, water and waste infrastructure projects under which:

- The Government will set out in National Policy Statements the case for nationally significant infrastructure, integrating social, economic and environmental policies. These statements will be subject to thorough public consultation, appraisal of sustainability and Parliamentary scrutiny;
- Developers will be required to consult local communities and other key stakeholders as they prepare those projects and before they submit an application;
- Decisions on applications will be made by an independent Infrastructure Planning Commission using streamlined inquiry procedures. Inquiries and decisions would be subject to statutory timetables.

Responses to the white paper have indicated that there is clear agreement that the current system is not working effectively. Our proposals have been widely welcomed including by business and many in the planning community and local government.

However a number of issues and concerns have been raised. Questions have arisen in particular about:

- how we propose to take forward the proposals for National Policy Statements;
- the need to ensure sustainable development is central to the new regime;
- ensuring people can influence and participate in policy and decisions;
- ensuring decisions are fair and accountable.

The proposal to produce National Policy Statements for major infrastructure sectors has been welcomed by the large majority of respondents to the White Paper. Over the forthcoming months, my colleagues the Secretaries of State for Business, Enterprise and Regulatory Reform, Transport, and the Environment, Food and Rural Affairs will set out further details of how they propose to ensure national policy in their infrastructure sectors is clearly set out; a short summary of proposals is at Annex A.

We acknowledge that it is essential to ensure that our objectives in relation to sustainable development are central to consideration of future infrastructure needs. The Bill will therefore include a duty on Ministers to ensure that National Policy Statements are drawn up with the objective of contributing to the achievement of sustainable development. We will also make it a requirement that all National Policy Statements should be subject to an appropriate appraisal of the sustainability of the policy they set out.

The Bill will also put effective public consultation and participation at the heart of all three key stages in the regime:

- By creating a clear duty to ensure effective public consultation on National Policy Statements. We intend that this consultation should include positive and proactive means of engaging citizens and communities. Where National Policy Statements identify locations or potential locations for development, there will be a duty to consult in those locations.
- By placing clear legal obligations on developers to consult local communities before they submit a planning application, and ensure that this consultation is of high quality.
- By making planning inquiries accessible and ensuring peoples' rights to be heard are protected. In particular the Bill will make it clear that any person who registers an interest can give oral evidence at relevant stages of the inquiry.

In order to support more effective engagement with communities and hard to reach groups, we will be increasing the resources we provide to bodies that promote community engagement in planning. We also intend that local authorities should have an important role in ensuring the views of the communities they represent are fully reflected.

Finally, the Bill will strengthen accountability and ensure decision-making is fair and transparent:

- Government Ministers will be clearly accountable for setting overall policy. There will be a clear distinction between responsibility for setting policy, and responsibility for the quasi-judicial decisions;
- Parliament will have a stronger role in scrutinising national policy.
- The Infrastructure Planning Commission will be required to take decisions within a clear framework of legal duties set by Parliament and policy set by Government. It will also be subject to requirements designed to ensure full accountability to Ministers, Parliament and the public.

To provide the stronger role for Parliament, we encourage the House to establish a new Select Committee with the main purpose of holding inquiries into draft National Policy Statements in parallel with public consultation. We suggest that this Committee should be comprised of members from existing Select Committees on Business, Enterprise and Regulatory Reform, on Transport and on Environment, Food and Rural Affairs.

We will consider the Committee's reports together with responses to public consultation and revise draft National Policy Statements where appropriate, before designating them. In addition, if the Committee has recommended that a National Policy Statement raises issues which should be debated by Parliament as a whole, we will make available time in each House for a debate before we designate it.

This model – in which decisions are taken independently, on an objective basis, by a body with no role in promoting particular policy outcomes – offers clear benefits in terms of increased transparency and certainty to both applicants and the public.

We have noted concerns that the White Paper may have defined too narrowly the matters the IPC may take into account in reaching decisions. We are clear that the National Policy statement should be the primary policy consideration for the Commission. However we agree that the Commission must be able in taking decisions to have discretion to take account of all information specific to the case before it which it considers relevant and important to its decision, including all such local impacts. The Bill will make it clear that this is the case.

We have also concluded that there may be some very exceptional circumstances in which it would not be appropriate to leave final decisions to the Commission. These circumstances would arise where new issues or evidence are raised relevant to an application before the Commission which are so significant that the Government considers they may justify a change of national policy. Where this was the case, the relevant Secretary of State could direct the Commission to suspend consideration of the application until he or she had reviewed the National Policy Statement. However where there is an application before the IPC which needs to be determined urgently in the national interest, the Bill will enable the Secretary of State to direct the IPC to produce a recommendation with the final decision to be taken by the Minister. We would expect such cases to be very rare so the Bill will therefore set out clearly the conditions that will apply to the exercise of this power.

Overall we believe that our proposals for major infrastructure will reduce the average time taken for large applications by a half. By doing so, they will save

between £3.8 and £4.8bn in costs up to 2030. And they will do this while extending our commitment to ensure sustainable development is at the heart of planning; strengthening opportunities for public consultation and engagement; and improving accountability.

In addition to our proposals for reform of major infrastructure, the Bill will include a number of significant measures aimed at ensuring that the town and country planning better supports housing growth and climate change, and is more streamlined and efficient.

The Bill will implement our proposals to introduce a new charge, entitled the Community Infrastructure Levy, to enable local authorities to secure a bigger contribution from developers towards the costs of infrastructure. We are pleased that our proposals have been widely welcomed by developers and local government. We will publish further details of the proposals on my Department's website.

Local plans have a key part to play in enabling local authorities to set a clear strategic vision for their communities. The Bill will therefore include a number of provisions to make plan-making simpler and more flexible, which will be supported by a revised Planning Policy Statement. It will also include a new duty on local authorities to take action on climate change through local plans. This duty will be underpinned by a new Planning Policy Statement on climate change which we will publish before the end of the year.

Finally, the Bill will include provisions to reduce the number of planning applications and speed up appeals and simplify the tree preservation system. This will include provisions which would enable Local Member Review Bodies to determine appeals.

These provisions in the Bill will be supported by a range of measures to make it easier for homeowners to extend their homes and to install microgeneration technology, to introduce new Planning Performance Agreements which will ensure large applications are dealt with effectively, and to allow an increase in fees for planning applications in order to enable local authorities to improve the quality of service they provide. We also intend to consult on a new Planning Policy Statement on economic development before the end of the year.

Further details of these and other reforms are set out in the Government's summary of responses to the White Paper consultation, published today, and to the related consultations which will be published shortly.

The Planning Bill will play a key part in delivering on this Government's long-term vision for Britain. Alongside legislation on Housing and Regeneration, Climate

Change, Energy and Local Transport this Government it will help to deliver our objectives in relation to housing, climate change, energy security, transport provision, and prosperity and quality of life for all. The Planning Bill will do this by ensuring that we have an efficient planning system which produces fair and transparent outcomes on decisions which are vital both to the local communities they most affect, and to the long term challenges facing us as a nation.

Annex on National Policy Statements

Energy

The Government will publish an overarching national policy statement covering key elements of energy policy relevant to infrastructure provision, such as climate change, security of supply and the energy market, and including information relevant to likely future demand and measures to secure energy efficiency.

Energy national policy statements will also be expected to encompass different forms of energy generation such as fossil fuels, renewable energy, electricity networks and gas infrastructure

Transport

The Government's aim is to establish a suite of national policy statements that will comprise:

- a statement for aviation incorporating the 2003 Air Transport White Paper in a way which meets our proposed policy and statutory requirements for National Policy Statements; we are already committed to produce a further progress report between 2009 and 2011, which would provide a good opportunity to designate the ATWP in conjunction with that report;
- a statement for ports, possibly incorporating international freight, based on the work already undertaken as part of the ports policy review;
- a statement for the strategic national highway and rail networks focusing primarily on the highway network, given that comprehensive plans for the rail network were published earlier this year in the HLOS and supporting rail White Paper.

These statements will over time be aligned with the overarching transport strategy now under development, reflecting the cross-modal approach recommended by Rod Eddington, in order to ensure a consistent analytical and policy framework. The recent discussion document *Towards a Sustainable Transport System* sets out how the Department proposes to develop this strategy, working with transport users and other stakeholders over the period to 2012.

Water infrastructure

The Government will set out updated policies for water supply and water quality in a new Water Strategy, *Future Water*, which is due to be published early in 2008. This will inform development of a new national policy statement on infrastructure development for water supply and waste water treatment for the period from 2010 to 2035. The national policy statement will also be informed by parallel to planning and price review processes such as the Water Resource Management Plans which water companies will produce and the quinquennial reviews of water company sewerage charges.

Waste disposal

A national policy statement on waste will set out the Government's objectives for the development of waste infrastructure for the period to 2020 and will be based substantially on the Waste Strategy for England which was published in May 2007 after extensive consultation and engagement. We expect to prepare a waste national policy statement which will draw out and, if necessary, strengthen material in the Waste Strategy to enable the IPC to make decisions on projects coming forward.

Offshore renewables

The IPC and the Marine Management Organisation proposed under the Marine Bill White Paper will have responsibilities for consents to offshore renewables projects of specific generating capacities. Both will operate in accordance with consistent Government policy in this area whether set out in the relevant NPS or in the Marine Policy Statement.

Consultation responses

The responses to the consultation were sent (either by post or e-mail) to the address set out in the White Paper.

Communities and Local Government commissioned Arup to summarise and analyse these formal responses received by 31 August (allowing a period for the receipt of late responses), and to set these against the themes in the general responses. At that point, approximately 32,100 responses had been received.

Of these, approximately 31,000 responses were in general terms, mainly part of organised campaigns mostly led by environmental NGOs, raising concerns about elements of the White Paper proposals but not specifically addressing the questions in the White Paper. The remaining 1,100 more detailed responses which addressed the questions were from businesses or business representative groups, government bodies including the local government sector, professionals and academics including the planning community, environmental and community groups, and members of the public.

Arup's full report on these responses is available on the Communities and Local Government website.

In addition to these formal responses, the Department also received a range of other comments on the White Paper proposals, from a variety of sources which are listed below. There were 5 main groups of comments:

1. Comments made on the White Paper in correspondence sent directly to ministers in Communities and Local Government or from Members of Parliament to ministers, reporting or reflecting views of their constituents;
2. Comments made at stakeholder events;
3. Feedback from a series of community consultation exercises conducted by Planning Aid on behalf of the Department;
4. Comments made in response to Government's draft legislative programme; and
5. Views set out in petitions.

A summary of other comments received is available on the website. That document also lists the respondents to the consultation exercise.

Summary of General Responses

The general responses, numbering around 31,000 most of which were part of organised campaigns, represent the greatest volume of responses.

These responses focused mainly on concerns about the White Paper proposals on planning for nationally significant infrastructure projects. Key issues were:

- Concerns about local democracy, public participation, and accountability. Views on how these should be addressed included:
 - ensuring production of national policy statements properly involved local people;
 - preserving people’s right to be heard in public inquiries;
 - decisions being made by democratically elected politicians, not an independent Infrastructure Planning Commission.

- Concerns about adverse impact on the environment and other planning considerations. Views on how these should be addressed included:
 - avoid economic considerations being given greater weight than environmental or social objectives, either in national policy statements or in decisions on individual nationally significant infrastructure projects;
 - ensuring the system protects natural and historic resources for future generations, through robust environmental assessment and strong biodiversity policy;
 - imposing a duty on decision makers to promote sustainable development;
 - prohibiting major carbon intensive developments (such as airports, roads, incinerators and non-renewable energy projects).

In addition, concerns were expressed about certain issues relating to the town and country planning system, in particular:

- the proposal to remove of the needs test in relation to town centre development;
- the proposal to simplify initial consultation stages on local plan-making.

Government Response

These general points have been taken into account in the overall Government response set out in the Secretary of State for Communities and Local Government’s statement and in the more detailed commentary in the remaining sections of this report.

Where we refer to a majority or other proportion of views, these refer to the detailed responses received on specific questions, i.e. they exclude the general responses noted above. The Government’s overall response, however, takes both sets of responses, along with views received in other ways listed above, into account.

Analysis of the more detailed responses to the White Paper questions

Nationally Significant Infrastructure Projects

Q.1 The proposed package of reforms for major infrastructure

- a) Do you agree that there is a strong case for reforming the current system for planning for nationally significant infrastructure?**
- b) Do you agree, in principle, that the overall package of reforms proposed here achieves the objectives that we have set out? If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?**

A large majority of those who answered the question thought there was a case for reform, although a third raised specific concerns or issues about the detailed reforms proposed. A majority considered that the proposed reforms would meet the objectives set for them but a significant proportion considered that they would not do so, with some making specific suggestions.

Business, government bodies and professionals and academics gave greatest support to these proposals.

Among those who expressed reservations, or were opposed, the main concerns were:

- the reforms could result in reduced public involvement;
- lack of democratic accountability in decision making;
- environmental and social aspects of sustainability were likely have less weight in decision making than economic and business concerns;
- the role of local government and regional bodies in the process.

Some respondents therefore concluded that, instead of the new regime proposed in the White Paper, an approach of incremental improvement to the current system should be adopted.

A similar range of views was raised in other comments to the White Paper received by the Government.

The main finding of the community engagement work by Planning Aid was that the philosophy behind the White Paper proposals was seen by most as acceptable, but with reservations about the details.

Government Response

The Government welcomes the recognition from many respondents that there is a case for reform.

We face big challenges in the future from globalisation, climate and demographic change, changing energy sources and aspirations for an even better quality of life. The planning system for major infrastructure needs to change to meet these challenges, while delivering sustainable development and a fair, efficient, transparent and accountable planning system.

We consider that the best way to achieve this is through the new single consent regime proposed in the White Paper, rather than through incremental change to the existing multiple consent regimes. However we acknowledge that these proposals also need to address legitimate concerns about the need to ensure sustainable development is at the heart of the new regime, the need to ensure effective public consultation, and the need to provide effective accountability. Our detailed proposals will achieve that.

Q.2 National Policy Statements

Do you agree, in principle, with the introduction of national policy statements for key infrastructure sectors in order to help clarify government policy, to provide a clearer strategic framework for sustainable development, and remove a source of delay from inquiries? If not, do you have any alternative suggestions for helping to achieve these objectives?

A large majority of those who answered the question welcomed the principle of national policy statements, although over half had comments about implementation or content. A minority of those who answered the question rejected the proposal.

The main points were:

- support for clarifying national policy in relation to infrastructure provision and the separation of policy and decision making in respect of nationally significant infrastructure projects;
- concern that national policy statements might not address local issues adequately, take proper account of local views expressed in the consultation process, or put sufficient weight on environmental or amenity issues;
- a wide range of suggestions about the form and content of national policy statements;
 - further classes of infrastructure that might be the subject of a national policy statement; and:
 - integration of national policy statements with other policy in terms of content and timing of production to ensure that nationally significant infrastructure projects were not delayed by conflicting policy.

Government Response

The Government welcomes the positive response to these proposals to clarify Government policy including the national need for infrastructure, and to ensure that policy on infrastructure integrates economic social and environmental objectives in a way that delivers sustainable development.

The Government notes suggestions that national policy statements covering other classes of infrastructure or development than those mentioned in the White Paper should be produced. However, we do not wish to extend the scope of the proposed new regime significantly. Our intention is that national policy statements should be produced only for nationally significant infrastructure development that would be decided by the Infrastructure Planning Commission.

In response to the consultation responses, we will set a threshold for rail, including Strategic Rail Freight Interchanges (SRFIs). The Government considers that a strong argument has been made for designating such development as nationally significant infrastructure. We will therefore include SRFIs in the scope of the Planning Bill.

The Government notes the concern that the content of national policy statements should be integrated with other government policies, in order to avoid conflicts.

National policy statements will need to consider the range of relevant government policies and set out clearly how the Government's objectives for the class of infrastructure in question are to be integrated with other policy objectives. This will ensure that they integrate economic, environmental and social objectives with the aim of contributing to sustainable development. In particular national policy statements will need to set out how proposals for major infrastructure take into account any obligations and targets flowing from the Climate Change Bill.

Q.3 Content of national policy statements

Do you agree that national policy statements should cover the core issues set out in the White Paper? Are there any criteria that should be included?

A large majority of those who answered the question agreed in principle with the proposed content of national policy statements. Support was very strong from all groups except the public.

The main points were:

- concern that economic factors might be given undue weight over environmental/sustainability and local issues;
- a difference of opinion over whether national policy statements should be location-specific;
- a range of detailed suggestions on national policy statements content, some specific to particular statements.

Government Response

The Government welcomes the positive response to the proposal that national policy statements should cover the core issues set out in the White Paper. We propose to introduce provisions in the Planning Bill to give effect to this.

We have noted the range of comments on detailed content of the national policy statements. A summary of the proposed national policy statements to be made by departments is set out in the overview to the Government's response above. Further details of the proposed structure and content of individual national policy statements, including information about how location-specific these will be will be set out in due course by the relevant Departments.

We recognise the concerns expressed that a balanced assessment be made of environmental, social and economic factors. The Bill will therefore require ministers to draw up national policy statements with the objective of contributing to the achievement of sustainable development, and require that the sustainability of each national policy statement is appropriately assessed before it is approved.

Q.4 Status of national policy statements

Do you agree, in principle, that national policy statements should be the primary consideration for the Infrastructure Planning Commission in determining individual applications? If not, what alternative status would you propose?

The need to ensure that the national policy statement should be the primary consideration for the decision-making by the Commission was accepted by a majority of those who answered the questions and particularly welcomed by the business community.

However there was some opposition to this proposal including among the public and environment and community groups who argued that national policy statement should be one of many material considerations, with appropriate weight on environmental and social factors and on other relevant planning policy.

There were also concerns that the definition of “adverse local consequences” in the White Paper may be too narrow.

Government Response

We note that the need to ensure that the national policy statement should be the primary consideration for the decision-making by the Commission was accepted by a majority of those who answered the questions, and that the business community in particular welcome the certainty this provided.

However we also note concerns that appropriate weight should be given to environmental and social factors and to other relevant planning policy. Our intention is that national policy statements will integrate all relevant environmental, social and economic policy to provide a single policy framework for decision making. This is necessary to provide certainty for applicants and clarity for decision makers. We therefore consider it appropriate for them to be the primary consideration in the determination of applications.

We have also noted concerns that the factors that the Commission should consider when taking decisions, including the definition of ‘adverse local consequences’, may be too narrow. The Planning Bill will therefore make clear that the IPC should have discretion, when deciding applications, to take into account any other matters not specified in legislation or the relevant national policy statement, that it considers to be important and relevant to its decision.

Q.5 Consultation on national policy statements

Do you agree in principle that the proposals would ensure effective public engagement in the production of national policy statements, including with local communities that might be affected? Are there any additional measures that would improve public and community engagement in their production?

A majority of those who answered the question agreed that the proposed consultation arrangements would ensure effective public engagement in the production of national policy statements, although many respondents were concerned that the public's views are not always taken into account, even if robust procedures are in place. The greatest support came from business, with almost all in support of the proposals.

Concern raised about consultation included that:

- there should be effective engagement at an early stage;
- consultation should have clear timescales;
- it is important to set the right balance between quality and speed of preparation;
- Government consultation with local communities is not always effective.

The community engagement work by Planning Aid revealed widespread acceptance of the principles but also showed concern that the public would not have adequate opportunities to get involved in national policy statements. Effective early consultation was seen as important for local acceptability.

Government Response

The Government welcomes the support expressed for the proposals to achieve thorough and effective consultation in the production of national policy statements, and recognises this is an area of particular concern expressed in general, campaign responses. We recognise the need to have clear consultation arrangements, including for consultation of the public and any local communities that may be affected.

The Planning Bill will introduce a requirement on the Secretary of State to consult on national policy statements. In addition, where national policy statements identify particular locations as suitable for the development of nationally significant infrastructure projects, the Bill will require the Secretary of State to ensure that there was appropriate consultation in those locations. The Bill will also require the Secretary of State to consult local authorities in those areas on what consultation is appropriate.

We do not think it would be appropriate to set out detailed procedures and processes for national policy statement consultations in the Bill. National policy statements will vary significantly, reflecting the differences between types of infrastructure, and a one size fits all approach to consultation is unlikely to be effective. A less extensive process may be appropriate where an existing national policy statement has been reviewed and only changed in limited respects.

We are however committed to ensuring that consultation on all national policy statements is thorough and effective. We intend that this should include positive and proactive means of engaging the public and that local authorities should play an important part in presenting the views of the communities they represent.

The Bill will also require the Secretary of State to seek the views of certain statutory consultees. We will consider what other parties should be specified as statutory consultees and specify these through regulations in due course. We intend they will include Scottish ministers, Welsh ministers and the Northern Ireland Assembly in the case of national policy statements extending to these respective areas.

Q.6 Parliamentary scrutiny of national policy statements

Do you agree, in principle, with the intention to have Parliamentary scrutiny for proposed national policy statements? What mechanisms might ensure appropriate Parliamentary scrutiny?

Almost all of those who answered the question supported the principle of draft national policy statements being subject to Parliamentary scrutiny. Of these, approximately a quarter had comments. Support was strongest from business.

The main points raised were:

- a committee of the House of Commons and/or Lords with cross party representation should have powers of approval;
- draw in expert witnesses and other stakeholders.

The community engagement exercise by Planning Aid revealed strong support for Parliamentary scrutiny of national policy statements.

Government Response

The Government welcomes support expressed for the principle of Parliamentary scrutiny for national policy statements. It notes the support for some form of Parliamentary committee to do this.

It is for Parliament itself to decide how to scrutinise Government proposals. *The Governance of Britain* has set out our commitment to give Parliament a greater role.

We will encourage the House to establish a new Select Committee with the main purpose of holding inquiries into draft national policy statements in parallel with public consultation. We suggest that this Committee should be comprised of members from existing Select Committees on Business, Enterprise and Regulatory Reform, on Transport and on Environment, Food and Rural Affairs.

We will consider the Committee's reports together with responses to public consultation and revise draft national policy statements where appropriate, before designating them. In addition, if the Committee has recommended that a national policy statement raises issues which should be debated by Parliament as a whole, we will make available time in each House for a debate before we designate it.

Q.7 Timescale of national policy statements

Do you agree, in principle, that 10-25 years is the right forward horizon for national policy statements? If not, what timeframe do you consider to be appropriate?

A large majority of those who answered the question agreed overall with the proposed lifespan for national policy statements although almost a third of them made comments. A minority of those who answered the question disagreed with the policy proposition. There was little differentiation in the views of different sectors, although those from the environment and community sector were more likely to disagree with the timescales proposed for national policy statements.

The main points were:

- some flexibility is required over timescales, as these will vary between sectors;
- while statements should take a long-term view they will need to be updated as necessary.

Government Response

The Government welcomes the positive response to the proposal that national policy statements should have a forward horizon of 10-25 years, but agrees that there should be flexibility between different national policy statements on this point. We do not therefore propose to specify the duration of national policy statements in the Planning Bill, but will rather consider the issue of duration on a case by case basis. Furthermore, the Bill will place a duty on Ministers to review national policy statements when they think appropriate (see Q.8).

Q.8 Review of national policy statements

Do you agree that five years is an appropriate period for the Government to consider whether national policy statements remain up to date or require review? What sort of evidence or circumstances do you think might otherwise justify and trigger a review of national policy statements?

A large majority of those who answered the question agreed that five years was an appropriate period for the Government to review national policy statements, with over one third of them having comments. Support was greatest from professionals and academics.

The main points were:

- clarity was needed for triggers of reviews;
- major technological advances, advances in scientific knowledge and particular social, economic and demographic changes and fluctuations were cited as main triggers for review.

Government Response

The Government welcomes the support for the White Paper policy expressed in the consultation, but understands the concerns that national policy statements should be updated where necessary, and not just at 5 yearly intervals.

After further reflection we do not believe that a standard period of five years between reviews of national policy statements would be helpful, and instead, the Planning Bill will impose a duty on Ministers to review their national policy statements when they think appropriate. This will help to ensure that national policy statements reflect developments in circumstances and, for example, the latest scientific knowledge, ensuring that they have the clarity their status merits.

Q.9 Opportunities for legal challenge

Do you agree, in principle, that this opportunity for legal challenge would provide sufficient and robust safeguards to ensure that national policy statements are sound and that people have confidence in them? If not, what alternative would you propose?

A majority of those who answered the question agreed with the proposition that the opportunity for legal challenge would provide sufficient and robust safeguards although almost half of them made comments. Support was strongest from government bodies.

The main points were:

- a longer period than 6 weeks was required;
- assistance should be provided for challengers;
- contrary views on whether the grounds for challenge were too wide for business or too narrow for government bodies and the public.

Government Response

We note the views expressed and consider that the need to establish certainty for national policy is such that a 6 week limit appropriately balances the national public interest with the right of individuals who might wish to challenge a national policy statement. Furthermore, national policy statements will be subject to thorough public consultation and Parliamentary scrutiny, which should mean that there is a high level of prior awareness of policy. This in turn should mean that 6 weeks is sufficient time for challenge of national policy statements.

Q.10 Transitional arrangements

Do you agree in principle that subject to meeting the core elements and standards for national policy statements, policy statements in existence on commencement of the new regime should be capable of acquiring the status of national policy statements for the purposes of decision making by the commission? If not, what alternative arrangements do you propose?

Overall, a majority of those who answered the question accepted the proposed transitional arrangements for national policy statements. However, of these, almost half made comments. Government and business groups were most supportive.

The main points were:

- set a timetable for national policy statement preparation;
- treat each case on its merits;
- existing policy is short on consultation, climate change and sustainability issues.

Government Response

The Government welcomes the support that has been expressed for the transitional arrangements proposed in the White Paper. It notes the concerns expressed that existing policy is not always adequate on consultation, climate change and sustainability issues.

In practice we will need to take a case by case approach on transition of existing policy statements. It will be important that where extensive policy development and consultation has taken place, this can be taken into account.

The Planning Bill will therefore contain provisions for the Secretary of State to designate an existing statement as a national policy statement; that he or she can treat an appraisal of the sustainability of such a policy as meeting the required standards for national policy statements; and that he or she may take account of consultation carried out earlier.

Q.11 Preparation of applications

Do you agree, in principle, that promoters should have to prepare applications to a defined standard before the Infrastructure Planning Commission agrees to consider them?

Almost all of those who answered the question agreed that promoters should meet a defined standard when preparing nationally significant infrastructure projects. About a quarter of those agreeing had comments.

The main concern raised was that proposals will place a greater burden on applicants. In addition a number of suggestions were made:

- the standard for applications should be high, with the Infrastructure Planning Commission providing clear guidance on requirements;
- separation of the Infrastructure Planning Commission's advice giving and decision taking functions.

Government Response

The Government welcomes the strong support for the White Paper proposals on project development and preparation, including the requirement on developers to consult. We note concerns that these requirements will place additional burdens on applicants. We believe however that any such burdens will be more than offset by the benefits of better prepared applications which address the needs and concerns of local communities. The Government intends that provisions to this effect will appear in the Planning Bill.

Q.12 Consultation by promoters

Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the infrastructure planning commission? Do you think this consultation should take a particular form?

There was support for this proposal from almost all of those who answered the question, across most groups, with comments made by nearly half of those agreeing. Support was strongest from government bodies and professionals and academics and weakest from the public. The emphasis of comment is on the methods, efficiency, effectiveness and level of consultation.

The main points were:

- need for clear standards for consultation including how the information is presented;
- avoid reopening 'need' argument;
- balancing the views of different consultees.

The community engagement work by Planning Aid revealed that the proposals for consultation by promoters was accepted by most, but requiring a legally binding framework.

Government Response

The Government welcomes the positive response to these proposals. The Planning Bill will require promoters to consult prescribed persons about a proposed application. The Bill also contains a requirement to consult the local community, as well as prescribed persons. The Government notes the view that clear standards for consultation are required. Provisions will therefore appear in the Bill, allowing the IPC itself to set out guidance and clear standards for promoters as to how they should engage in consultation.

Q.13 Consulting local authorities

Do you agree, in principle, that relevant local authorities should have special status in any consultation? Do you think the local authority role should take a particular form?

Almost all of those who answered the question thought that local authorities should have a special status in the consultation on nationally significant infrastructure projects, with less than a quarter of these making comments. Support was greatest from government bodies and environment and community groups.

The main points were:

- authorities should determine the form of and/or carry out the consultation;
- concern about the potential burden placed on authorities.

Government Response

The Government welcomes the strong support for ensuring that local authorities have an important role at the pre-application stage. The Planning Bill will impose a duty on promoters of nationally significant infrastructure projects to consult the local community about their project proposals before making an application.

The Infrastructure Planning Commission will be required to take local authorities' views on the adequacy of the consultation into account before accepting an application. Affected local authorities will also be identified as a statutory consultee for the purposes of pre-application consultation. We believe this will ensure that promoters will work closely with the relevant local authorities in developing their proposals from an early stage.

Q.14 Consultation with other organisations

**Do you agree, in principle, that the list of statutory consultees presented in the White Paper is appropriate at the project development stage?
Are there any bodies not included who should be?**

A large majority of those who answered the question were in favour of the list of proposed statutory consultees that, depending on the nature of the project, should be consulted during the development of nationally significant infrastructure project applications. The greatest support was from government bodies and professionals and academics. Environment and community groups were the least supportive, and the public were concerned to see a balance between various interests.

The main points were:

- support for a flexible approach: promoters should be directed towards the more relevant bodies, some of which may be non-statutory;
- respondents suggested that the results of any consultation must be published alongside all the other material that accompanies the application;
- many respondents sought to add their own organisation to the consultee list.

Government Response

The Government welcomes the support that there should be a list of statutory consultees. We intend to include a provision in the Planning Bill to allow the Secretary of State to compile a list of persons whom a promoter would be required to consult before submitting an application to the IPC. The Government notes the many suggestions made by respondents, and will take these into account when drawing up this list.

The Government also intends to include in the Bill a power for the Secretary of State to create regulations specifying the documentation which should accompany applications to the IPC. The Government expects that this documentation would include the results of the promoter's consultation.

Q.15 Statutory consultees' responsibilities

Do you agree in principle that the Government should set out, in legislation, an upper limit on the time that statutory consultees have to respond to promoters' consultation? If so, what time limit would be appropriate?

Almost all of those who answered the question thought that it was right that there should be an upper time limit on consultation responses to emerging nationally significant infrastructure projects, but just under a quarter of them had comments. Support was strongest from business and weakest from public.

The main points were:

- 13 weeks was the most commonly proposed limit;
- concern that there would be resource implications for consultees;
- there should be flexibility in the timescale for complex cases.

Government Response

The Government welcomes the support for an upper time limit on consultation responses from statutory consultees. Statutory consultees need to be given sufficient time to respond to a promoter's consultation, but they also need to provide the promoter with any information or advice it needs (e.g. on the environmental impacts of the proposals) in a timely manner.

We propose that the Planning Bill will contain provisions so that statutory consultees should therefore be given 28 days to respond to the promoter's consultation. We consider that this will give statutory consultees an adequate amount of time to respond to promoter's consultation, while preventing promoters from being delayed. The Government notes also that a formal pre-application consultation is unlikely to be the end of the process for most statutory consultees, and most promoters will wish to consult with them bilaterally throughout the whole of the rest of the application process.

Q.16 Commission's guidance role

Do you agree in principle that the commission should issue guidance for developers on the application process, preparing applications and consultation? Are there any other issues on which it might be appropriate for the commission to issue guidance?

Almost all of those who answered the question agreed with the principle that the Infrastructure Planning Commission should issue guidance to developers of nationally significant infrastructure projects, approximately one-fifth of whom made comments. Business gave the most support for this proposal with weakest support from environment and community groups.

The main points were:

- concern that the Infrastructure Planning Commission and its commissioners in particular were not the appropriate body for providing guidance;
- guidance should be prepared in consultation with stakeholders;
- roles and responsibilities of the Infrastructure Planning Commission, local planning authorities, promoters and third parties must be clearly established by the guidance;
- Infrastructure Planning Commission should provide advice for community groups and third parties.

Government Response

The Government welcomes the support expressed for the principle of the IPC providing guidance to promoters. We propose that the Planning Bill will contain provisions that the IPC may give advice to potential applicants.

We have however noted concerns raised about the need to ensure that the role of the Commission in giving advice should be clear to meet concerns about propriety. The Bill will therefore enable the Secretary of State to make regulations on what types of guidance the IPC may give and how this is to be treated in order to ensure propriety.

In preparing these regulations, the Secretary of State will take account of the views expressed by respondents that stakeholders should be involved in the preparation of guidance and that the IPC should provide advice for community groups/third parties.

Q.17 Commission's advisory role

Do you agree in principle that the commission should advise promoters and other parties on whether a proposed project falls within its remit (to determine the application process, procedural requirements, and consultation)? Are there any other advisory roles which the commission could perform?

Almost all of those who answered the question agreed with the principle that the Infrastructure Planning Commission should have an advisory role during the preparation of applications. Approximately one-fifth of those agreeing had comments. The business sector was particularly supportive, with more qualified approval coming from the general public and professionals and academics.

The main points were:

- concern about the distinction between the Infrastructure Planning Commission advisory and decision making roles;
- concern about whether the Infrastructure Planning Commission would offer pre-application advice on nationally significant infrastructure projects content as well as application process;
- clear guidance on the definition of nationally significant infrastructure projects is required and where/why the line is drawn between these and other schemes;
- requirement for open lines of communication between the Infrastructure Planning Commission and previous decision maker.

Government Response

The Government welcomes the support for the principle that the IPC should advise promoters as to whether their project falls within the IPC's remit, and on other procedural matters (see Q.16). It notes concerns that there must be a distinction between the IPC's advisory and decision-making roles.

It is the Government's intention that if the promoter seeks the IPC's advice prior to an application being made, it will talk to members of the IPC's secretariat who have no decision-making role – in addition to the other safeguards that the Secretary of State would set out in regulations (see Q.16).

Q.18 Rules governing propriety

What rules do you consider would be appropriate to ensure the propriety of the IPC's interactions with promoters and other parties?

Representatives of all groups answered the question; all groups made suggestions on propriety rules. It was government bodies that most commonly responded to this question.

Suggestions for propriety rules included:

- the same rules that apply to local planning authorities and Planning Inspectorate;
- all information and advice provided by the Infrastructure Planning Commission, together with the minutes of meetings they have attended, should be made publicly available;
- there should be no direct contact between Infrastructure Planning Commissioners and promoters – they should instead go through an intermediary;
- Commissioners should not have any financial, political, personal or other affiliation/interest that would undermine impartiality.

Government Response

The Government welcomes the support expressed for the principle of the IPC providing guidance to promoters. We propose that the Planning Bill will contain provisions that the IPC may give advice to potential applicants, but also that the Secretary of State may make regulations on what types of guidance the IPC may give and how this is to be treated in order to ensure propriety (see Q.16).

In preparing these regulations, the Secretary of State will take account of the views expressed by respondents that there should be no direct contact between Commissioners and promoters. We also intend to include a provision in the Bill to ensure that the IPC must issue a code about the conduct expected of Commissioners, and that the Commissioners must register any financial and other interests they have.

Q.19 Commission's role at point of application

Do you agree, in principle, that the commission should have the powers described above? Are there any other issues the commission should address before or at the point of application?

A large majority of those who answered the question agreed with the proposed role of the Infrastructure Planning Commission at the point of application. There was strong support from professionals and academics, business and government bodies, with least from the public.

The main points were:

- there is a need for clear criteria governing which applications go to the Commission and the basis for the Infrastructure Planning Commission's decisions;
- Infrastructure Planning Commission would need to begin to consider an application before being able to come to a view on the preparation of and consultation on it;
- local planning authorities should do the pre-application work and the Infrastructure Planning Commission should consider soundness.

Government Response

The Government welcomes the support for the Commission's proposed role at the point of application. We note the detailed points including that:

- there is a need for clear criteria governing which applications go to the Commission and the basis for the Infrastructure Planning Commission's decisions;
- Infrastructure Planning Commission would need to begin to consider an application before being able to come to a view on the preparation of and consultation on it;
- local planning authorities should do the pre-application work and the Infrastructure Planning Commission should consider soundness.

We consider that the thresholds for what constitutes a nationally significant infrastructure project will provide clear criteria for which projects fall to the IPC. We believe that the IPC's pre-application protocols that we propose to introduce (see Q.16) will allow it to form a robust view on the completeness of an application made to it.

We intend that the Planning Bill should provide a power for the Commission to set standards and issue guidance on the criteria it will look at in deciding whether or not to accept an application.

Q.20 Scope of the commission

Do you agree, in principle, that these thresholds are appropriate? If not, what alternative thresholds would you propose?

There was majority support among those who answered the question for the various thresholds proposed to determine whether projects came before the Infrastructure Planning Commission. Support was greatest from the public, business and professionals and academics.

The main points were:

- thresholds must be justified with a clear and robust evidence base;
- avoid unnecessarily low thresholds and possible delays to smaller schemes, as not all developments proposed would be nationally significant;
- keep thresholds under review;
- include guidance on strategic rail projects;
- provide better guidance on works on the Strategic Road Network.

Government Response

The Government welcomes the support for the thresholds set out in the White Paper. We have taken account of detailed comments for particular infrastructure modes and have sought to refine and enhance the thresholds in the provisions we intend to include in the Planning Bill.

The Government recognises the importance of setting thresholds that avoid capturing small schemes that should not be considered nationally significant infrastructure. Following the consultation we have made changes to a number of thresholds in response. For example, we have raised the threshold for airports from five million passengers per annum to ten million passengers per annum.

In particular, we recognise that there are good arguments for setting out a clear threshold for strategic rail projects including rail freight interchanges. We will also ensure that clear guidance is provided when setting out national policy statements in relation to works on the Strategic Road Network.

We also recognise the merit of arguments that the thresholds need to be kept under review and, if necessary, changed. We will therefore seek powers in the Bill to allow the Secretary of State to amend the thresholds by Statutory Instrument, if this becomes necessary.

Q.21 Electricity system

Do you agree, in principle that all projects necessary to the operational effectiveness, reliability and resilience of the electricity transmission and distribution network should be taken by the commission?

A large majority of those who answered the question were in favour of the proposal to include in the Infrastructure Planning Commission's remit all projects necessary to the operational effectiveness and resilience of the electricity transmission and distribution network. Just under one-quarter of those in favour had comments. Support was greatest from business and the public.

The main points were:

- work on local transmission and distribution networks should be determined at the local level;
- only projects of national significance should be considered by the Commission;
- national policy statements should clearly define the scope of projects to be determined by the Commission.

Government Response

The Government welcomes the support for this proposal. We note the views that this should only be used for projects of national significance, but in practice this is very difficult to define as each link in a network is critical to the whole. This point is especially relevant when considering the resilience of electricity networks to the effect of climate change which will require a greater number of distributed energy projects.

We intend to include provisions in the Planning Bill which set statutory thresholds for nationally significant generating stations. We also intend that the IPC should have the ability to accept applications that also include associated works necessary for nationally significant generating stations and overhead power lines to work effectively.

Q.22 Gas infrastructure

Do you agree, in principle that the consenting regime for major gas infrastructure should be simplified and updated, rationalising the regime to bring nationally significant decision making under the commission?

A large majority of those who answered the question were in favour of the proposal to include in the Infrastructure Planning Commission's remit all projects necessary to the operational effectiveness and resilience of the gas transmission and distribution network. Just under a fifth of those in favour of the proposal had comments. Support was greatest from government bodies, business and professionals and academics.

The main points raised were the same as for question 21.

Government Response

The Government welcomes the support expressed for simplifying the consent regimes for national significant gas supply infrastructure, and notes the points made. We propose to include provisions to this effect in the Planning Bill. Including nationally significant gas supply infrastructure within the Bill responds to concerns that the existing planning and consents arrangements are too complex and fragmented, and are, in some cases, preventing the market delivering projects to help meet the UK's demand for gas in the light of declining North Sea production. The proposals support the Government's commitment to enable the gas market to function effectively and transparently.

Q.23 Other routes to the commission

Do you agree in principle that it is appropriate for ministers to specify projects for consideration by the commission via national policy statements or ministerial directions to the commission? If not, how would you propose changing technology or sectoral circumstances should be accommodated?

A large majority of those who answered the question were in favour of the proposal to allow additional projects to come before the Infrastructure Planning Commission, although more than one third of those agreeing had comments. Support was greater from business.

The main points were:

- the power should be used sparingly;
- the proposal tended to undermine the proposed new system;
- use could be made of a screening process.

Government Response

The Government welcomes the support for the proposal that it is appropriate for Ministers to be able specify that particular projects should be considered as of national importance, even if they are below the statutory thresholds. We note the comments made that such a power should be used sparingly.

We propose to introduce provisions in the Planning Bill to allow Ministers to specify certain projects as being of national significance by directing that the IPC determine an application which would otherwise fall to other authorities. While nothing in the Bill would restrict how often such a power could be used, we will work to ensure that this would only apply in exceptional cases.

Q.24 Rationalisation of the consent regimes

Do you agree in principle that the commission should be authorised to grant consents, confer powers including powers to compulsorily purchase land and amend legislation necessary to implement nationally significant infrastructure projects?

Are there any authorisations listed that it would be appropriate to deal with separately, and if so which body should approve them, or that are not included and should be?

A majority of those who answered the question supported the proposal for a unified consent regime and specific powers to be given to the Infrastructure Planning Commission. The greatest support came from professionals and academics and business organisations, with the least from environment and community groups.

The main points were:

- concern that the Infrastructure Planning Commission should not have powers to amend legislation or deal with compulsory purchase powers without a recourse to the Lands Tribunal;
- a need to ensure that the Infrastructure Planning Commission was fully qualified, experienced and resourced to make appropriate decisions;
- other relevant bodies (such as English Heritage and the local planning authority) who would previously have granted the consents, all statutory consultees, and the general public, should retain appropriate status.

Government Response

The Government welcomes the support for the principle of introducing a single consents regime, and notes the detailed comments surrounding this.

We note the concerns about giving the IPC the ability to amend legislation and authorise compulsory purchase. As the power to deal with compulsory purchase and amendments of private legislation already form part of some consent regimes (e.g. Transport and Works Act), we believe that the new single consent regime must include these elements. We have taken account of the concerns expressed, and propose that the Planning Bill should include a range of safeguards:

- national policy statements will set out Ministerial policy on compulsory purchase of land and provide guidance to the IPC as necessary; ministers will also set out model clauses for amendment of legislation that will be subject to Parliamentary approval;

- the Infrastructure Planning Commission will be made up of respected, established, expert professionals, including lawyers, selected by an open process and subject to Lord Nolan's standards of public life;
- commissioners will be subject to statutory propriety rules, and can be dismissed if they break those rules; they will be trained to ready them for their decision making responsibilities, including in relevant law;
- decisions on larger projects will always be taken by a panel of three commissioners and on smaller projects by the commission board;
- the Commission's decision making process will be open and transparent with all material it considers shared with all parties to the application;
- the Bill will provide that compulsory purchase should only be used where there is a compelling public interest;
- the Bill will provide a power for ministers to direct the infrastructure planning commission to comply with EU or international obligations when commission amending legislation;
- the Bill will require the IPC to detail the use of compulsory purchase authorisation powers and use of powers to amend legislation in its annual report;
- the Commission's decisions will be subject to defined rights of challenge in the courts.

The IPC will only be able to make use of order-making powers to amend legislation or authorise compulsory purchase if the order relates to an application about which a national policy statement is in force. Where no relevant national policy statement is in force, Ministers will take final decisions and make orders in their own name.

We note the concerns expressed that the IPC should be fully qualified, experienced and resourced to make appropriate decisions. We intend that this will be the case. We also intend that the IPC would have in-house expertise in all relevant fields as well as access to external experts.

We propose that specialist bodies such as English Heritage will be fully involved in the examination process, with a special status as statutory consultees.

Q.25 Commission's mode of operation

Do you agree, in principle, that the proposed arrangements for the commission to deal with cases is an appropriate way to ensure that consideration is proportionate and that an appropriate range of specialist expertise is brought to bear on the final decision? If not what changes or alternative mode of operation would you propose?

A majority of those who answered the question supported the suggested mode of operation for the Infrastructure Planning Commission, though nearly half of those agreeing had comments. The greatest support came from the business community where almost all supported the proposals.

The main points were:

- concerns that a single Commissioner should not be used because one person might have insufficient expertise, be manipulated or face a considerable burden;
- suggestions that a larger panel – at least three – should be used, with parties' agreement on the relevant expertise needed in the panel.

Government Response

The Government welcomes the support for this approach and notes the concerns expressed. We note concerns about a single Commissioner having insufficient expertise. Where a single Commissioner presides over an application, he or she will be supported by the IPC's secretariat and will not decide the application himself but rather make a recommendation to a Council of Commissioners which will take the decision. The Council of Commissioners will consist of a number of commissioners and have an appropriate mix of expertise to ensure that it is properly equipped to take decisions.

Q.26 Preliminary Stages

Do you agree in principle that the list of statutory consultees set out in the White Paper is appropriate at the determination stage? Are there any bodies not included who should be?

A large majority of those who answered the question were in favour of the government's proposals on the process of consultation at the determination stage. Government bodies and professionals and academics were the most supportive groups.

The main points were:

- the same bodies should be consulted as at the pre-application stage, although it was suggested that they should not all be required to comment again;
- a degree of flexibility was suggested, to allow consultation with bodies not included in the pre-application discussions;
- many respondents sought to add their own organisation to the consultee list.

Government Response

We welcome the support for the proposals. We will introduce a power in the Planning Bill for the Secretary of State to set out in secondary legislation a list of statutory consultees. We will, in drawing up this list, take account of consultation responses to ensure that this list is appropriate.

Q.27 Examination

Do you agree in principle that the procedural reforms set out above would improve the speed, efficiency and predictability of the consideration of applications, while maintaining the quality of consideration and improving the opportunities for effective public participation? If not, what changes or other procedural reforms might help to achieve these objectives?

A majority of those who answered the question were in favour of the proposals for procedural reforms at examination, with greater support from the business community and government bodies. The majority of the responses from the public and environment and community groups were opposed to the proposal.

The main points were:

- the right to be heard of local planning authorities, statutory bodies, local bodies, and individuals must not be affected by time limits or use of open session;
- all participants should have a right to cross examine the main parties;
- inquisitorial role of commissioners supported, with training or expert support;
- all information, including records of oral evidence, to be made publicly available.

Government Response

The Government notes that while there is some support for the proposals, there were also strong concerns.

One of our main objectives in carrying forward these reforms is to make inquiries into nationally significant infrastructure projects more accessible to individuals and communities. That is why we included a specific commitment to an “open floor” stage where interested parties would have the right to express their views about the application; sought to make hearings much less adversarial; and committed to provide extra support to bodies such as Planning Aid which provide free professional planning advice to members of the public.

However, we recognise that there is nevertheless concern that, in improving the speed, efficiency and predictability of the inquiry process for nationally significant infrastructure projects, we must also ensure that the opportunities for the public to participate in all hearings are improved and enhanced. While the presumption is that evidence will normally be submitted to the inquiry in writing, we will therefore provide interested parties a qualified right to be heard –

a right to appear before and give evidence at hearings into nationally significant infrastructure applications – on the face of the Planning Bill, subject to the normal qualifications that evidence must be relevant and not repetitious, and appropriate time limits. We will also ensure that all information, including records of oral evidence, is made publicly available.

We do not, however, believe that allowing extensive cross examination at hearings is either necessary for good decision making, or to making the process more open and accessible to members of the public. We intend that, as far as possible, the commission should question witnesses and test the evidence itself, and not relying on third parties to do the job for it.

Q.28 Hard-to-reach groups

- a) What measures do you think would better enable hard to reach groups to make their views heard in the process for nationally significant infrastructure projects?**
- b) How might local authorities and other bodies, such as Planning Aid, be expected to assist in engaging local communities in the process?**

Almost all of those who answered the question agreed to the proposals to involve hard-to-reach groups in the process for nationally significant infrastructure projects. A wide range of individual comments was received, including:

- specific means would be needed to assist the involvement of local people;
- need to ensure that the Infrastructure Planning Commission has a duty to demonstrate that the views of local people have been taken into account;
- the local planning authority would have an important role in consulting and articulating the views of the local community;
- Planning Aid would require further funding to provide the necessary assistance.

Government Response

We welcome the support for our proposals and will work with local authorities and bodies such as Planning Aid to take them forward.

Q.29 Decisions made on national policy statements

Do you agree that the commission should decide applications in line with the framework set out above? If not, what changes should be made or what alternative considerations should it use?

The primary status of the national policy statement in policy and decision making was accepted by a majority of those who answered the questions, although half of them had comments particularly government bodies, and professionals and academics. The security of a clear policy lead on infrastructure development was welcomed by the business community. Opposition was strongest from the public and environment and community groups.

The main points were:

- concerns that the definition of ‘adverse local consequences’ was too narrow;
- the national policy statement should be one of many material considerations, with appropriate weight on environmental and social factors and on other relevant planning policy;
- other means of clarifying the factors that decision makers should consider when determining specific proposals.

Government Response

The Government welcomes the positive support from some respondents for these proposals, but recognises that there is also opposition to them.

The Government notes the views that the national policy statement should be one of many material considerations in decisions. However, our intention is that national policy statements will integrate all relevant environmental, social and economic considerations to provide an overarching, holistic policy framework for decision making. We therefore consider it appropriate for them to be the primary consideration in the determination of applications.

However, we understand the concerns that the definition of ‘adverse local consequences’ in the White Paper was too narrow, and might rule out the IPC taking into account important considerations that should bear on the decision. The Planning Bill will therefore make clear that the IPC should, when deciding applications, take into account any other matters, not specified in legislation or the relevant national policy statement, that it considers to be important and relevant to its decision.

Q.30 Conditions

Do you agree in principle that the IPC should be able to specify conditions in this way, subject to the limitations identified, and for local authorities to then enforce them? If not, what alternative approach would you propose?

A large majority of those who answered the question supported the proposals for identifying and enforcing conditions, although over one half of those agreeing did so with comments. The greatest support came from the business sector.

The key alternative proposals were:

- local planning authorities to have a role in formulating and enforcing conditions, but need for wider resources and skills;
- Infrastructure Planning Commission to establish mechanisms by which conditions are assessed, and monitor enforcement;
- a working party to be set up to identify full range of regimes and who to be involved.

Government Response

The Government welcomes the support for the proposal that the IPC should be able to set conditions on any development consent it proposes to grant.

We propose to include in the Planning Bill the ability for the IPC to include requirements in an order granting development consent. These requirements could correspond to any conditions that could have been imposed on the project under existing consent regimes.

There are two particular types of requirement: those things that are contained in planning obligations contracted with a third party (such as the local authority or a statutory undertaker), and mitigating conditions to reduce the adverse local impacts of the project.

- Where the requirement is contained in a planning obligation (such as a s.106 agreement), we intend that such agreements will be negotiated by the parties, but the final order granting development consent, will contain provisions to ensure that the terms of the planning obligation are complied with.
- Where the requirement takes the form of mitigating conditions, the IPC will be responsible for judging the level of mitigation which is appropriate.

As we have outlined in the White Paper, we intend that local planning authorities will be responsible for enforcement of development consents, including requirements contained within them.

Q.31 Rights of challenge

Do you agree, in principle that this opportunity for legal challenge to a decision by the infrastructure planning commission provides a robust safeguard that will ensure decisions are taken fairly and that people have confidence in them? If not what alternative would you propose?

A large majority of those who answered the question supported the proposals for challenge on the specific grounds indicated, though approximately one third of those agreeing had comments. Greatest support came from the business community, and least from the public.

The main points were:

- time period for challenge is too restrictive;
- grounds of challenge too restrictive: an appeal to be possible on planning merits;
- use should be made of a draft report to allow corrections of fact or law prior to final version.

The community engagement work by Planning Aid revealed concern that the legal challenge options was not significant.

Government Response

The Government notes the views expressed during the consultation, but considers the need to establish certainty on whether a project is to go ahead is such that a 6 week limit appropriately balances the national public interest with the right of individuals who might wish to challenge a decision. Furthermore, affected individuals would be involved in the commission's examination stage, and would therefore likely be aware of when the 6 week period begins.

Q.32 Commission's skill set

What experience and skills do you think the commission would need?

A wide range of skills were suggested for the members of the Infrastructure Planning Commission, with the highest response rate from environment and community groups.

The main points were:

- a wider range of additional expertise needed to ensure environmental/social understanding;
- generic skills of judgement, independence and integrity are considered important;
- commissioners to be supported by advisors with appropriate skills for the project;
- a variety of individuals should be present on the Commission's panel.

The community engagement work by Planning Aid revealed the view that the IPC should have a wide range of views, possibly including community representation.

Government Response

We will take account of the views expressed on skills and experience needed by members of the IPC, and their advisors, in setting up the Commission. As in the response to Q24, we note the concerns expressed that the IPC should be fully qualified, experienced and resourced to make appropriate decisions. We intend that this will be the case. We also intend that the IPC would have in-house expertise in all relevant fields as well as access to external experts.

Town and country planning provisions

This section addresses the comments we received on the eight questions included in Chapters 6 – 8 of *Planning for a Sustainable Future* and the main points to emerge more generally on the proposals in these chapters, both from those who responded directly to the White Paper consultation exercise and other sources of feedback. Detailed responses to the five daughter consultation papers¹ issued alongside, or in one case just before the White Paper, will be reported separately.

¹ Planning Performance Agreements: a new way to manage large-scale major planning applications;
Planning Fees In England: Proposals for Change;
Changes To Permitted Development Consultation Paper 2: Changes to Householder Permitted Development Rights;
Improving the appeal process in the planning system – Making it proportionate, customer focused, efficient and well resourced.
Changes To Permitted Development Consultation Paper 1: Permitted Development Rights for Householder Microgeneration (published in April 2007);

Q.33 Delivering more renewable energy

What types of non residential land and property do you think might have the greatest potential for microgeneration and which should we examine first?

Almost all of those who answered the question identified land uses, locations or situations which had the potential for microgeneration. Four-fifths of those agreeing made specific suggestions. There were no systematic response patterns from particular groups, with the majority of all groups stating that specific locations would be suitable for microgeneration.

The main points were:

- business, office, employment, and agricultural uses, and public buildings, were considered the best for increased microgeneration;
- designated areas and buildings need protection from possible adverse impacts.

Government response

The Government will take into account the comments received, together the results of the research it has commissioned, and any other evidence in formulating its proposals.

A research contract was let to Entec in July 2007 to review the General Permitted Development Order for small scale renewables and low carbon technology on non residential property and land. The Government will publish consultation proposals in spring 2008.

Q.34 Joined up community engagement

We think it is important to enable a more joined up approach to community engagement locally. We propose to use the new “duty to involve” to ensure high standards but remove the requirement for the independent examination of the separate planning Statements of Community Involvement. Do you agree?

A large majority of those who answered the question agreed that the use of the ‘duty to involve’ process would be an improvement over the present system, particularly government bodies and businesses.

The main points were:

- the proposal would speed up the process because the examination of Statements of Community Involvement had added little to the process ;
- the ‘duty to involve’ must provide a clear standard approach that would allow all participants to fully engage with the system;
- clarification was needed on the definition of ‘duty to involve’, and guidance was sought on the protocol for local authorities.

The community engagement work by Planning Aid revealed strong opposition to this proposal in the questionnaire responses; with scepticism that general ‘duties’ are strong enough to ensure effective consultation. A similar concern also emerged in discussions with a number of stakeholder groups.

Government response

The Government welcomes the support for this proposal given by the majority of those who responded to the question directly in the White Paper. We note the concern raised by those taking part in the community consultation exercise undertaken by Planning Aid and others that this change might harm the extent of community engagement in the plan process. As we made clear in the White Paper, the intention is to enable a local authority to more easily integrate the Statement of Community Involvement within a broader approach to community engagement. A joined up approach to involvement and consultation is encouraged in both draft replacement PPS12 and *Creating Strong, Safe and Prosperous Communities Statutory Guidance: Draft for Consultation*. The draft Guidance, for local authorities and their partners’, including Local Strategic Partners, was published on November 20.

On Monday 19 November 2007, the Audit Commission, Commission for Social Care Inspection, Healthcare Commission, HM Inspectorate of Constabulary, HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted published the first joint inspectorate consultation on the Comprehensive Area Assessment (CAA) as part of the new local performance framework. The CAA and Creating Strong, Safe and Prosperous Communities consultations indicate the role of other mechanisms to assess the quality of community engagement undertaken by the local authority and emphasise the advantages to be gained from a strategic and joined up approach to involvement and consultation across the local authority and LSP.

We propose to include a provision in the Planning Bill to remove the requirement to have Statements of Community Involvement independently examined. This will involve repealing Section 18(4) of the Planning and Compulsory Purchase Act (2004).

Q.35 More flexible response to a successful legal challenge

Do you agree that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?

Almost all of those who answered the question agreed with the proposed increased High Court flexibility with greatest support from business and professionals and academics. Of those agreeing, less than one-quarter had comments.

The main points were:

- the proposal could save a significant amount of time and resources, as a lot of repetitive work could be omitted;
- importance of identifying an appropriate earlier stage in the process that the plan could be returned to and remain a sound basis for further work.

Government response

The Government welcomes the support given to this proposal by the majority of those who responded directly to the question. In directing that a plan should return to an intermediate stage in the plan making process, we would expect that the High Court would give an indication of what the appropriate stage in the process would be, having regard to the evidence that was submitted. We propose to include a provision in the Planning Bill to enable the High Court to direct a plan back to a specified point in the plan making process rather than just the start. This will involve amending Section 113 of the Planning and Compulsory Purchase Act (2004).

Q.36 Removing the requirement to list Supplementary Planning Documents in Local Development Schemes

Do you agree, in principle, that there should not be a requirement for supplementary planning documents to be listed in the local development scheme (LDS).

The proposal to remove the requirement to list supplementary planning documents in the local development scheme was welcomed by a large majority of those who answered the question, particularly government bodies. Approximately one-quarter of those agreeing included comments.

The main points were:

- concern at the loss of the informative role of the local development scheme; need for an informal list in its stead; the change should not be a back door route to bad policy;
- respondents suggested that due process of local consultation and scrutiny would still need to take place.

The potential loss of the informative role of the local development scheme was also raised in our discussions with some stakeholder groups.

Government response

The Government welcomes the support given to this proposal by the majority of those who responded to the question directly. The purpose of this change is to allow local authorities the freedom to commence work on and adopt SPDs without prior Government approval. However we note the concerns expressed about a possible reduction in information available and consequential reduction in transparency in the plan making process. In the new draft policy (PPS12), we urge local authorities to publish real time information on the progress of all planning documents on their websites and list all SPDs in an annex of their LDS. In relation to the concern about a possible reduction in scrutiny of SPDs, it is important to note that this proposal does not affect the arrangements for the public consultation on SPDs. We propose to include a provision in the Planning Bill to remove the requirement to list SPDs in the Local Development Scheme.

Q.37 Sustainability appraisal and Supplementary Planning Documents (SPDs)

Do you agree in principle that there should not be a blanket requirement for supplementary planning documents to have a sustainability appraisal, unless there are impacts that have not been covered in the appraisal of the parent DPD or an assessment is required by the SEA directive?

A large majority of those who answered the question supported the proposals for the blanket requirement for sustainability appraisal of all supplementary planning documents to be dropped, with just over one-fifth of those agreeing making comments.

The main points were:

- there could be less onerous processes and less repetition of appraisals if carried out at a higher level;
- the proposal would result in increased flexibility and improved accessibility of supplementary planning documents to community groups;
- uncertainty about how the proposals would work in practice, and need for clear guidance on when a sustainability appraisal would be needed;
- development plan documents provide the generic context for any supplementary planning documents and thus cannot ensure that all aspects of the supplementary planning documents have been fully appraised.

The community consultation work by Planning Aid revealed support for the continuance of Sustainability Appraisal as a mechanism to ensure full and up-to-date discussion of sustainability issues.

Government response

The Government welcomes the support given to this proposal by the majority who responded to the question directly. We note the concern that there needs to be clear guidance about when a sustainability appraisal would be needed. In new draft policy statement (PPS12) we make it clear that sustainability appraisal of SPDs should take place where there are impacts that have not been covered in the appraisal of the parent DPD or an assessment is required by the SEA directive. We will also indicate the kinds of SPDs which we consider would still benefit from SA. We propose to include in the Planning Bill a provision that will remove the blanket requirement for sustainability appraisal of SPDs.

Q.38 Permitted development for non domestic land and buildings

Which types of non residential development offer the greatest potential for change to permitted development rights? What limitations might be appropriate for particular sorts of development and local circumstances?

A large majority of those who answered the question considered that there should be wider permitted development rights for non-residential development. Support was greatest from businesses and government bodies.

The main points were:

- a variety of non-residential developments were identified;
- concern that extension of permitted development rights could have unintended effects on the quality of the built environment;
- limitations need to be placed on permitted development rights to reduce the impact on open space, amenity and neighbouring residents and designated areas.

Government response

The Government will take into account the responses received, together the results of the research it has commissioned, and any other evidence in formulating its proposals.

A contract was let in July 2007 to White Young Green to review the General Permitted Development Order for minor developments on non residential property and land. The Government will publish consultation proposals in summer 2008.

Q.39 Neighbour Agreements

What is your view on the general principle of introducing a streamlined process for approval of minor development which does not have permitted development rights and where the neighbours to the proposed development are in agreement?

A large majority of those who answered the question disagreed with the introduction of a streamlined process incorporating neighbourhood agreements. Only a minority of respondents agreed with the introduction of the process, and more than half of those agreeing had comments about how it would work in practice or suggestions about how the idea needed to be modified or further developed. The greatest proportion of objections to the principle came from government bodies.

The main points made were all of concern about the proposals:

- scope for abuse by either neighbour party (through bullying and blackmail);
- failure to take account of any adverse impacts on the wider community and area;
- complicated process which would not save time or resources, particularly because of the need for monitoring and possible enforcement;
- cumulative effects of minor development.

Government response

The Government has noted the significant concerns around introducing such a route to planning permission. It proposes not to take this suggestion forward.

Q.40 Minor amendments of planning permission

Do you agree that it should be possible to allow minor amendments to be made to a planning permission? Do you agree with the approach?

A large majority of those who answered the question supported the proposed flexibility for local planning authorities to make minor amendments to planning permissions. Of those agreeing, under half made comments. Support for the proposal was greatest from the business sector.

The main points were:

- detailed suggestions about how a scheme could be made to work effectively and be fair for those affected by minor amendments;
- concern about cumulative impacts, particularly in designated areas.

Government response

The Government welcomes the positive response to the proposal to provide flexibility for minor changes to be made to planning permission and thereby remove unnecessary bureaucracy from the planning system. We propose to include a provision in the forthcoming Planning Reform Bill to give effect to this change and in the event that this measure is introduced, will introduce guidance on this change.

Comments on other town and country planning elements of White Paper (not subject to specific questions)

A very substantial proportion of the responses to the consultation on the Planning White Paper included general comments in relation to the town and country planning chapters (chapters 6-9) of the *Planning for a Sustainable Future*.

The analysis work undertaken by Arup identified the following main topics that arose in the consultation responses, namely:

- Town Centres
- Householder Permitted Development Rights
- Appeals reforms
- Economic Planning Policy Statement (PPS 4)
- New suite of Planning Policy Documents
- Green Belt
- Reforms to Plan-making

Similar topics emerged in other comments received on the White Paper

Town Centres

Paragraph 7.55 of the PWP said that the Government intended to review the current approach to assessing the impact of proposals outside town centres, in PPS6 *Planning for town centres*, by replacing the need and impact tests with a new test.

Most of the general responses to the White Paper objected to the removal of the needs test on the basis that it would weaken town centre policy and this point emerged strongly in the other comments we received on the White Paper.

Many of those who made more detailed responses were also opposed change to the existing town centre policy regime, though it was admitted that it was difficult to judge the Government's proposals when they were not yet clarified.

Government response

We recognise there are strongly held stakeholder views about this proposal, both in favour and against.

Since publishing the White Paper we have had positive and constructive discussions with key stakeholders about its analysis and conclusions. Many stakeholders remain concerned about the practical effect of removing the need test. However, there is some consensus that, although the need test and our policies have played a significant part in revitalising our town centres, there can be perverse consequences from imposing too rigid and prescriptive national planning policy in this specific context. We believe there is wide agreement that we need a robust approach to assessing the impact of proposals on sites outside town centres that are not identified for such development in development plans – which is responsive to the needs of the market, and also reflects particular local circumstances.

The Competition Commission's recently published provisional findings of their inquiry into the UK groceries market include that the planning system for retail development, and the manner in which it is applied by local planning authorities, acts as a barrier to entry or expansion in a significant number of local markets. The Commission have noted retailer concerns about the need test, rather than any of the other tests in PPS6, being a key barrier to the development of new larger grocery stores in many local areas. We also note that one of remedies which the Commission are considering involves the abolition of one or more of the retail planning policy tests.

The Government is considering whether to respond to the Competition Commission's provisional findings. It remains our intention to take forward our White Paper commitment, and to consult on revisions to Planning Policy Statement 6 *Planning for Town Centres*, in the new year.

Householder permitted development rights

The comments made by those responding on the White Paper on wider householder permitted development rights (mentioned in chapter 9 of the PWP) and in other responses and feedback we received were similar to those points made in response to the specific consultation paper.

Government Response

The Government's response to the consultation replies to: *Changes to Permitted Development – Consultation Paper 2: Permitted Development Rights for Householders*, addresses all the points made on this issue.

Appeal reforms

The proposals on streamlining the planning appeals system were subject to separate consultation and there was no specific question on the subject in the PWP. However, some respondents to the White Paper picked up on the references to the subject in paragraph 9.42 et seq. The tenor of responses was no different from that of the fuller appeals consultation paper with arguments being made for and against:

- local member review body– those for on the grounds of speed, simplicity and the benefits of local knowledge: those against because of fears about resources (cost and skills) and conflicts of interest among members;
- giving PINS the power to determine the manner of an appeal – addressed mostly by business, who opposed the suggested change, in line with their comments in the separate consultation, because of the perceived adverse impact on the appellant’s ability to make the best case for their development.

Similar points emerged from our discussions with stakeholders and the community engagement work undertaken by Planning Aid, with strongest concerns emerging about local member review bodies.

Government response

The Government’s response to the consultation replies to *Improving the Appeal Process in the Planning System: Making it proportionate, customer-focused, efficient and well resourced – consultation paper*, addresses all the points made on this issue.

Revised economic development PPS

The proposal in paragraph 7.45 of the PWP to implement Kate Barker's suggested review of the existing PPG4 was generally welcomed by White Paper respondents on this issue. It was acknowledged that the present policy document was out of date and in need of revision. Stakeholder feedback also pointed towards general support for updating national policy on economic development.

However, respondents felt that the PWP emphasised economic development over social and environmental issues, particularly in relation to its proposals on NSIPs, and argued that the new PPS should have an appropriate weight in the decision making process and not be the pre-eminent consideration. Those with interests in the environment and heritage pointed out the need to express the economic value of such factors in themselves in any review of the policy.

This point was also picked up in other comments made on the White Paper. Concern was expressed about economic considerations being given undue priority over environmental considerations and the need to avoid any presumption in favour of development, which might harm the delivery of sustainable development.

Government response

We will be consulting later this year on a new PPS 4 on Planning for Economic Development. This will build on our objectives for the planning system to contribute to the delivery of sustainable economic development and set out proposals for ensuring a positive, flexible and responsive approach to evolving development needs.

New suite of national planning policy documents

Paragraph 7.57 et seq of the White Paper set out proposals to produce a more strategic and clearly focused national planning policy framework. The review was generally welcomed by those responding in detail on the White Paper, although many of those making more general comments were concerned that any review should not weaken biodiversity policy.

The principal comments made were:

- the policy should be concise, relevant and allow for local flexibility;
- policy should be clearly separated from any accompanying guidance;
- brevity and clarity were not synonymous;
- the policy should put appropriate weight on issues like environmental assessment, habitats and biodiversity, design and heritage;
- transitional arrangements would need to ensure that they did not result in a delay to the determination of nationally important development.

Government response

We note these responses. We are continuing to work on developing a more strategic and clearly focused national planning policy framework, and a significant streamlining of policy. We will continue to work closely with stakeholders to develop a clear strategy and process for this.

Green Belts

The specific reference in paragraph 7.64 of the PWP to the need for local planning authorities to keep their Green Belt boundaries under review stimulated two sorts of response. The first, and largest, response was in support of the unchanged retention of the present designated Green Belt land and considerable concern at any threat to it. The argument was propounded by those with amenity and conservation interests. The second, minority view, recognised its value, but thought that GB land should not necessarily be sacrosanct and were more open to the idea of thorough review.

The need for continued strong protection of the Green Belt also emerged in other comments made on the White Paper.

Government response

We note these responses. We remain fully committed to the protection of the Green Belt and, as the Planning White Paper said, will make no fundamental changes to planning policy for Green Belts, set out in Planning Policy Guidance Note 2: *Green Belts*.

Reforms to plan making

Besides the responses to specific proposals on plan making which require primary legislation (Questions 34-37), respondents gave their views on some of the wider plan making issues mentioned in the White Paper from paragraph 8.5 onwards. These were comments on matters which were not subject to consultation as part of the white paper, but are now included in the consultation paper with draft proposals to revise PPS12 and LDF regulations.

Most of the general responses to the White Paper raised strong concern about “the removal of the initial stages of local plan making”. This concern also emerged clearly from those who wrote directly to Ministers.

Those who made more detailed comments on the White Paper expressed a wider range of views. A group drawn from across all sectors had views on the inadequacies of the reforms in the 2004 Act. They welcomed change – although the exact form of the reforms they would have liked to see was not generally specified in their comments – because they said that the new system is:

- more complex, slower, more confusing, and adversely affected by inconsistent interpretation of soundness;
- over-prescribed, which (combined with tight timescales) hinders integration with other strategies and functions, and that instead, greater emphasis should be placed on outcomes and pragmatic effectiveness.

There was a mixed response over some of the specific proposals and, in particular, the removal of consultation for issues and options and preferred options stages:

- support for removal of preferred options due to time savings;
- concern that removal of issues and options and preferred options stages would reduce community input and hinder communities’ ability to influence vision, strategies and policy development;
- a risk of non compliance with the SEA Directive which requires consultation on SEA output (if consultation was considered to be insufficient, plans might be declared unsound, so LPAs would in effect have to consult as now or face delays).

A series of more general comments were also made, where a variety of views were offered:

- support for alignment of LDF Core Strategy with Sustainable Community Strategy;

- further guidance needed about the status and hierarchy of importance of public sector documents in relation to the LDF;
- reducing plan making time from 36 to 12-28 months was unrealistic without more resources, or would be at the expense of meaningful consultation;
- a quicker production rate for LDFs is needed, and could be achieved through front loaded continuous informal consultation: a year would be a suitable timeframe;
- all aspects of the plan making process should be kept under review to ensure that resources expended were proportional to the value that they add;
- the use of housing and planning delivery grant was vital if the plan making system was to be implemented successfully.

Government response

We have now published a consultation paper on a draft replacement of PPS12 and amendments to the LDF regulations. The changes to the plan making consultation process we are proposing are envisaged to allow greater flexibility for local authorities to develop their own engagement and consultation strategies which are tailored to the specific circumstances of each different Development Plan Document, avoid duplication and which take full advantage of wider consultation processes within the authority. Many of those who commented raised a concern that the changes proposed would remove the initial consultation stages of local plan making. Our proposal is that two currently separate processes (issues and options, and preferred options stages) are replaced with a single requirement to engage the public and stakeholders. Our proposals will not restrict consultation but they allow local authorities to decide, what is the best way to do it, in a proportionate manner.

Other comments

The Arup Report notes a range of other comments received in the response to the White Paper. The Government has noted these comments and will take them into account when appropriate, in taking forward future policy development in those areas. The comments made in relation to the Regulatory Impact Assessment have been taken into account in preparing the Impact Assessment for the Planning Bill. We note that a small number of respondents raised some concerns about the consultation process. The consultation process has followed the Code of Practice on Consultation and considering the scale of responses received and the comments of support we received about consultation arrangements we consider the consultation arrangements were satisfactory. It is also important to note that the White Paper identified some proposals where consultation would take place at a later date. For example, we have just issued a consultation paper in relation to the policy and regulations for LDFs, and consultation on new policy on economic development and revisions to town centre policy are planned.

NEXT STEPS ON TOWN AND COUNTRY PLANNING

As we made clear in *Planning for a Sustainable Future*, our further reforms of the town and country planning system will require a mix of primary and secondary legislation, policy and guidance. In some cases we consulted on draft proposals within or alongside the White Paper and in other cases we identified that consultation on draft proposals will follow. This section briefly reviews the next stages in the process of reform, in the light of the consultation responses we have received.

Government response to consultation undertaken alongside the Planning White Paper

Alongside publication of the Planning Bill and this document we have published on the Communities and Local Government website the following reports:

1. *Planning Performance Agreements – a new way to manage large-scale major planning applications. Government response to consultation replies.*
2. *Planning Fees In England: Proposals for Change: Government response to consultation replies.*
3. *Changes To Permitted Development Consultation Paper 2: Changes to Householder Permitted Development Rights: Government response to consultation replies.*
4. *Improving the appeal process in the planning system – Making it proportionate, customer focused, efficient and well resourced: Government response to consultation replies.*
5. *Changes To Permitted Development Consultation Paper 1: Permitted Development Rights for Householder Microgeneration: Government response to consultation replies.*

Primary legislation

The Planning Bill includes a number of proposals for the town and country planning system. In summary, these proposals will help us to achieve improvements in four main areas:

- (a) the Local Development Framework process;
- (b) the way planning applications are processed including Tree Preservation Orders;
- (c) handling appeals;
- (d) the ability of local planning authorities to tackle climate change.

The main proposals include:

- (a) In relation to improving the Local Development Framework process, we propose to:
- remove the independent examination of statements of community involvement;
 - enable the High Court to return unsound development plans to an intermediate stage in their preparation, rather than being required to go back to the beginning;
 - remove the formal requirement to include supplementary planning documents in the local development scheme, which means local planning authorities will no longer require government permission to start them; and
 - remove the automatic requirement for supplementary planning documents to have a sustainability appraisal.
- (b) In relation to improving the way planning applications are processed, we propose to:
- give local planning authorities the discretion to allow minor amendments to a planning permission already granted, where the changes are non material;
 - allow local planning authorities to avoid liability for compensation when imposing restrictions on permitted development by advertising the change 12 months in advance;
 - simplify the statutory rules relating to Tree Preservation Orders.
- (c) In relation to improving the handling appeals, we propose to:
- allow for the establishment of local member review bodies to handle minor appeals locally;
 - allow the Planning Inspectorate to determine the method by which an appeal is considered (i.e. written representations, hearing or inquiry) within criteria established by Ministers;
 - allow the Planning Inspectorate to levy a fee when an appeal is lodged.
- (d) To clarify the ability of local authorities to tackle climate change, the Bill proposes a statutory duty on local authorities, when preparing local plans, to do so with the objective of taking action to mitigate and adapt to climate change.

In addition, as announced in the Pre Budget Report, the Bill includes provisions for a new Community Infrastructure Levy to enable councils to help fund new infrastructure.

These changes to primary legislation will be supported by a series of changes through secondary legislation and administrative action to boost the effectiveness of the system.

Local plan making

It is vital that sound local plans are in place to provide a proper framework for development, so that prospective developers can understand and work with local priorities. We are asking local authorities to identify, within those plans, at least five years' supply of land suitable for housing, to enable us to meet the targets we have set ourselves of 2 million new homes by 2016, and 3 million new homes by 2020.

In order to help achieve this objective, we propose to further encourage and support the preparation of robust plans. Alongside publication of the Planning Bill, which includes some improvements to the plan making process outlined above, we have published a consultation paper² setting out our proposals to revise national policy and regulations on the preparation of Local Development Frameworks.

Planning Performance Agreements

The response to our consultation paper on Planning Performance Agreements, a summary of which has been published separately, was very positive and we have now decided to formally introduce Planning Performance Agreements, which will help streamline the processing of major applications. They will remain voluntary for both developers and local authorities – although we will encourage both to make best use of them.

Further information on results of the consultation is set out in *Planning Performance Agreements: a new way to manage large-scale major planning applications: Government response to consultation replies*.

Planning Fees

In the light of consultation responses, we intend – subject to Parliamentary approval – to bring in fee increases from 6 April 2008.

² Streamlining Local Development Frameworks – Public Consultation

For householders there will be a limited fee increase of £15 (or 11 %) bringing their application fee to £150. However this will be to some extent offset by increase permitted development rights (described below). For all other schemes there will be an overall 25% fee increase with a new maximum of £250,000 (or £125,000 if it is an outline application). For minerals and waste applications, the maximum will go up 25% (to £65,000).

There will be a new fee of £85 for 'requests for confirmation that a planning condition has been fulfilled' (or £25 where the request relates to householder development).

Over the coming year we will review the impact of the increase in planning fees and undertake to consider further changes in 2009. Further information about the next steps in relation to Planning Fees is set out in the Government's response to the consultation replies on *Planning Fees In England: Proposals for Change*.

Permitted Development

As part of our drive to deregulate, wherever possible, we will also bring in new freedoms for householders who want to improve their homes. We will establish a clearer framework for what people can do without the need to get approval from their local authority. We believe this will make it easier for many who do not want to move, but need to extend or improve their home in order to continue living where they do. By providing clearer controls over the size and positioning of what is permitted we will also be better able to protect others from the effects of bad development. There will be restrictions in sensitive areas, particularly on two storey rear, and all side and loft extensions.

While the new standards will apply at national level, it will be for local councils, with their communities, to decide whether these need to be adapted locally. We want to encourage councils to make greater use of their existing powers either to broaden or to restrict permitted development rights where necessary.

Further information about the next steps in relation to householder permitted development is set out in *Changes To Permitted Development Consultation Paper 2: Changes to Householder Permitted Development Rights: Government response to the consultation replies*.

Microgeneration

The overall response to our consultation on extending permitted development rights for domestic microgeneration was overwhelmingly positive. In the light of these consultation responses, we intend to bring in the necessary changes to secondary legislation at the earliest opportunity. This will ensure that householders are able to add solar panels, heat pumps, biomass and combined heat and power without the need for planning permission. Standards will need to be set for wind turbines and air source heat pumps to ensure that neighbours are not disturbed by these developments. For that reason, permitted development rights will be implemented for wind turbines and air source heat pumps as soon as safeguards and standards are in place.

A summary of the responses to the consultation paper *Changes to Permitted Development Consultation Paper 1: Permitted Development Rights for Householder Microgeneration* and the Government's response is being published separately.

Appeals

We consulted on a range of proposals to improve the appeals process, some of which require primary legislation and which are outlined above and some which will be taken forward through changes to secondary legislation.

The Government's response to the consultation replies on *Improving the appeal process in the planning system – Making it proportionate, customer focused, efficient and well resourced* sets out in detail what measures we propose to take forward in the light of the consultation responses.

In line with the White Paper's drive towards a more efficient planning service we are publishing, for consultation, our proposals to improve and speed up application and appeal procedures in the three preservation order system.

Progress on other key measures

As we indicated earlier, we intend to issue the final version of the Climate Change Planning Policy Statement and consult on a new PPS4 on Planning for Economic Development later this year. And it is our intention to consult on revisions to PPS6 – Planning for Town Centres in the new year.