

PLANNING FOR A SUSTAINABLE FUTURE: A HIGH LEVEL RESPONSE

A planning white paper consultation response from the Royal Town Planning Institute (RTPI) supported by 'daughter responses' on:

- Planning for Major Infrastructure: Making the New System Work
 - Permitted Development Rights for Householders
 - Improving the Appeal Process
 - Planning Fees
 - Planning Performance Agreements
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RTPI

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1. Introduction

Drawing together inputs from the Barker review of land use planning and the Eddington review of transport, the government has issued a Planning White Paper for England. This document summarises the response to the white paper by the Royal Town Planning Institute.

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the United Kingdom. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. It has over 20,000 members who serve in government, local government and as advisors in the private sector. Its members views are clearly critical to the task of implementing the directions for change outlined in the white paper.

Just as the planning white paper contains significant detail and is supported by a number of 'daughter documents', so too this RTPI response addresses the necessary detail by corresponding 'daughter responses' to the consultation questions raised, which should be read as necessary alongside this high level response document.

The daughter response documents are:

- Planning for Major Infrastructure: Making the New System Work;
- Permitted Development Rights for Householders;
- Improving the Appeal Process;
- Planning Fees;
- Planning Performance Agreements;

This document continues to address the following tasks.

- it outlines the engagement and consultation processes undertaken by the RTPI in formulating its responses to the white paper and the daughter documents; and
- it summarises the key reform directions proposed by the white paper and outlines summary RTPI responses to these.

Copies of all the RTPI white paper responses can be downloaded from:

- <http://www.rtpi.org.uk/item/606>

2. RTPI Engagement and Consultation Processes

The views in this response and the daughter documents have been produced following widespread consultations within the RTPI and with key planning system stakeholders.

The RTPI followed the publication of the white paper closely by publishing an extensive web based position paper on 22 May 2007, aiming to stimulate debate amongst members. This paper outlined and developed the issues arising from the white paper. It was visited by over 16,000 individual readers during the white paper consultation period, making it amongst one of the most highly visited individual pages on the RTPI web site.

The web based paper contained email links enabling RTPI members to send their views to the RTPI policy team. It was promoted to the constituent nations, regions and networks of the RTPI as well as to individual members. A hard copy of the paper was circulated to all delegates at the 2007 Planning Convention. It has been debated and supported by network steering groups and the RTPI Planning Policy and Practice Committee. Broader respondents to the paper largely expressed support for it whilst raising questions of detail that have been developed in this and the daughter response documents. It appears reasonable to conclude that the positions set out in the RTPI's web-based paper enjoyed the broad support of the membership of the RTPI and provide a firm basis from which to respond to government.

The positions adopted in the RTPI's web-based paper were also discussed (inter alia) with:

- British Property Federation
- British Retail Consortium
- Campaign for the Protection of Rural England
- Confederation of British Industry
- Local Government Association
- Parliamentary Renewable and Sustainable Energy Group
- Planning Inspectorate
- Royal Institution of Chartered Surveyors
- Royal Society for the Protection of Birds
- Urban Design Alliance
- United Kingdom Business Council for Sustainable Energy

Whilst these entities by no means endorse all of what is set out in this document, which in formal terms expresses the views of the RTPI alone, the conversations that have taken place have enabled our views to be informed by theirs and vice versa.

Joint positions were evolved with the Royal Institution of Chartered Surveyors and the Institute of Civil Engineers in respect of the need for a national infrastructure investment framework. Similarly, joint positions were evolved with the British Property Federation and British Retail Consortium on the need for clarity around planning for infrastructure through changes to the government's proposals for a Planning Gain Supplement.

Stakeholder debates and conferences have enabled our position to be widely debated, a process that has been publicly augmented through national media outlets.

It should be noted that, parallel to the development of this and its daughter papers, Planning Aid were commissioned by CLG to consult hard to reach groups on the issues raised by the white paper. Although Planning Aid operates under the RTPI umbrella, we were conscious that it owed a strong client duty to government as part of its engagement by CLG. Following from this position, Planning Aid has not contributed to the formulation of this policy based response, and the RTPI has in turn not sought to direct or influence the investigations being undertaken by Planning Aid: these two separate engagements must be read as being completely independent from and freestanding of each other, with this and its daughter documents representing only the view of the profession, not of wider communities consulted through Planning Aid.

3. High Level Response

The white paper broadly sets out Government actions in response to the Barker and Eddington Reviews. It has four key pillars:

- a new system to decide major infrastructure projects with new approaches to community engagement, new independent expert decision makers and new inquiry/approval procedures;
- simplifying the local planning system for householders to make it easier to make home improvements like extensions and conservatories, where there is little or no impact on neighbours;
- planning playing a bigger role in tackling climate change; and
- ensuring the planning system continues to support vibrant town centres.

Changes to the development plan and appeals system are also proposed.

Major infrastructure

The proposals include:

- a new national policy framework set by Ministers and parliament setting out how the country's key infrastructure needs for the next 10-25 years will be met;
- a new development approvals system led by an independent commission of experts from key sectors;
- new approaches to community involvement in inquiries;
- a new legal requirement on developers to consult; and
- a move towards 'planning performance agreements' where proponents and planning authorities agree the timescales for large applications that are still decided by local government, instead of being bound by arbitrary targets.

These proposals are seen as broadly supportable by the RTPI, subject to reservations set out below and in our daughter document on major infrastructure. However, great care will be required to ensure that the new policy statements and the operation of the Independent Planning Commission are sufficiently transparent, publicly accountable and enjoy public confidence. If implemented poorly, there is scope for much needed reform to play out poorly with the public, to the detriment of public confidence in planning decision making as a whole.

Local householder applications

The proposals include:

- planning permission will not be required for minor extensions and micro-energy devices;
- strengthened safeguards to deal specifically with eyesore developments; and
- a new fast-track appeals system.

These proposals broadly implement an 'impact-based' approach to permitted development, initially proposed by RTPI Secretary General Robert Upton in preliminary conversations with CLG. Practitioner comment from the National Association for Planning Enforcement suggests the need for considerable clarification of the operating detail of proposed permitted development, a comment that is endorsed by the RTPI as a whole. However, the RTPI supports the underlying principles of reform, subject to the carrying out of further road testing to ensure deliverability in a manner that does not create undue burdens for local planning authorities' development management and enforcement staff and, most critically, of a communications strategy to ensure that the new system and reasons for it are properly understood and as far as possible supported by the public at large.

At the end of this analysis, the RTPI does highlight the importance of maintaining and enhancing public perceptions that the dividing line between what does and what does not need permission is fair, balanced and appropriate. There would be little long term benefit in reforming the system in ways broadly agreed by the profession to be beneficial, if in doing so, government does not carry the consent of the public with it and so brings planning more broadly into disfavour.

Climate change

The proposals include:

- planning policy to put tackling climate change at the heart of building new communities;
- a new 'green offices' taskforce with industry, leading to greener commercial buildings; and
- red-tape cut for the use of microgeneration.

These proposals are seen as broadly supportable by the RTPI.

Town centres

The proposals include:

- a new test will require Councils to scrutinise any proposal for shopping developments outside of town centres and require Councils to carry out a rigorous assessment of the impact of unplanned out of town developments and to refuse any application that may have a negative impact on the local high street and not benefit the consumer;
- new policy guidance for business proposals;

The detail of the proposed new town centre test has still to be established. The primary issue here is that if the test accomplishes the tasks set for it by government, then it should be supportable in policy terms. However, a question has to be raised about the degree to which it differs from current policy. Town centre policy bears on the land holding strategies of many developers and retailers and on detailed policies in all development plans. To the extent that any change drives through to change land-holdings and plan content, it is going to take many years to implement. There is an argument that the current policy position is broadly sustainable, is well understood and

has been responded to by stakeholders, suggesting that the benefits of change may not be sufficient to offset the potential uncertainty generated by change.

Development plan

The proposals include:

- replacement of PPS 11 and 12 (currently anticipated to be in the form of a 'planning system statement', much reduced in content with a clarified test of soundness); and
- the ability to undertake final public involvement in a development plan document before submission, enabling diagnosis and remedy of issues that might otherwise result in a finding of unsoundness on relatively minor grounds.

The detail of the proposed replacements for PPS 11 and 12 will emerge and be the subject of consultation in due course. The current direction of travel appears sound and responds well to concerns expressed by local planning authorities after the Stafford and Lichfield examinations at the absence of a response procedure when public engagement raises moderate scale issues of unsoundness suggesting changes to the plan document before submission. However, in broader terms, there is a need to recognise that the development plan system in England is undergoing significant change. Further reform must proceed at a measured pace, that allows the learning and reflections on current practice development to be taken into account properly.

Appeals

The proposals include:

- a new capacity for the planning inspectorate to determine the route taken by an appeal (ie to direct it to inquiry, hearing or written representations); and
- a new proposal to enable matters decided by local planning authorities under delegation to be appealed to a committee constituted of Councillors in the local planning authority, as opposed to a formal appeal heard by the planning inspectorate.

The mechanism whereby the inspectorate would determine the appeal route appears sound and supportable, subject to provision of a capacity for any party to apply for their costs under any appeal procedure.

The proposal for Councillor hearings panels is opposed by the RTPi.

- If not well regulated by strong protocols, such an appeal mechanism would have the potential to raise conflicts between officers and members within local planning authorities.
- Applicants interests raise the concern that grounds of appeal often pin back to circumstances where the applicant perceives that political considerations have been allowed to over-ride planning policy. In such circumstances, an appeal to a local authority members' panel is unlikely to resolve the concerns of the appellant.
- Appeals to members panels will distract local planning authorities from focusing on the development and review of strong planning policy and decision-making frameworks which are vital for fair, accountable and transparent decision-making. This is the key mechanism for democratic and community control. The planning

inspectorate remains the most appropriate and independent mechanism for cross-checking that such control is properly exercised.

But what is missing?

Analysis suggests that three issues have not been dealt with as well as they might;

- the horizontally integrated and spatial nature of national policies for infrastructure;
- the renewal of commitments to Green Belt; and
- approaches to the delivery of infrastructure to support housing growth.

National policies for infrastructure

The white paper has committed to clearer national planning policy both for infrastructure and overall, a commitment that is strongly to be welcomed. **However, the RTPI has consistently called for the integration of national policy within a 'spatial planning framework' that allows cross-cutting linkages to be made much more easily. The proposed reforms do not equate to this model.**

That being said, once the process of drafting national policy statements for infrastructure proposed in the white paper commences, it appears likely that greater measures of integration and spatiality will be identified as desirable and indeed be seen as unavoidable.

The RTPI's policy direction is to encourage government towards the adoption of an integrated national and spatial policy framework for infrastructure, emerging from the national policy statements as broadly proposed.

There are also matters around the status and standing of the proposed policy statements for infrastructure, their weight before decision makers and their relationships with existing PPS policy and the development plan (including RSS and LDF policy) that must be clarified if this otherwise broadly beneficial change is to be implemented in a manner that avoids creating significant uncertainty and opportunities for divisive and expensive legal challenges.

There is considerable confusion over the weight of the proposed policy statements before the decision maker, the independent planning commission. The white paper is very unclear about the degree to which other existing policies will be material considerations before the commission: for example, relevant PPS policies or development plans. Similarly, it is unclear whether communities can raise issues before the commission that are not addressed in the proposed policy statements but at present would be considered as 'other material considerations'. Elements of the white paper suggest that the only other material considerations before the commission will be matters of legislative requirement or policy presumption such as our obligations under European law in respect of habitats or human rights, which in fact would typically operate so as to make any development approved in contravention of their provisions separately unlawful, regardless of their consideration by the planning decision maker. This is a highly reductive interpretation and one that underpins deep concerns amongst many stakeholders that the proposed independent planning commission will become a 'rubber stamp' as opposed to a proper, rational decision-maker in the public interest.

These are considerations that are taken up in more detail in the RTPI's daughter document on the major infrastructure proposals.

The RTPI therefore seeks clarification of the government's position as follows:

- the proposed national policy statements should benefit from a presumption in their favour, equivalent to the presumption in favour of the development plan;
- in hierarchy of plans terms, the national policy statements should normally prevail over other policies (including as necessary the development plan);
- they should not need to prevail over PPS or equivalent generic national policy, as they should have been formed taking the directions of such policy into account, or alternatively, their formation should also entail a review of that policy to deliver consistency;
- before the independent planning commission or indeed any other planning decision maker using national policy statements, PPSs and the development plan should also be legislated material planning considerations that must be taken into account and that should be implemented, unless overriding considerations of national need and interest indicate otherwise;
- local planning authorities and third parties should have standing to introduce submissions and evidence to the end that decisions should be taken contrary to national policy statements, where proposals in compliance with a policy otherwise harm interests of acknowledged importance and are unable to demonstrate reasonable and effective mitigation measures;
- the proponent should have a duty to mitigate their proposals, which should amount to advancing the least adversely impactful proposal not entailing excessive cost, a process that would be supported by an option development mechanism;
- it would be a ground for refusal that, in the mind of the independent planning commission, a proponent was unreasonably failing to implement the least impactful but otherwise reasonably feasible option and/or the detailed mitigations reasonably available for their proposal.

The Green Belt

The Government has also pledged to protect the Green Belt. The white paper makes clear previously developed brown field land must remain the clear priority for housing development with parks and green spaces protected. The RTPI remains of the view that, on the evidence, this position is not necessarily the most sustainable in spatial terms.

We do not call for the wholesale dismantling of existing Green Belt policy and designations. However, we do call for all Green Belt to be subject to a sustainability oriented and regular review that takes account of the evidence that we have about its spatial effects in sustainability terms, and the spatial distribution of services and attributes of land that might assist such a spatial review.

We consider that old and un-reviewed Green Belt designations should not presumptively roll forward into new generation planning documents. We also call for an early review of the Green Belt policy in PPG2.

The RTPI will continue to lobby for a review of the Green Belt that expressly takes account of its sustainability as a policy tool in spatial terms.

Infrastructure to support housing growth

HM Treasury has been undertaking a significant body of work on the provision of infrastructure to support housing growth. This work was not reflected in the white paper to the level of significance that it warranted, although the degree to which this was work in progress and has subsequently been taken up in the consideration of infrastructure and the Planning Gain Supplement by the Housing Green Paper must be recognised.

The RTPI seeks further development of local infrastructure planning and delivery mechanisms and the refinement of the relationship between these and the PGS, flowing from the proposals set out in Chapter 5 of the Housing Green Paper, ensuring that the window represented by the PGS legislation in the next parliamentary session is used to best advantage.

What about the detail?

Clearly, this chapter has set out responses at the highest levels of principle. Some measure of response at a more detailed level is necessary to appreciate the RTPI's policy response to the planning white paper in the round. For this reason, this document continues to summarise the RTPI policy position in respect of the following white paper proposals:

- National infrastructure policy statements
- Certainty for and consultation by infrastructure promoters
- The Independent Planning Commission
- Improved public involvement
- Town and Country Planning: a new policy approach
- Town and Country Planning: a new economic policy
- Town centres and the 'Need Test'
- Climate change policy
- Reduced-carbon commercial buildings
- Micro-generation permitted development
- Sustainable Community Strategies and Local Development Frameworks
- Planning Performance Agreements
- Householder permitted development
- Streamlined call-ins and appeals

That being said, the responses to the government's consultation questions can then be found in our daughter consultation response documents.

- Planning for Major Infrastructure: Making the New System Work;
- Permitted Development Rights for Householders;
- Improving the Appeal Process;
- Planning Fees; and
- Planning Performance Agreements.

Further, although the white paper is most substantially focussed on England, it does have implications for the other devolved nations of the UK and these are considered in the next chapter of this document.

4. Devolved Nations Considerations

The nature of the application of the white paper to nations other than England within the UK has given rise to some concern within the RTPI.

The RTPI Wales Policy Forum has commented that if explanatory material relating to the devolution settlement had been placed at the beginning of the white paper then this might have helped clarify which parts of the paper relate to England only, to England and Wales, to Great Britain or to the whole of the UK. As it is, the forum was unclear which parts of the material, particularly in Chapters 2- 5, relate to Wales.

The White Paper is not afraid to use the descriptions 'nations' and 'national' in Chapter 10 to matters pertaining to the devolved administrations. It would be helpful if the language used in Chapters 2-5 referred to the significance or application of proposals to the UK and confined the use of the terms 'national' or 'nationally significant' in the context of policy making or projects to those specific to England, Wales, Scotland or Northern Ireland.

This confusion led to the Welsh Assembly Government issuing a clarifying note on the status of the white paper proposals in Wales shortly after the commencement of the white paper consultation period. However, this has not led to any great clarity around application, as that period coincided with the post election development of the One Wales coalition, during which clarity around policy application at a government level was not easy to obtain.

Turning to specifics, the forum noted that whilst decision making around major infrastructure projects is typically devolved in Scotland and Northern Ireland, significant scale projects currently remain as reserved matters in Wales: for example, decision making on energy projects over 50MW, where the lack of a Welsh process has led to the arguable exclusion of community and Welsh national interests from policy consideration in individual decisions. The forum considered that there is a case for Welsh Assembly Government to have decision making powers over major infrastructure projects devolved to it. Welsh Assembly Sustainability Minister Jane Davidson has recently repeated the Assembly's call for major decisions on such projects to be devolved to Wales, a position strongly supported by RTPI Cymru.

In relation to the formulation of national policy statements, the forum considered that it must be clarified whether such policies include Wales or not. If they do include Wales, then the Welsh Assembly Government should desirably become an equal partner in policy setting, as distinct from a consultee. Just as in England it would be necessary to clarify the relationship between the policy statements and other national policy such as PPSs and then the relationship with the development plan, so in Wales the relationship with PPW and the TAN system, with the Wales Spatial Plan and local development plans must also be made clearer. This would be particularly important at the level of the Wales Spatial Plan, where it would be necessary for national policy statements to acknowledge and respond to the spatial dimension of that document.

These considerations are a less direct concern for Scotland and Northern Ireland, where the Parliament and Assembly have direct legislative control over their own planning systems and where major infrastructure decision making is already more fully devolved. However, these

nations retain a strong interest in ensuring that the UK strategic dimension of national infrastructure policies consider their national interests and the existing national spatial planning frameworks, planning policies, guidance and development plan policies that are in place.

In summary terms, the RTPI comments...

It will be necessary to devote considerable further thought to questions around the application of individual white paper proposals to the nations of the United Kingdom. Where the application of a proposal to a nation other than England is made clear, a strong dialogue should take place with the government of and stakeholders within the relevant devolved nation, settling the application of UK as distinct from national interests in implementation.

5. National Infrastructure Policy Statements

For key national infrastructure such as major airport and port projects; improvements to the strategic road network; major new power generating facilities; facilities critical to energy security; and major reservoir and waste water plant works, the government propose to produce, following thorough and effective public consultation and Parliamentary scrutiny, national policy statements to ensure that there is a clear policy framework for nationally significant infrastructure which integrates environmental, economic and social objectives to deliver sustainable development.

This is the most important stage in the new system of dealing with major infrastructure proposals. If we can get national policy 'right' through a democratic process then the rest of the proposed decision making system will be much more effective.

Internal and stakeholder consultations carried out by the RTPI have led us to the view that whilst the underlying proposal for a national policy framework is sound, there is considerable stakeholder and public confusion about the way in which the framework will work and the weight it will enjoy before decision makers. Issues raised in our internal consultations included the following.

- Members felt that it was important to ensure that the definitional boundary line between major infrastructures and other infrastructures was coherent, especially in circumstances such as those of the water, gas and power industries, where pieces of infrastructure plant form part of wider networks and where individual pieces of small plant in the network may nevertheless perform highly strategically significant functions.
- There was also concern that the current multiple projects consents regimes might remain in place below the new policy and approvals mechanism.
- The answer to these issues appears in part to be to enable proposals with network significance to be considered by the Independent Planning Commission and to enable infrastructure policy statements to include statements about system integrity that will be considered by decision makers other than the Independent Planning Commission.
- In addition, attention to the detailed statutory operation of consents regimes below the threshold for the operation of the Independent Planning Commission requires careful analysis, with a view to simplification where possible.

- Members were concerned that strategic scale rail projects such as Cross Rail should fall within the scope of infrastructure policies and the Independent Planning Commission.

- In terms of the design and content of infrastructure policy statements, members strongly agreed that these must be cross-cutting and take account of temporal and spatial considerations. They must have a carefully defined relationship with existing policies, including devolved nations spatial policies, Planning Policy Statements (or their equivalents) and the development plan (including Regional Spatial Strategies and Local Development Frameworks).

- When drafting policies, a range of options must be examined and robustly appraised in a public process, ensuring that the eventual policies are subject to strategic environmental assessment (SEA) and are sound.
- Policies must be drafted in terms that make the intended weight of considerations clear.
- The decision maker must be able to evaluate the weight of competing policy objectives, including relationships with PPS and the development plan.

The planning and energy white papers have framed their explanations of the proposed system in a manner that relies strongly on the rationale and indeed style of the Barker 2 and Eddington reports. Whilst these two reports make a compelling case for a new national policy framework, they do not make a strong third party stakeholder and public interest case for the development of such a framework. That being said, the RTPI using its own evidence¹ is clear that such a case can be made. As the RTPI has made clear in other submissions to government, the UK has a 'sustainable infrastructure deficit' and, if we are to ensure that we meet our public commitments to reduce carbon emissions, to keep the lights on and the water flowing, a major renovation of our infrastructures is necessary. This must be spatially targeted to achieve maximum efficiency, serving the needs of housing growth in line with housing policies. If the UK is to become a more sustainable, lower carbon economy, it simply must get much better at timely decision making about major infrastructures than it has been in the past 50 years.

Although the RTPI is clear about this need, it seems clear through campaigns run by others² and through our own consultations, that there is considerable public misunderstanding of and disquiet about the need for national policy statements. In short, these are viewed by many with suspicion, as simply legitimating the development demands of major investors. As a result, there is a strong and potentially damaging 'NIMBY' campaign against the concept of national policy statements, which the government must counter as a matter of urgency, highlighting the virtue of integrated policy and demonstrating how communities' views will be taken into account. The government must demonstrate that the new framework will not enable any unjustifiable diminution of development quality or legitimate failures to reasonably mitigate the adverse impacts of development proposals.

The RTPI has issued an eight point plan for a workable independent planning commission with a sound relationship with policy, evidence, proponents and communities, set out in section 7 of this response below.

The proposals in the white paper are not yet detailed enough to reassure the RTPI that they pass the tests we set for them, a matter that is responded to further in our major infrastructure daughter document.

In reaching its policy position, the RTPI has identified the following questions for consideration by the government.

- How will the proposed policy statements on, for example, energy, tie in with that on transport or water without there being what amounts to an integrated evidence base,

¹ See the RTPI's examination of the need for a UK Spatial Planning Framework: <http://www.rtpi.org.uk/download/241/spatial2.pdf> and our diagnosis of the current sustainable infrastructure deficit for the purposes of HM Treasury's review of infrastructure for housing growth: <http://www.rtpi.org.uk/download/202/pol20060839.pdf>

² Such as <http://www.planningdisaster.co.uk/>

strong horizontal integration between policies and programmes and what in due time will amount to a national strategy?

- How will the proposed policy statements deal with the breadth of issues from national need to local and relate to existing policies and programmes on these scales?
- How are the proposed policy statements to be made genuinely accountable to communities?
- What is the sensible balance between the need to make 'complete' evidence-based policies and the need for timeliness in policy production?
- What is the sensible balance between the need to make 'certain' policies to reassure proponents, from which only limited departure can be conceived and the need to reassure broader community stakeholders that proposals are sound, adverse impacts are mitigated to the extent reasonably achievable and that community views and evidence not necessarily addressed in policy have been properly addressed?

In answer to these questions, the RTPI considers that the new policy system will have to demonstrate the following characteristics.

- Different government departments will need to integrate horizontally to issue one coherent and integrated statement of policy without compromising on the government's agendas on social cohesion, economic growth and climate change.
- Draft national policy statements will have to be clear enough to form the basis of an engaging and meaningful programme of public involvement, which must in turn hold out the real prospect of evidence-based changes to policies, before they are finalised. Communities will need to be reassured that they can bring evidence to the policy making process that, if sound and substantiable, will be taken into account.
- The white paper commits the Government to undertake proper sustainability appraisal of its national policy statements – particularly where they discuss locations. This procedure will provide a sharp test of policy for such developments as airports and power stations and must be retained.
- The Independent Planning Commission will need to take into account all relevant Government policy, including the range of Planning Policy Statements (PPSs) and the development plan (RSS and LDFs) as well as just the new National Policy Statements.
- If there is to be a presumption in favour of development that accords with the new national statements, but the commission is expected to have only limited recourse to third party evidence beyond policy in decision making, then policy statements will have to be very comprehensive in their approach and they will have to be regularly reviewed. This in turn sets up a tension between the degree to which evidence-based policy can ever be complete, and the need for reasonable certainty in the policy framework. The balance to be struck between certainty and up-to-date policy suggests that it will be necessary to enable the Independent Planning Commission to consider relevant evidence ('material planning considerations') that are not necessarily identified in policy. This is a theme that we return to further below and in our daughter document on policy statements and the commission.

In summary terms the RTPI comments...

National policy statements are a clear step in the right direction towards having a properly expressed national infrastructure strategy but the white paper falls short of explaining how the new statements will reconcile the often conflicting priorities that beset national decision

making and provide clear accountabilities in making and standing for the completed policy statements.

National policy statements should be published in draft and communities should have the right to comment on them. There should be a rigorous public process of reviewing the soundness of statements before they are approved.

Once national policy statements are approved, they should enjoy a statutory presumption that decisions should be made in their favour. This should equate to the presumption in favour of the development plan in current planning law, but should make clear their position at the top of the national policy hierarchy. That being said, the decision maker should be required also to consider other forms of statutory policy (including the development plan) and have a power to have regard to 'other material planning considerations' to the extent that these are weighty and it is necessary to do so.

6. Certainty For and Consultation By Infrastructure Promoters

The government proposes to provide greater certainty for promoters of infrastructure projects and help them to improve the way that they prepare applications by making better advice available to them; by requiring them to consult publicly on proposals for development; and by requiring early and effective engagement with key parties such as local authorities, statutory bodies, and relevant highway authorities.

One of the problems outlined in the white paper is that, in the past, the proponents of major infrastructure have not always put forward proposals that are adequate in themselves. The white paper now gives proponents the responsibility to come forward with proposals that are thought through and on which they have adequately consulted the public.

At the moment, applications are made under a number of different pieces of legislation – such as the Electricity and Highways Acts. This proposal will introduce one single regime for deciding on the range of major applications. The only exception to this is legislation dealing with health and safety.

The RTPI does however call on the government to consider the following issues.

- It will be important to streamline the procedures for infrastructure projects of national significance by rationalising the different consent regimes and improving the inquiry procedures for all of them.
- The new Independent Planning Commission will have an important gatekeeper and quality control role in the system, which will be key to the development of its public credibility. It should have and use powers to 'send proposals back' to proponents if they are not sufficiently developed before they are presented for decision.
- There is still scope for greater streamlining through the gradual better integration of (for example) health and safety and operating license mechanisms into a single development approvals process for major infrastructure.
- It will be essential to ensure that harmonisation approaches also simplify and benefit decision making for matters that are below the thresholds to trigger the application of the proposed major infrastructure regime.

In summary terms the RTPI comments...

Procedures under health and safety legislation will need to be clearly integrated into this new single consent regime if the Governments objectives on transparency, legitimacy and speed are to be realised.

The IPC must establish and maintain its credibility as a gatekeeper of quality. Poorly resolved proposals should not be admitted for consideration by the Commission.

7. The Independent Planning Commission

The Government propose to clarify the decision making process, and achieve a clear separation of policy and decision making, by creating an Independent Planning Commission (IPC) to take decisions on nationally significant infrastructure cases within the framework of the relevant national policy statement. This is an approach that the RTPI broadly supports, provided that the proposed commission is appropriately independent, professional and accountable in its conduct.

Internal debates highlighted the following considerations.

- There was concern that the IPC membership should be rigorous, professional, trained, independent and free of conflicts of interest.
- There was concern about the possible conflict in operating style in the IPC, inherent in the advice in paragraphs 5-28 of the white paper, which talks of the commission leading parties towards consensus in a proactive manner, through mechanisms such as pre-meetings, and paragraph 4-26, which emphasises the quasi-judicial role of the commission, implying a far less proactive role.
- Obtaining a membership and a secretariat to serve it suggests a considerable capacity to share services with the Planning Inspectorate, which, when all is said and done, is a reasonable repository of the professional skills necessary to deliver public facing decision making processes.
- Valuable innovations could include the use of multi member hearing panels to broaden expertise and to expedite timelines.
- Sessional (or consultant) members as distinct from full time commissioners would be likely to be necessary, subject to appropriate conflict of interest and training safeguards.
- Use of the concept of the independent expert witness and the testing of evidence by examination retains its place in a well regulated decision-making process and should not be abandoned.

The IPC cannot be totally divorced from the democratic – and political – decision making process. It will and must operate within a political context and should only have delegated decision making powers where policy statements have been approved by Ministers. Before Ministers themselves approve policies, there should be a formal scrutiny of policy drafts, perhaps through a Parliamentary committee process. The RTPI endorses the view that before policy statements have themselves been approved, the Commission should make reports of recommendation to Ministers, although Ministers should not be pre-disposed to set recommendations aside too lightly, or indeed at all, unless they are convinced that the Commission failed to take a necessary point of policy into account.

The Commission should not be amenable to political pressure from Ministers or Parliament to bring down a particular ‘answer’ in an individual matter before it. Indeed, when a matter has been sent to the Commission for decision, it would seem desirable that the only means of a Minister or MP approaching the Commission would be fully publicly transparent: via the same route as is available to all other stakeholders. However, the Commission must remain answerable for the overall thrust of its decisions to Ministers and to Parliament, through an annual report and scrutiny process, most desirably to a Parliamentary committee.

The Commission is proposed to be made of some 20 to 30 experts who will decide on 10 to 25 proposals a year, operating in panels. The RTPI remains unconvinced that a body of this scale and rigidity will necessarily be able to deal with all of the issues that come before it in an appropriately timely fashion and has outlined proposals below for a more flexible approach. Similarly, the RTPI considers that the caseload of the Commission is likely to fluctuate quite significantly. There may be years with fewer than 10 cases requiring to be decided, but equivalently and more likely in respect for example of the scale of renovation required in some of our infrastructure sectors such as electricity, there may need to be significantly more than 25 cases per year. Similarly, there will need to be a wide range of expertise represented on the Commission, from engineering to planning and from public involvement to transport, from economics to ecology.

A body of 30 Commissioners, even sitting in panels as proposed, is unlikely to prove the simplest and most timely means of processing such a critically important but varying caseload, dealing with the potentially significant range of subject matters before it in a timely and expert fashion. A better solution would be to have a relatively small number of core Commissioners, expert in the management of major public decision making processes, whatever issues these raise, together with a wider group of sessional Commissioners, capable of bringing their individual relevant expertise to bear on a particular matter. The decision making entity for an individual matter would be a core Commissioner, supported by some two or more sessional Commissioners identified by the Commission as having relevant expertise and no conflict of interest. Considerable detail on the operation of such a model can be provided to the government by the RTPI, based on the operating parameters of existing overseas decision making bodies within similar legislative contexts.

It will be vital to appoint Commissioners who are seen to be truly independent of the various lobbies – but who still have the relevant expertise. In terms of the nature of this expertise, one key component of it is professionalism and rigour in the conduct of independent public decision making processes. Core Commissioners must have a solid grounding and experience in the conduct of such processes and be committed to the maintenance of the necessarily high public reputation of the processes under their control. They must also be committed to the discipline of updating their own professional knowledge and practice and to this extent, although not all will be chartered town planners, the RTPI considers that there will be virtue in most being chartered professionals from a relevant diversity of backgrounds who are committed to undertake lifelong learning.

To this extent, the RTPI does not support the concept of using 'high profile' chairs for public hearing processes, unless it is clear that such persons can satisfy the tests of membership outlined above.

One major source of appropriately qualified and professional people to be members of the Independent Planning Commission will be the Planning Inspectorate. Whilst it can be argued that the culture of delivering call-ins, appeals and examinations under the current system requires change and hence there is virtue in establishing a new statutory entity to facilitate this change, the quickest means to the proficiency of the Commission is nevertheless likely to be through forging close working relationships with the Planning Inspectorate, which can offer the calibre of members necessary to serve the Commission, who are also unlikely to pose the risk of conflicts of interest. Further, the work patterns of the Commission and the Inspectorate are such that case load programming is likely to work well between the organisations.

To assist the government develop a workable remit for major infrastructure policy and its relationship with the work of the Independent Planning Commission, the RTPI has proposed an 8 point plan for the operation of the commission within the proposed policy framework.

- The commission must be independent from Government but set within a clear national policy framework as established through Parliament by the Government.
- Any national policy must be consulted upon by the public with real options for change.
- Establishing a national spatial infrastructure plan, which in its most basic form amounts to shared data and assumptions about the spatial and demographic drivers for infrastructure needs, will be key to consulting with the public by helping raise capacity for understanding where the major projects will be located and why. It will also be a 'shop window', demonstrating to investors that the UK is serious about sustainable infrastructure development.
- Any decision taken by the Commission must consider the national spatial infrastructure plan, any other relevant planning policy (such as national including PPS and equivalent policy and the development plan, including Regional Spatial Strategy and Local Development Framework policy) and any other material planning consideration (such as effects on nearby homes). In hierarchical terms, national forms of policy should prevail over regional and local forms of policy.
- As soon as it is clear a decision will have a local impact the Commission must consult the local planning authority.
- The Commission must not become overly expensive to run or a bottle-neck. RTPI proposes the commission has several 'core' commissioners with a wide range of associate commissioners who can be brought in to deal with specific projects as and when they are needed.
- Commissioners must be professionals with a range of expertise and backgrounds.
- The commission must be held accountable through regular checks and audits by Government in much the same way as the Bank of England and make an annual report to Parliament, which includes an assessment of the adequacy of the policy framework within which it is working.

In summary terms the RTPI comments...

The Independent Commission will be judged not only on the transparency of its decision making but on independence and expertise of those that sit on it and the way in which they are chosen.

The issues set out here are also reflected on in our daughter document on national policy statements and the role of the Independent Planning Commission.

8. Improved Public Involvement

The Government proposes to improve public participation across the entire process by providing better opportunities for public consultation and engagement at each stage of the planning approval process.

One key proposal is to improve the ability of the public to participate in inquiries by introducing a specific “open floor” stage. Another is to support effective community engagement by providing additional funding to bodies such as Planning Aid.

The RTPI considers that the provision of real public involvement is a key test of the value of the proposed system changes. Third party stakeholders must be convinced that, whilst policy may clearly establish that questions of need for a particular infrastructure are beyond contest, they have a right to expect high outcome quality. This should entail proposals being judged on the basis of policy, but having regard to material evidence, including issues that have arisen in the period since policy was finalised. It should also entail proposals being manifestly required to demonstrate the mitigation of adverse impacts to the extent that this is reasonably feasible.

One reaches towards stakeholders on these issues by enabling them to submit evidence and test the evidence of others, a process that most efficiently occurs through inquiry processes that permit reasonable questioning on all sides. Efficiency will often dictate the use of oral process in such circumstances. Persons charged with the obligation of conducting decision making processes should however be armed with fair and robust procedures, which take into account material and weighty issues and evidence whomsoever they are raised by, but do not become diverted into byways, or permit unduly elongated submissions or questioning, where policy and the evidence are in fact clear.

The RTPI is not convinced that the “open floor” proposals in the white paper amount to third party involvement in good faith. It is important to ensure that measures taken to secure public involvement are relevant and meaningful and not just tokenistic. “Open floor” sessions run the risk of becoming tokenistic at best and filibusters at worst, where parties line up to ‘have their five minutes’ with the sole intention of prolonging as opposed to informing the decision making process, whilst forming their own view that planning decision making is not open, robust and evidence-based. Ideally, parties should not have an open right of appearance in a decision making process, unless they have previously made a written submission that sets out a clear basis for views on policy and or evidence that are relevant to the decision.

The RTPI strongly welcomes the proposals to fund measures including the use of Planning Aid to support effective and efficient community engagement, particularly by groups that find engagement difficult.

The RTPI comments...

The Government, the Independent Planning Commission and the proponents of major infrastructure schemes will have to work hard to involve the public in meaningful ways, to avoid such engagement being tokenistic. It will certainly not be acceptable if the Government appears to make its views clear on the outcome of a major infrastructure proposal, without allowing the necessary scope for a truly independent approvals process

to take a decision that on policy, impact and the quality of evidence must include the capacity to reject a proposal.

Measures such as the use of Planning Aid and other community support mechanisms to help communities to become effectively and efficiently engaged in planning decision making are to be strongly supported.

9. Town and Country Planning: a New Policy Approach

The Government proposes to produce a more strategic, clearer and more focused national planning policy framework with PPS1 – Delivering Sustainable Development at its heart, to provide the context for plan-making and decision-taking.

Work is already underway that indicates willingness on the government's part to significantly reduce the scale and complexity of policy documentation, whilst increasing its horizontal integration. However, practitioners still complain of a plethora of policy, of difficulty finding the wood from the trees.

A certain amount of headway will be made by simplifying the existing policy approach taken in PPSs and making very clear which components of policy are true policy, as distinct from merely 'helpful guidance'. However, as indicated above, the RTPI considers that it would be valuable to undertake a systematic re-evaluation of the way in which government makes and communicates planning policy, to meet the following requirements.

- There should be a national planning policy framework which has a clear statutory status for the purposes of major infrastructure and town and country planning decision making.
- The content of the proposed national policy statements for infrastructure, PPSs and the development plan should all sit within this framework. Policies of national scope should enjoy greater weight than policies of regional and local scope. However, all policies within the framework should enjoy a statutory presumption in their favour.
- Policy documents should be short and explanatory material should be decanted to practice guidance, which pays greater reference to and is more broadly owned by practitioners.
- Graphic mechanisms such as bold text should be used to highlight the key statements of national policy.
- Policy documents should within reason be monitored and improved, to ensure that they maintain a close attachment to their evidence base.

The RTPI comments...

The CLG should renew its commitment to make more focused and coherent policy statements. There is the need for a radically new approach, within one national framework of key spatial planning policies.

10. Town and Country Planning: a New Economic Policy

The Government proposes to publish a new Planning Policy Statement, Planning for Economic Development, which will further reinforce the Government's commitment set out in PPS1 to promoting a strong, stable and productive economy with access for all to jobs, to regeneration and improved employment prospects.

The RTPI comments...

We welcome moves to update a policy that is now nearly fifteen years old. The new policy will have to be set in the context of the new agendas of climate change, and social and economic exclusion as well as the stated aim for a strong, stable and productive economy.

11. Town Centres and the 'Need Test'

The Government proposes to improve the effectiveness of the town centre planning policy by replacing the 'need' and 'impact' tests with a new test which has a strong focus on town centre first policy, and which promotes competition and improves consumer choice, avoiding the unintended effects of the current need test.

The Barker Review of Land Use proposed 'removing the requirement to demonstrate need (the 'need test') as part of the planning application process. However, Kate Barker has subsequently stated that she has re-thought this aspect of her report.

Now is not the time to even threaten loosening the powers of planning to examine the effects that a shopping proposal will have on local choice when there is significant public concern about the domination of a few retail chains. Nor must any change hold out the prospect of a loss of spatial sustainability by moving retail development to locations that are not well served by transport networks or provide the opportunity for multi-purpose trips.

The RTPi comments...

Kate Barker has already stated that she hopes that the Government will listen to the objections to her proposal. The White Paper goes some way to reassure those who campaigned against removing the needs test entirely but we are still very concerned that changing the test could well lead to its watering down – to the ultimate detriment of local choice and sustainability in shopping...

12. Climate Change Policy

The Government proposes to finalise the Planning Policy Statement on climate change and introduce legislation to set out clearly the role of local planning authorities in tackling energy efficiency and climate change.

Last year's report by Sir Nicholas Stern made clear that emissions of greenhouse gases could lead to catastrophic climate change, causing very significant economic damages. In contrast, the economic cost of action to manage climate change would be significantly lower. Market, fiscal and planning measures were identified as necessary.

Planning policy and legislation clarifying the climate change actions to be taken by local planning authorities respond to this.

It is important to ensure that the planning system takes action to reduce the emissions of carbon dioxide and other greenhouse gasses due to the use and development of land.

The RTPI notes that it is innovation in planning policy development through mechanisms such as the 'Merton Rule' that have delivered many of the improvements in practice that are now accepted as generally relevant today. It is important that local planning policy variations do not impose arbitrary, poorly based or ill-considered constraints on development. To this extent, the RTPI has separately called for the retention of expert 'sustainability champions' as part of the staff of each planning authority, performing an analogous role in sustainability considerations to that performed by the conservation officer in the historic built environment.

In this regard, the government must resist calls by others to abandon the Merton rule and to limit the scope for local planning authorities to innovate in their policy responses to climate change.

The RTPI comments...

This white paper commitment is 'work in progress', emerging from the Stern report, the Climate Change Bill proposals. The PPS on climate change was consulted on from December 2006 to March 2007. The RTPI made a broadly supportive response to the draft PPS.

The idea of legislation to define a clear role for local planning authorities appears to complement the proposal for a Climate Change Bill.

Government must resist proposals to reduce the capacity of local government to innovate in responding to climate change.

13. Reduced-carbon Commercial Buildings

The Government proposes to work with industry to set in place a timetable and action plan to deliver substantial reductions in carbon emissions from new commercial buildings within the next 10 years.

The Code for Sustainable Homes has already set a trajectory towards zero carbon new residential development by 2016. The Code does not apply to new commercial buildings. The lack of a code for sustainable commercial construction has drawn an artificial distinction between residential and commercial development. All new development should respond to climate change and action should be taken to reduce the climate change impacts of existing development.

The RTPI comments...

The RTPI supports the concept of a zero carbon development trajectory for all new development, by 2016.

However, the key issue to remember is that even if we build at a very high rate over the next ten years, most of the built environment will still be made up of existing building stock. It will be important to ensure that action is taken to reduce the climate change impacts of existing development...

14. Micro-generation Permitted Development

The Government proposes to review and wherever possible extend permitted development rights on microgeneration to non residential types of land use including commercial and agricultural development.

This proposal is about allowing commercial land uses to install their own small renewable energy measures, without needing planning permission.

At present, most commercial land uses lack 'permitted development rights', allowing them to make minor changes to their buildings without needing planning permission.

The RTPI comments...

The RTPI supports the idea that small changes to commercial buildings that reduce carbon dioxide emissions should be able to be made without planning permission, as long as the changes do not cause direct harm to the public interest or the public realm.

Similarly, there is significant scope for low scale and low impact proposals on agricultural and industrial land, which take advantage of immediately available renewables or waste stream related energy opportunities to be provided with permitted development rights.

15. Sustainable Community Strategies and Local Development Frameworks

The Government proposes to place planning at the heart of local government by aligning the Sustainable Community Strategy and the local development framework core strategy. It will also work with the Local Government Association and others to continue building capacity, promoting culture change in planning and we will issue 'place shaping' guidance.

Central government is working with councils, partner agencies and local people to create 'sustainable communities'. These are seen as the residential and workplace surroundings in which people live and thrive, where there is a balance and integration of the social, economic and environmental components that define a community area.

Sustainable communities are seen as:

- safe and inclusive;
- well planned, built and run;
- offering equality and opportunity for all;
- energy and resource efficient; and
- locally distinctive and diverse, reflecting their own local circumstances;

Sustainable Communities Strategies are prepared by local government. There is an increasing need to ensure that plans prepared under the planning legislation and Sustainable Community Strategies join up and become as one. Similarly, Local Area Agreements (or Multi Area Agreements) are formed as partnerships between local government and other entities involved in delivering public services.

The Lyons Report developed 'place shaping' as a strong theme for local government. Spatial planning has a strong contribution to make towards 'place shaping'. Culture change in planning aims to join up plan making and implementation

The Local Government White Paper flagged the joining up of Sustainable Community Strategies and Local Development Framework Core Strategies. This is to a large extent a natural process.

The RTPI comments...

The RTPI broadly endorses the position outlined in the white paper, which builds on our response to the local government white paper, our work on planning for infrastructure at the local level and our recent 'Joining Together' report³.

³ 'Joining Together' <http://www.rtpi.org.uk/item/435/23/5/3>

16. Planning Performance Agreements

The Government propose to introduce Planning Performance Agreements, which will help streamline the processing of major applications, and support a properly resourced planning service with changes to planning fees and consult on devolving the setting of planning fees to local authorities.

A Planning Performance Agreement is an agreement between a developer and a local planning authority about the information and time needed to respond to a planning proposal. The White Paper proposes that if such an agreement is in place, the planning application subject to it should be decided in the timescale set out in the agreement. The agreement will be able to provide for this timescale to extend beyond the current target timescale of 13 weeks for major applications

The current target timescales of 13 weeks to decide a major application have led to perverse outcomes, when linked to funding measures for local planning authorities. Planning authorities can be pressed to decide proposals in 13 weeks, leading them to refuse planning permission on complex schemes that require negotiated improvements. Alternatively, local planning authorities can be pushed to accept poor quality outcomes in order to meet their 13 week targets.

Planning performance agreements enable local planning authorities and applicants to focus on making decisions in a timescale that is relevant to the complexity of the matter before them and to bring about higher quality outcomes.

The RTPI comments...

The RTPI supports the use of planning performance agreements to establish the timescale within which major development proposals are considered, but has provided more detailed commentary in a daughter document to this response.

17. Householder Permitted Development

The Government propose to introduce a new 'impact approach' to householder development which will reduce the number of minor applications whilst protecting the interests of neighbours, the wider community and the environment, and then extend this approach to other types of development.

Householder permitted development comprises the minor things that can be done to a house without planning permission. The impact approach sets the threshold of permitted development at a level where the proposed alteration is likely to have a public impact. The principle is that if it does have such an impact, then planning permission should be required. If it only has a de minimis or no public impact, then planning permission should not be required.

Research carried out for Communities and Local Government suggests that as people move house less, they tend to make many more minor alterations to their existing homes. Attics and cellars are converted, extra bedrooms and an office are added and kitchens expanded. Much of this work needs planning permission and this has seen a significant rise in the numbers of small cases dealt with by local planning authorities. These minor planning applications consume a significant volume of local planning authorities' resources. It is not clear that many of these alterations genuinely have a public impact.

Increasing the scope of householder permitted development could remove the requirement for planning permission from proposals with limited or no public impact, to the resource and professional interest benefit of planners and planning, which will no longer have to deal with small scale proposals. That being said, there is a need to ensure that the threshold of permitted development remains reasonably close to community perceptions of significant impact.

Member debates within the RTPI raised the following issues.

- Careful modelling of the detail of draft permitted development proposals will be necessary to assure government that the proposals will result in the decline in casework anticipated (on average 30%). A large number of senior development management practitioners were concerned that the research base for this assessment was limited and that elements of the proposals would generate additional caseload (such as the roof conversion proposals).
- There is a strong need to test the implications of technical definitions, for example around the definition of a highway, and their implications for certain application of the proposed new rights.
- Members noted anecdotal public comment that the control of relatively minor matters does deliver public benefit in the quality of the built environment.
- In that regard, concern was also expressed that the level of control in designated (eg conservation) areas would not be adequate.
- In the final analysis, any system changes would have to be very well communicated. This communication should include the use of a plain English guide, supported by diagrams, capable of use by the general public.

In summary terms the RTPI comments...

The RTPI broadly supports the development of the impact principle to reduce the numbers of small scale householder development proposals that need planning permission, provided that the detailed test of impact used for these purposes relates well to community perceptions of impact.

However, the opportunity should not be taken to reduce the resources available to local planning authorities. Rather, more planner time should be spent on matters for which planning permission is still required, to ensure that outcome quality is improved.

A more detailed commentary has been provided in a daughter document to this response.

18. Streamlined Call-ins and Appeals

The Government propose to streamline the planning application process, reduce the number of applications called-in by ministers and introduce a range of measures to substantially improve the appeals process.

In terms of major proposals, the Eddington Report found that those called-in by Ministers tended to experience long decision times. Measures proposed in the white paper to respond to this concern are broadly supported. Appeals dealt with under delegated power by the Planning Inspectorate are handled in a more efficient and timely manner, but there is still considerable room for process improvement to ensure that the right scale and type of matter is directed to the right type of appeal process, in which regard the white paper again makes a suite of broadly reasonable process improvement proposals.

However, in ensuring timeliness and efficiency, it will be important to recognise that:

- communities have a legitimate expectation that their views and concerns will be considered;
- if process re-design does not provide sufficient space for this expectation to be met, the overall legitimacy of the appeals and indeed the planning system as a whole will decline and direct activism will rise, to no-one's aggregate benefit; and
- there is a need to ensure that appeal processes are provided by an appropriately trained, committed and professional work-force who enjoy a public reputation for accuracy, efficiency and independence.

In this last regard, the RTPI draws attention to the significant professional resource and reputational value of the Planning Inspectorate. It highlights that alternative appeal mechanisms such as the proposed Councillor appeal panels are unlikely to benefit from the public reputational or professional benefits of appeals processed by the Planning Inspectorate. Further the resource benefits offered by such routes appear likely to be limited in comparison with the professional and reputational disbenefits that may flow from their adoption.

In summary terms, the RTPI comments...

The RTPI broadly supports measures to ensure the timeliness of particularly appeal and call-in processes. However, measures based on the timeliness of decision-making should not be used to exclude communities from involvement in decisions that affect them. Any measures must be subject to a test to ensure that public perceptions of process and outcome quality and independence are not undermined.

19. Learning and Skills

A key element of delivering to the agenda set by the Planning White Paper is to ensure that planning is and remains a learning profession, where planners adopt a lifelong learning ethos.

Recent work undertaken for the Academy for Sustainable Communities, with whom the RTPI has discussed this aspect of its response, suggests that planning is still experiencing:

- a reduction in professional status;
- a need for significant scale culture change;
- significant instances of individual and sometimes organisational demoralisation;
- a significant generic skills gaps; and
- a significant lack of opportunities and (in the public sector) funding for training.

Whilst the same cannot necessarily be said of younger professionals, and indeed considerable success must be noted in the attraction of 2000 students to planning courses by the end of 2005 and in the provision of 400 government funded post graduate bursaries, there is a remaining need to re-energise and retain the middle and senior profession. Key to success in this re-energisation is to provide planners with a sense of their return to the centre ground of place making and place shaping. Planners need to be acknowledged and to see themselves as active and creative agents of change and social entrepreneurs, not passive, regulatory bureaucrats. There is immense energy inherent in the planning profession. The challenge is to harness it for good.

In this regard, support and resources are needed for the ongoing task of culture change within the profession. A stronger emphasis needs to be placed on increasing the quantity and quality of continuing professional development engagements undertaken by planners, tackling deficiencies in technical skills and encouraging the further development of generic skills such as visioning, communication, project and process management, leadership and partnership formation. A key component of this will be to ensure the improvement of funding and delivery mechanisms for training within local planning authorities.

Further action must be taken to ensure the diversity and equality of the planning workforce, specifically ensuring that opportunities are extended to women and members of black and minority ethnic (BME) groups. However, attention must also be paid to the context in which many public sector planners work: local planning authorities.

Successful culture change requires a comprehensive package of compulsory training for local authority members involved in planning; and to the extent that the cabinet members make strategic planning decisions, they should be included in this requirement.

Finally, the development of the major infrastructure proposals will require the development of new learning and skills by the professionals who will manage and staff the necessary institutions and processes.

The RTPI broadly supports the ASC's conclusions that:

- *the white paper focus on strengthening the system for strategic planning decision making places an urgent focus on providing and maintaining an appropriate portfolio of skills to planners;*
- *the emphasis in the local government white paper and the Lyons Report on localism, together with the retention of planning at the heart of local government in the planning white paper strongly suggest the need for better member training; and*
- *assuming proper road testing, the proposals to reduce the number of minor cases should help to improve perceptions of planning as a positive career choice, provided that this remains as an exercise in strategically balancing resources and does not result in a reduction of resources to planning overall.*

20. Conclusions and Recommendations

The RTPI's conclusions are expressed at a very high level below. It will nevertheless be valuable for readers interested in detail to turn to the italicised conclusions of the appropriate chapters above and also to consider the RTPI's responses to individual questions in the daughter documents to this response.

Major Infrastructure

- These proposals are seen as broadly supportable by the RTPI, subject to some reservations of detail.
- However, great care will be required to ensure that the new policy statements and the operation of the Independent Planning Commission are sufficiently transparent and publicly accountable and enjoy public confidence.
- If implemented poorly, there is scope for much needed reform to play out poorly with the public, to the detriment of public confidence in planning decision making as a whole.

The RTPI seeks clarification of the government's position as follows:

- the proposed national policy statements should benefit from a presumption in their favour, equivalent to the presumption in favour of the development plan;
- in hierarchy of plans terms, the national policy statements should normally prevail over other policies (including as necessary the development plan);
- they should not need to prevail over PPS or equivalent generic national policy, as they should have been formed taking the directions of such policy into account, or alternatively, their formation should also entail a review of that policy to deliver consistency;
- before the independent planning commission or indeed any other planning decision maker using national policy statements, PPSs and the development plan should also be legislated material planning considerations that must be taken into account and that should be implemented, unless overriding considerations of national need and interest indicate otherwise;
- local planning authorities and third parties should have standing to introduce submissions and evidence to the end that decisions should be taken contrary to national policy statements, where proposals in compliance with a policy otherwise harm interests of acknowledged importance and are unable to demonstrate reasonable and effective mitigation measures;
- the proponent should have a duty to mitigate their proposals, which should amount to advancing the least adversely impactful proposal not entailing excessive cost, a process that would be supported by an option development mechanism;
- it would be a ground for refusal that, in the mind of the independent planning commission, a proponent was unreasonably failing to implement the mitigations reasonably available for their proposal.

Householder Applications

- These proposals broadly implement an 'impact-based' approach to permitted development, initially proposed by RTPI Secretary General Robert Upton in preliminary conversations with CLG.
- Practitioner comment from the National Association for Planning Enforcement suggests the need for considerable clarification of the operating detail of proposed permitted development, a comment that is endorsed by the RTPI as a whole.
- However, the RTPI supports the underlying principles of reform, subject to the carrying out of further road testing to ensure deliverability in a manner that does not create undue burdens for local planning authorities' development management and enforcement staff and, most critically, of a communications strategy to ensure that the new system and reasons for it are properly understood and as far as possible supported by the public at large.
- It will be important to maintain and enhance public perceptions that the planning system and the dividing line between what does and what does not need permission is fair, balanced and appropriate. There would be little long term benefit in reforming the system in ways broadly agreed by the profession to be beneficial, if in doing so, government does not carry the consent of the public with it and so brings planning more broadly into disfavour.

Climate Change

- Climate change proposals are seen as broadly supportable by the RTPI.
- The RTPI will continue to lobby for a review of the Green Belt that expressly takes account of its sustainability as a policy tool in spatial terms.

Town Centres

- The detail of the proposed new town centre test has still to be established. The primary issue here is that if the test accomplishes the tasks set for it by government, then it should be supportable in policy terms.
- However, a question has to be raised about the degree to which it differs from current policy. Town centre policy bears on the land holding strategies of many large developers, retailers and on detailed policies in all development plans. To the extent that any change drives through to change land-holdings and plan content, it is going to take many years to implement.
- There is an argument that the current policy position is broadly sustainable, is well understood and has been responded to by stakeholders, suggesting that the benefits of change may not be sufficient to offset the potential uncertainty generated by change.

Development Plan

- The detail of the proposed replacements for PPS 11 and 12 will emerge and be the subject of consultation in due course.
- The current direction of travel appears sound and responds well to concerns expressed by local planning authorities after the Stafford and Lichfield

examinations at the absence of a response procedure when public engagement raises moderate scale issues of unsoundness suggesting changes to the plan document before submission.

- However, in broader terms, there is a need to recognise that the development plan system in England is undergoing significant change. Further reform must proceed at a measured pace, that allows the learning and reflections on current practice development to be taken properly into account.
- The RTPI seeks further development of local infrastructure planning and delivery mechanisms and the refinement of the relationship between these and the PGS, flowing from the proposals set out in Chapter 5 of the Housing Green Paper, ensuring that the window represented by the PGS legislation in the next parliamentary session is used to best advantage.

Appeals

- The mechanism whereby the inspectorate would determine the appeal route appears sound and supportable.
- The proposal for Councillor hearings panels is opposed by the RTPI.

Learning and Skills

- The continued reform of the planning system and the development of a new major infrastructure system emphasises an even greater need than ever for investment in the formation and continuing development of the learning and skills necessary to deliver high quality outcomes.