



RTPI

mediation of space · making of place

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Maria Stasiak
Department for Communities and Local Government
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Eland House
Bressenden Place
London SW1E 5DU

Email response sent to: flexibilityforplanningpermissions@communities.gsi.gov.uk

Dear Maria,

RESPONSE TO CONSULTATION PAPER: Greater flexibility for planning permissions

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public.

The RTPI welcomes the principle of extending the life of planning permissions, recognising that, in the current economic situation, there are a many schemes that will not be developed within the three year lifetime of their existing permission. However we consider that it is very important that the power to make a decision about the extension of the duration of planning permission rests with local planning authorities, who are best positioned to use the power pro-actively to ensure development remains on track and benefits the local community and the wider economy.

The RTPI believes that there should not be a blanket extension provided as this would fail to recognise the rare but sometimes critically important circumstances in which local conditions change over a timescale shorter than six years.

Please find below the RTPI's responses to the consultation questions pertinent to planning.

If you require any further assistance, please contact Rebecca Coates, Planning Policy Officer on 0207 929 9466 or email rebecca.coates@rtpi.org.uk.

Yours sincerely,

Matt Thomson
Head of Policy and Practice

RTPI Response to Greater Flexibility for Planning Permissions

Question 1 – Do you agree that extensions of the time limits for implementing existing planning permissions for major schemes should be permitted for a temporary period?

The RTPI supports in principle the temporary extension of time limits on planning permissions to provide greater opportunity for developers to realise their planning permission through the current economic circumstances. We also support the ability of local planning authorities to decide on a case-by-case basis the validity of granting an extension, as opposed to a blanket extension for all permissions.

We do not support, however, any permanent measure that may in the longer term prevent local authorities from delivering their communities' vision or encourage land banking once the economy improves and more credit is available. It will therefore be important for the government to monitor the availability of credit in the market and remove or amend the temporary extension measure when appropriate.

The RTPI suggests that attention should be paid in preparing the details of the measures to ensure that phased developments are accounted for; the measures need to recognise that specific time limits (on commencement, completion or submission of reserved matters applications) may have been applied to individual phases through conditions or s106 agreements.

Careful consideration also needs to be given to the way in which consultation is undertaken on applications to extend time limits. Controversy surrounding a scheme that was approved 3 years ago may not have dissipated in the intervening time, and objectors may view the re-application as a second chance at stopping a scheme that has previously been considered acceptable (whether by the council or a planning inspector). If the government is minded to enable local authorities to disregard comments that are not made on the basis of identifying how the policy context or other material considerations have changed since the application was approved, then this will need to be carefully explained in general guidance and notification material to avoid raising expectations. Seeming to dictate to communities the extent to which they can make comments on proposals is always going to require sensitive handling, but the alternative – dissatisfaction about apparently duly-made comments being ignored for no apparent reason – is likely to be more damaging.

On a final semantic note, the RTPI is concerned that confusion may arise due to the use of the word “extension” in this context. Use of the shorthand “application for extension” (common in this consultation document) in public notices, weekly lists of applications, etc. could be interpreted as a straightforward householder application. Members of the public, amenity societies, elected members and even professional planners could potentially miss important information as a result. We recommend that such applications are described as “applications to vary time limits for implementation” or “applications to vary”, which would be consistent with general applications to vary conditions on planning permissions.

Question 2 – Do you think it would be desirable to introduce a similar procedure which could be used to extend the time limits for implementation of a listed building consent or conservation area consent?

The RTPI sees no reason why the proposed temporary measure should not be applicable to listed building/conservation area consents, since these may require substantially more financial commitment from more straightforward developments and may benefit even more from this measure. Local authorities must be given the discretion to decide on a case-by-case basis, however, and the variation of time limits under the planning regime should not automatically confer the variation of time limits on listed building or conservation area consent, and *vice versa*.

Question 3 – Do you agree with the proposed approach to information requirements associated with an application to extend, and that applications for extension should be exempted from the requirement to provide design and access statements?

Yes; the RTPI agrees in principle with the proposition that where circumstances, including the policy context, have not materially changed, then there should not be a blanket requirement to provide information, including Design and Access Statements, that may not have been required at the time of the original application.

Most information provided by applicants is intended to help the local authority arrive at a positive decision. It has to be assumed that when a local authority has approved a proposal, it has done so on the basis of the evidence available to it.

It would be illogical to require an applicant to provide additional supporting information on a proposal which the council has previously approved, the outcome of which could be the reversal of that approval. Such information should only be required where it is necessary to demonstrate that the original proposal remains appropriate despite changes to the context within which it should be considered..

We consider it is likely that in operating the system planning authorities and developers will (and should be encouraged to) engage in pre-application discussions to identify whether circumstances have changed since the original application, and, if so, what action should be taken as a result of these changes. Some changed circumstances will inevitably require amendments to be made to the original proposal, and this will lead to a new application. However, where amendments are not necessary and a simple variation of the time-limit is all that is required, this should be demonstrated through the accompanying information, which may include a Design and Access Statement, whether or not such a statement was required or submitted for the original proposal.

Question 4 – Do you agree that the fee associated with an application to extend should be in line with the fee chargeable for a s.73 application, i.e. a flat fee of £170?

The RTPI supports this proposal as it is consistent with an existing regime with which the proposed system has similarities.

Question 5 – Do you agree that extensions should only be possible for major development schemes?

The RTPI believes that applications to vary time limits on planning permissions should be determined on a case-by-case basis and therefore should not necessarily exclude smaller applications. In many instances, it may be the small homebuilder who would benefit most from the temporary measures due to limited availability of credit for small businesses. Consideration should be given to broadening the scope of the time-limit variation proposal. The RTPI considers that this should apply at least to all proposals for new-build homes, and there may be a case for looking at the needs of small businesses too. Such action will not only contribute to more houses being built, but also retain small businesses (and local employment) and retain the skills needed in preparation for the upturn.

Question 6 – Do you agree that, except where the application for extension is an EIA application, local planning authorities should have discretion to decide which statutory consultees should be consulted?

For these temporary measures, the RTPI supports the discretion of local planning authorities to decide which statutory consultees should be consulted.

The RTPI assume that para 27 of the consultation document should not be taken as implying that consultation on applications to vary may be limited only to those statutory consultees identified by the local authority. This would be of concern should it be the government's intention, as the same general publicity measures should be used for applications to vary as for any planning application. We are sure the government agrees that individuals or organisations should not be denied the opportunity to express their views as to whether the policy context or other material considerations pertinent to the proposal may have changed since the original application was approved. As stated in response to Q1 above, clear guidance needs to be given with regard to what would comprise a duly-made comment on an application to vary time limits.

Question 7 – What are your views on the White Young Green Options 1-3? Do you have any other suggestions for feasible options?

In line with the RTPI's previous submissions on the is subject, the Institute would be concerned if, at a time when the streamlining of the planning system was of major importance, the net result of the measures needed to better allow for minor amendments and non-material amendments was to be a proliferation of application types. It therefore follows that a unified system would be preferred.

Alternative approaches might be through changes to permitted development rights, application of local development orders, or by attaching codified or impact-based conditions to the original planning permission. Care needs to be taken with all of these in avoiding unnecessarily removing the rights of affected neighbours to comment on amendments – in particular to give their reasonable views on the extent to which the amendment is material or not.

Question 8 – Do you agree that, except where the application under s.73 is an EIA application, local planning

authorities should have discretion to decide which statutory consultees should be consulted?

The RTPI supports the discretion of local planning authorities to decide which statutory consultees should be consulted.

As with Q6, the RTPI assume that para 42 of the consultation document should not be taken as implying that consultation on applications for minor material amendments may be limited only to those statutory consultees identified by the local authority. This would be of concern should it be the government's intention, as the same general publicity measures should be used for these applications as for any others. Again, we are sure the government agrees that individuals or organisations, particularly neighbours, should not be denied the opportunity to express their reasonable views as to what the impact of the amendment might be.

Questions 9 to 12

The RTPI has not identified any particular concerns with regard to the approaches set out in the consultation paper towards these aspects of the proposed system.