



# RTPI

mediation of space · making of place

Royal Town Planning Institute  
41 Botolph Lane  
London EC3R 8DL  
Tel +44(0)20 7929 9494  
Fax +44(0)20 7929 9490

Email [online@rtpi.org.uk](mailto:online@rtpi.org.uk)  
Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

Registered Charity Numbers  
England 262865  
Scotland SC 037841

Patron HRH The Prince of Wales KG KT PC GCB

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Development Management Consultation  
Communities and Local Government  
Floor 1, Zone A2  
Eland House  
Bressenden Place  
London  
SW1 5DU

Email response sent to: [DMconsultation@communities.gsi.gov.uk](mailto:DMconsultation@communities.gsi.gov.uk)

Dear Sir/Madam,

## **RESPONSE TO CONSULTATION PAPER: Development management: Proactive planning from pre-application to delivery**

Thank you for the opportunity to respond to the above. 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.

This response has been formed drawing together member views from the RTPI Development Management and Development Planning Networks, the National Association for Planning Enforcement, and individual member responses.

The move from development control to development management signals a major change from procedural decision-making that tends to treat development proposals in isolation, to decision making that acts to maximise synergies and develop solutions to complex development challenges for an area. This is only possible with good evidence, monitoring and negotiation processes. Confidence in the transparency of the process becomes more reliant on agreement at the strategic and development framework levels, the quality of communications and the provision of data, as opposed to procedural conformity.

Development management, if properly undertaken, will integrate complex proposals with better qualified staff to undertake assessment. There is a need for training and guidance for staff from other public services such as health, education, housing, transport – to ensure that the input and commitment of these services occurs at the plan preparation and pre-application negotiation stages of the process. Similarly, there is a need for planners to undertake training in planning for these more specialist sectors.

The RTPI acknowledges that in some quarters there is still a lack of understanding as to what constitutes *development management*. On this basis the proposed document represents useful clarification and guidance. The extent to which this document will prove useful will depend upon the individual local planning authority (LPA). For some it will represent confirmation that their practice conforms to the principles of development management; for others, it will highlight the need for a significant culture change.

The planning profession is committed to development management, but in some LPAs issues may exist due to the lack of prominence of planning, which is often not represented at the senior board level, making it difficult for the profession to influence the LPA. Highlighting the achievements of the planning system would help to raise the profile of planning and its importance to the place shaping agenda.

The RTPI is supportive of the principles in the consultation document of the shift from development control to development management, and the associated best practice guidance. The potential resource implications of the shift to development management need to be recognised and appropriate support provided to LPAs.

Please find attached the RTPI's response to the consultation questions below. If you require any further assistance, please contact Rebecca Coates, Planning Policy Officer on 020 7929 9466 or email [rebecca.coates@rtpi.org.uk](mailto:rebecca.coates@rtpi.org.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson  
**Acting Director Policy and Partnerships**  
Enc.

## **Consultation questions on the draft planning policy statement on development management (Part 2)**

### **Question 1 Do you agree with the objectives we have identified for development management? If not, what amendments to these objectives would you suggest?**

There is a clear emphasis on the pre-application process. This is entirely appropriate but further prominence is required with regards to other elements of the development process such as enforcement, compliance and monitoring. These could be reinforced further in this document

Many LPAs are already embracing the shift to development management. In some cases further encouragement is needed and this policy, with the associated objectives, will support this drive.

There is a strong emphasis on the role of LPAs in the context of development management however it needs to be emphasised throughout that all parties involved, including the private sector and Local Members, need to embrace the development management concept to deliver national, regional and local objectives.

Therefore the RTPI agrees with the broad objectives identified for development management in this policy document. The seven key elements are supported, but significant overlap between the content of the elements is noted.

### **Question 2 Do you consider that the seven key elements identified for development management suitably reflect the objectives and the role of development management in the local authority context? If not, what amendments to these elements would you suggest?**

The role of Local Members requires further comment and clarification. The involvement of Members can be problematic due to concerns over probity and prejudicing their involvement in any subsequent planning application.

The need to ensure effective training for Members, and further clarification of the Members' Code of Conduct would support this objective.

The RTPI submitted detailed comments in relation to this issue in our response to the Killian-Pretty Review which can be accessed here: <http://www.rtpi.org.uk/download/4674/KP-RTPI-response-5-September-08.pdf>

#### ***DM1 A positive and proactive approach to place shaping***

Best practice examples could provide additional guidance in this instance. Area Boards are but one example, which are not directly part of the planning process, but represent a forum where proposals can be presented to Members for discussion and debate. These provide an opportunity to secure opinion on proposals outside of the traditional planning consultation provisions.

It is important for information to be made readily available by LPAs to maximise the opportunities for developers to understand the vision and objectives of the LA. This supports the proactive and facilitating role promoted by development management.

#### ***DM2 Putting planning policy into action***

Pre-applications must be, and can only ever be, unbinding. There is nevertheless a need for national consistency in the approach taken to the pre-application process. Large differences can be found between the charging arrangements and actual service delivered between LPAs for pre-application engagement. For the potential of front loading to be maximised it is important that a consistent approach is taken to deliver a reliable and effective service across the country. Both the service and the fee should be standardised as far as is practical and having regard to the local

context. The requirements for the process, including documentation and timescales, should also be agreed to ensure confidence in the pre-application process.

The role of Members requires clarification to ensure Member confidence in appropriately embracing development management. Members should be involved in pre-application discussions for major applications, with adequate rules to protect and support Member activities.

Charges levied against householder pre-application discussions could act as a significant disincentive against pursuing the pre-application process and there was a general consensus that such charges should be proportionate to the application size and potential impact.

A national scale of fees is recommended, with guidance outlining a level of service associated with the process of pre-application discussions. Only one opportunity to collect a fee should exist to ensure against due charging in, for example, London. Excessive charging, or a poor delivery of service, will act as a disincentive for applicants to engage in the pre-application process in some instances.

A suggested option is for the pre-application fee to be deducted from any subsequent application fee to remove the financial penalty which would otherwise result in undertaking pre-application discussions. This would equally act as an incentive due to the enhanced service delivered. A general increase in fee levels would likely be required to support such an initiative.

It is important that all parties 'buy-in' to the pre-application process. The Planning Performance Agreement (PPA) model, on a reduced scale and in a more informal format, could provide an appropriate approach for major applications

In summary, the RTPI is entirely supportive of encouraging the pre-application process, but CLG need to explore guidance options and best practice to ensure consistency and confidence in the system.

### ***DM3 Front loading***

Some members have expressed concern in relation to the lack of quantification of the term 'proportionate'. It was pointed out that proportionality is linked to the context. This needs to be clarified in the final policy.

Proportionality should apply from end-to-end in the process. All elements of the development process, including pre-application discussions, validation and enforcement should be emphasised in the policy.

Best practice and practice guides should be provided to support the policy.

### ***DM4 Taking a proportionate approach***

The significance of the pre-application phase is supported, as discussed above under DM3.

The role and position of Local Members is discussed under DM1.

Consultee engagement is considered in a separate RTPI response (Improving engagement by statutory and non-statutory consultees).

### ***DM5 Effective engagement***

The use of conditions is considered in a separate RTPI response (Improving the use and discharge of planning conditions).

The use of planning obligations is considered in a separate RTPI response (Improving the use and discharge of planning conditions).

The emphasis on effective co-ordination and communication within the LPA by all services is supported. The importance of County and District relationships is highlighted in relation to this point.

#### ***DM7 Monitoring and review of development management outcomes***

There remains a focus upon the process, rather than the output. It is important that effective measurements of outputs are introduced which reflect the quality of the delivered development. There is a need to monitor and review outcomes post approval

The RTPI understands that the Department for Communities and Local Government (CLG) are in the process of reviewing performance indicators. LPAs need to be measured on the basis of the quality of service provided.

Further investigation and guidance is needed by CLG on how outcomes can be measures against the delivery of quality sustainable development.

The annual monitoring report (AMR) could embrace monitoring and review in relation to outputs and quality.

#### **Question 3 Do you agree that we should give each authority the discretion to tailor their development management service to local circumstances? If not, what alternative would you suggest? For example, should we provide a more prescriptive national policy?**

There is a need for flexibility at the local level having regard to local circumstances and distinctiveness, but further guidance from CLG is required. Consistency in the flexibility in approaches taken is required. A national framework with guidance, to include detail on local flexibility, information requirements and local lists is an option.

Flexibility at the local level is necessary having regard to local circumstances and resources. Each LPA should be in a position to tailor their service to the needs and requirements of their circumstances.

#### **Question 4 Do you consider that the proposed development management policies provide a suitable overarching national policy framework within which local working practices can be framed?**

The RTPI agree in principle that the proposed policy framework provides a suitable overarching national policy within which local working practices can be framed. There is a need, however, to place further emphasis on some aspects of the guidance provided, as outlined in the comments above. Specifically, the end-to-end nature of the process, embracing the pre-application stage, through the formal application process, to potential enforcement action needs highlighting. Additionally, further guidance on pre-application service provision and fees is required to ensure consistency and confidence in the system. A model based on a proportionally appropriate PPA system is suggested to provide a best practice framework

#### **Question 5 Are any of the proposed policies too prescriptive? If yes, please indicate which ones, and suggest alternative wording or approaches?**

See comments above.

#### **Question 6 Are there any topics relevant to development management which you would like to see in covered in:**

**(a) the detailed policy annexes to this PPS?**

**(b) guidance?**

See comments above.

**Question 7 Overall, does the proposed new planning policy statement on development management provide an effective way of supporting existing local planning authority good practice in development management, and of guiding improvements where they are needed? If not what amendments or additional/alternative approaches should be considered?**

At paragraph DM 6.2c, it states: 'ensure effective co-ordination and communication within the authority with all services which play a role during the delivery phase, such as building control, enforcement and environmental health'. The RTPI believe that this could be expanded further to advice that procedures and practices should be reviewed or put in place to ensure that this takes place. It could also include that the services (such as Building Control, Enforcement and Environmental Health) should be being involved during the preliminary process too.

***Consultation questions on the draft pre-application engagement policy annex (Part 3)***

**Question 8 Do you agree with the pre-application principles? If not, what amendments to these principles would you suggest? Are there any additional principles which should guide local planning authorities to ensure a good quality and effective pre-application service?**

The principals are generally supported however there needs to be consideration of the post decision process and how this can be included in the preliminary stage to aid the post decision process. For example if the enforcement office and building control offer were present at the beginning then a lot of issues could potentially be resolved i.e. the clash between design requirements of the planning officer and the requirements of building regulations.

In respect to the enforcement officer, if they are to monitor a site after the decision has been issued it may be helpful in some instances for them to be part of the discussions at the beginning so that any future negotiations are easier and to minimise the need for formal action.

**Question 9 Do you agree with the draft policy (PA1) on pre-application planning services? If not, what amendments would you suggest?**

Yes – also see response to Question 8.

**Question 10 Do you agree with the draft policy (PA2) on the approach to be taken to pre-application advice for small scale development? If not, what amendments would you suggest?**

Yes.

**Question 11 Do you agree with the draft policy (PA3) on the need for clear LPA guidance on pre-application advice and discussions? If not, what amendments would you suggest?**

Yes – also see response to Question 8.

**Question 12 Do you agree with the draft policy (PA4) on the proposed scope for involvement of key participants at the pre-application stage?**

Yes – also see response to Question 8.

**Question 13 Do you agree that the extra resources spent by applicants at the pre-application stage will be compensated by savings at the post-application stage? If not, please explain.**

Yes. The RTPI fully support pre-application to ensure all stakeholders are afforded adequate time to consider potential proposals and to minimise decision problems and need for enforcement. However, it is important to highlight that if applicants receive pre-application advice and still do not comply, they are not likely to receive planning permission.

**Question 14 Should specific fees for pre-application engagement be established in planning legislation, or do the current powers under the Local Government Act 2003 make adequate provision?**

If you ultimately want to have a more uniform planning system which is available and fair to all then standard fees should be set.

***Questions on the draft determination policy annex (Part 4)***

**Question 15. Do you consider that the draft policy on determining planning applications is a good replacement for The Planning System: General Principles? If not, what amendments would you suggest?**

Yes.

**Question 16 Will the draft policy on determining planning applications be useful to LPAs in terms of applying a development management approach when making planning decisions? If not, what amendments would you suggest?**

Yes.

**Question on the consultation stage impact assessment (Part 8)**

**Question 17 Do you agree with the assumptions made in the estimation of the costs and benefits in the consultation stage impact assessment? We welcome evidence from LPAs and applicants on the likely impacts of the proposal.**

No comment.