

PLANNING FOR A SUSTAINABLE FUTURE

Responses to Consultation Questions

Major Infrastructure Provision

QUESTION	COMMENT
Q1 a) Do you agree that there is a strong case for reforming the current system for planning for nationally significant infrastructure?	Yes, particularly rationalising the different consent regimes.
b) Do you agree, in principle, that the overall package of reforms proposed here achieve the objectives that we have set out?	The package of reforms cover the scope of the objectives but only the operation of the reforms will show if the objectives are realised.
c) If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?	N/A.
Q2 a) Do you agree, in principle, with the introduction of national policy statements for key infrastructure sectors in order to help clarify government policy, provide a clearer strategic framework for sustainable development, and remove a source of delay from inquiries?	They may do, it will depend how clear the statements are and how much assistance they provide.
b) If not, do you have any alternative suggestions for helping to achieve these objectives?	N/A.
Q3 a) Do you agree the national policy statement should cover the core issues set out in the White Paper?	Yes.
b) Are there any other criteria that should be included?	No.
Q4 a) Do you agree, in principle, that national policy statements should be the primary consideration for the infrastructure planning commission in determining individual applications?	No.
b) If not, what alternative status would you propose?	There should be a greater emphasis given to local considerations.
Q5 a) Do you agree, in principle, that the proposals would ensure effective public engagement in the production of national policy statements, including with local communities that might be affected?	Yes.
b) Are there any additional measures that would improve public and community engagement in their production?	No.

QUESTION	COMMENT
Q6 a) Do you agree, in principle, with the intention to have Parliamentary scrutiny for proposed national policy statements?	Yes.
b) What mechanisms might ensure appropriate Parliamentary scrutiny?	A select committee should have a key role.
Q7 a) Do you agree, in principle, that 10-25 years is the right forward horizon for national policy statements?	Yes.
b) If not, what timeframe do you consider to be appropriate?	N/A.
Q8 a) Do you agree that five years is an appropriate period for the Government to consider whether national policy statements remain up to date or require review?	Yes.
b) What sort of evidence or circumstances do you think might otherwise justify and trigger a review of national policy statement?	Major changes in circumstances and/or large technological advances.
Q9 a) Do you agree, in principle, that the opportunity for legal challenge would provide sufficient and robust safeguards to ensure that a national policy statement is sound and that people have confidence in it?	Yes.
b) If not, what alternative would you propose?	N/A.
Q10 a) Do you agree, in principle, that subject to meeting the core elements and standards for national policy statements set out in this White Paper, policy statements in existence on commencement of the new regime should be capable of acquiring the status of national policy statements for the purposes of decision making by the commission?	Yes, although it is considered few if any existing policy statements would meet the core elements and standards to become national policy statements.
b) If not, what alternative arrangements do you propose?	Urgently work on new national policy statements.
Q11 a) Do you agree, in principle, that promoters should have to prepare applications to a defined standard before the infrastructure planning commission agrees to consider them?	Yes.
Q12 a) Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the infrastructure planning commission?	Yes.

QUESTION	COMMENT
b) Do you think this consultation should take a particular form?	It could take various forms depending on the scheme proposed – guidance should be issued.
Q13 a) Do you agree, in principle, that relevant local authorities should have special status in any consultation?	Yes.
b) Do you think the local authority role should take a particular form?	No.
Q14 a) Do you agree, in principle, that the list of statutory consultees in the White Paper is appropriate at the project development stage?	Yes.
b) Are there any bodies not included who should be?	No.
Q15 a) Do you agree, in principle, that the Government should set out, in legislation, an upper limit on the time that statutory consultees have to respond to a promoter's consultation?	Yes.
b) If so, what time limit would be appropriate?	Two months.
Q16 a) Do you agree, in principle, that the commission should issue guidance for developers on the application process, preparing applications, and consultation?	Yes.
b) Are there any other issues on which it might appropriate for the commission to issue guidance?	Consultation arrangements.
Q17 a) Do you agree, in principle, that the commission should advise promoters and other parties on whether the proposed project falls within its remit to determine, the application process, procedural requirements, and consultation?	Yes.
b) Are there any other advisory roles which the commission could perform?	No.
Q18 a) What rules do you consider would be appropriate to ensure the propriety of the commission's interactions with promoters and other parties?	All interactions should be part of an open public record.
Q19 a) Do you agree, in principle, that the commission should have the powers described in the White Paper? (<i>only take cases that are appropriate for it to consider, and not begin consideration of cases without adequate preparation for consultation having been carried out.</i>)	Yes.

QUESTION	COMMENT
b) Are there any other issues the commission should address before or at the point of application?	No.
Q20 a) Do you agree, in principle, that the infrastructure size thresholds set out in the White Paper are appropriate?	This question is outside the expertise of the Council.
b) If not, what alternative thresholds would you propose?	N/A.
Q21 a) Do you agree, in principle, that all projects necessary to the operational effectiveness, reliability and resilience of the electricity transmission and distribution network should be taken by the commission?	No.
b) If not, which transmission and distribution network projects do you think could be determined locally?	Those which are not key elements of the “national grid”.
Q22 a) Do you agree, in principle, that the consenting regime for major gas infrastructure should be simplified and updated, rationalising the regime to bring nationally significant decision making under the commission?	Yes.
Q23 a) Do you agree, in principle, that it is appropriate for ministers to specify projects for consideration by the commission via national policy statements or ministerial directions in the commission?	Yes.
b) If not, how would you propose changing technology or sectoral circumstances should be accommodated?	N/A.
Q24 a) Do you agree, in principle, that the commission should be authorised to grant consents, confer powers including powers to compulsorily purchase land and amend legislation necessary to implement nationally significant infrastructure projects?	Yes.
b) Are there any authorisations listed that it would be appropriate to deal with separately, and if so which body should approve them, or that are not included and should be?	No.
Q25 a) Do you agree, in principle, that the proposed arrangements for the commission to deal with cases is an appropriate way to ensure that consideration is proportionate and that an appropriate range of specialist expertise is brought to bear on the final decision?	Yes.

QUESTION	COMMENT
b) If not, what changes or alternative mode of operation would you propose?	N/A.
Q26 a) Do you agree, in principle, that the list of statutory consultees set out in the White Paper is appropriate at the determination stage?	Yes.
b) Are there any bodies not included who should be?	No.
Q27 a) Do you agree, in principle, that the procedural reforms set out in the White Paper would improve the speed, efficiency and predictability of the consideration of applications, while maintaining the quality of consideration and improving the opportunities for effective public participation?	This very much depends on the actual operation of the reforms.
b) If not, what changes or other procedural reforms might help to achieve these objectives?	N/A.
Q28 a) What measures do you think would better enable hard to reach groups to make their views heard in the process for nationally significant infrastructure projects?	A simple explanation of the need for the project and what benefits it is intended to have, a full visualisation of the impacts and the consequences of other alternatives.
b) How might local authorities and other bodies, such as Planning Aid, be expected to assist in engaging local communities in the process?	To host consultation events in convenient locations as well as help explain people's rights to engage and make representations.
Q29 a) Do you agree that the commission should decide applications in line with the framework set out in the White Paper?	No.
b) If not, what changes should be made or alternative considerations should it use?	There should be greater emphasis given to local considerations.
Q30 a) Do you agree, in principle, that the commission should be able to specify conditions in this way, subject to the limitations identified, and for local authorities to then enforce them?	No, enforcing the conditions could place a significant burden on local authorities.
b) If not what alternative approach would you propose?	The enforcement should be done by the relevant statutory consultees.
Q31 a) Do you agree, in principle, that the opportunity for legal challenge to a decision by the infrastructure planning commission provides a robust safeguard that will ensure decisions are taken fairly and that people have confidence in them?	Only if legal aid was available for such challenges otherwise few people would be able to pursue such actions.
b) If not what alternative would you propose?	N/A

QUESTION	COMMENT
Q32 a) What experience and skills do you think the commission would need?	The full range as set out in the White Paper.

Town and Country Planning System Reform

QUESTION	COMMENT
Q33 a) What types of non residential land and property do you think might have the greatest potential for microgeneration and which should we examine first?	Industrial and warehousing uses.
Q34 a) We think it is important to enable a more joined up approach to community engagement locally. We propose to use the new “duty to involve” to ensure high standards but remove the requirement for the independent examination of the separate planning Statements of Community Involvement. Do you agree?	Yes.
Q35 a) Do you agree that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?	Yes.
Q36 a) Do you agree, in principle, that there should not be a requirement for supplementary planning documents to be listed in the local development scheme.	Yes.
Q37 a) Do you agree in principle that there should not be a blanket requirement for supplementary planning documents to have a sustainability appraisal, unless there are impacts that have not been covered in the appraisal of the parent DPD or an assessment is required by the SEA directive?	Yes.
Q38 a) What types of non residential development offer the greatest potential for change to permitted development rights? What limitations might be appropriate for particular sorts of development and local circumstances?	Industrial and warehousing. Impact on residential amenity, Green Belt openness and landscape character.
Q39 a) What is your view on the general principle of introducing a streamlined process for approval of minor development which does not have permitted development rights and where the neighbours to the proposed development are in agreement?	This could lead to unacceptable developments which neighbours do not appreciate prior to construction.

QUESTION	COMMENT
Q40 a) Do you agree that it should be possible to allow minor amendments to be made to a planning permission?	Yes subject to certain limits.
b) Do you agree with the approach?	As above.

Regulatory Impact Assessment

QUESTION	COMMENT
Q41 a) Do you have any comments to make on the analysis in the partial RIA? In particular, do you have any comments to make on the economic, social and environmental costs and benefits presented in the partial RIA? Do you have any comments to make on whether the proposals would impact differently on people from different groups?	No comments.