



Department for  
Communities and  
Local Government

# Technical consultation on planning

## Consultation response form

We are seeking your views to the following questions on the proposals to streamline the planning system.

### How to respond to this consultation

Please email your response to the questions in this consultation by **26 September 2014** to [planning.consultation@communities.qsi.gov.uk](mailto:planning.consultation@communities.qsi.gov.uk).

Alternatively you can write to:

Planning Consultation Team  
Department for Communities and Local Government  
1/H3 Eland House  
Bressenden Place  
London SW1E 5DU

When you reply please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

**(i) Your details**

<b>Name:</b>	<b>Matthew Rabagliati</b>
<b>Organisation (if applicable):</b>	<b>The Heritage Alliance</b>
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<b>Telephone Number:</b>	<b>02072330500</b>

**(ii) Are the views expressed on this consultation an official response from an organisation you represent or your own personal views?**

Organisational response

Personal views

**(iii) Please tick the one box that best describes you or your organisation**

**Public Authority:**

District/Borough Council

London Borough Council

Unitary Council

County Council

National Park/Broads Authority

Parish/Town Council

Other public sector (please specify)

**Voluntary/Community:**

Designated neighbourhood forum

Community organisation

Voluntary/charitable sector

Residents Association

Other (please specify)

**Retail (A1) and Financial and Professional Services (A2) Business:**

Bank/Building society

Estate agent

Professional service

Betting shop

Pay day loan shop

Existing A1 retail/shop

Other A2 (please specify)

**Other:**

Land Owner

Developer/House builder

Developer association

Professional institute/professional e.g. planner, consultant

Professional Trade Association

Local Enterprise Partnership

Other (if none of the options in the lists above apply to you, please specify here)

## 4. Planning application process improvements

Please refer to the relevant parts of the consultation document for narrative relating to each question.

### Would you like to respond to the consultation on planning application process improvements?

Yes  No

#### Review of requirements for consultation with Natural England and the Highways Agency

**Question 4.1:** Do you agree with the proposed change to the requirements for consulting Natural England set out in Table 1? If not, please specify why.

Yes  No

#### Comments

The Heritage Alliance objects to this change. An assessment of whether a development “is likely to affect a SSSI” is an extremely complex one requiring specialist ecological expertise. We would be confident that if the process allowed LAs to consider themselves whether or not a development within 2km of a SSSI (which in some cases may also have historic significance) is likely to have an impact, where they have staff qualified to do so, and where they have a rigorous processes in place. Planning staff may be unaware of issues such as impacts on hydrology, or recreational disturbance that can affect ground-nesting species, which can arise from developments seemingly unconnected with a SSSI. We could agree to a change that where local authorities have in-house ecologists able to make an assessment of whether a development is “likely to affect a site of special scientific interest” then Natural England could make an individual agreement with that authority. Except in this circumstance the Alliance believes the current system should be retained.

**Question 4.2:** Do you agree with the proposed changes to the requirements for consulting the Highways Agency set out in Table 2? If not, please specify what change is of concern and why?

Yes  No

#### Comments

No comment

## Review of requirements for consulting with English Heritage

**Question 4.3:** Do you agree with the proposed changes to the requirements for consulting and notifying English Heritage set out in Table 3? If not, please specify what change is of concern and why?

Yes  No

Do you agree with the proposed change to remove English Heritage's powers of Direction and authorisation in Greater London? If not, please explain why?

Yes  No

### Comments

The Heritage Alliance agrees with this decision to remove English Heritage's powers of direction and authorisation in Greater London, believing that this indicates a positive streamlining between London and the rest of England.

The Alliance also welcomes the announcement under Section 4.39, that there will be a new requirement to notify English Heritage before granting planning permission for development affecting registered battlefields.

**Question 4.4:** Do you agree with the proposed changes to the requirements for referring applications to the Secretary of State set out in Table 4? If not, please specify what change is of concern and why.

Yes  No

### Comments

No Comment

**Question 4.5:** Do you agree with the proposed minor changes to current arrangements for consultation/notification of other heritage bodies? If not, please specify what change is of concern and why.

Yes  No

### Comments

The Heritage Alliance's Spatial Planning Advocacy Group, in collaboration with its specialist members from across the independent heritage sector, welcomes DCLG's recognition of the importance of independent expertise in **Para 4.44** from the National Amenity Societies in their consideration of applications to local planning authorities. We believe that the advice given by The Heritage Alliance's member organisations, The Society for the Protection of Ancient Buildings, The Ancient Monuments Society, The Council for British Archaeology, the Georgian Group, the Victorian Society, the Garden History Society, and the Twentieth Century Society, demonstrates the continued importance of the independent heritage sector in providing impartial and specialist advice to government.

Despite this welcomed recognition, The Alliance remains concerned that the proposed minor amendment under section 4.44 to include 'substantial' in regard to the demolition of the whole or substantial part of any grade of listed building, could have a detrimental impact on the planning process and the wider role of the societies in the planning process. We feel that 'substantial' demolition relates to the size and volume of the structure, as opposed to the significance of which society attributes value. The Alliance believes that the proposed new wording of 4.44, which relates to total or substantial demolition, would therefore lead to a major reduction in the number of notifications the Amenity societies receive, while also denying them sight on certain applications which it was necessary for them to comment on. The Alliance therefore believes that the current wording, as presented in Circular 09/2005 and Circular 08/2009 should be retained and not altered.

In regard to the amendment on the requirement to consult the Garden History Society into the Development Management Procedure Order rather than have it set out in a Secretary of State Direction, the Heritage Alliance welcomes this decision.

### Further measure to streamline statutory consultation arrangements

**Question 4.6:** Do you agree with the principle of statutory consultees making more frequent use of the existing flexibility not to be consulted at the application stage, in cases where technical issues were resolved at the pre-application stage?

Yes  No

Do you have any comments on what specific measures would be necessary to facilitate more regular use of this flexibility?

Yes  No

**Comments**

No Comment
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## Impacts and benefits of the proposals

**Question 4.7:** How significant do you think the reduction in applications which statutory consultees are unnecessarily consulted on will be? Please provide evidence to support your answer.

### Comments

No comment

## Notifying railway infrastructure managers of planning applications for development near railways

**Question 4.8:** In the interest of public safety, do you agree with the proposal requiring local planning authorities to notify railway infrastructure managers of planning applications within the vicinity of their railway, rather than making them formal statutory consultees with a duty to respond?

Yes  No

### Comments

No comment

**Question 4.9:** Do you agree with notification being required when any part of a proposed development is within 10 metres of a railway?

Yes  No

Do you agree that 10 metres is a suitable distance?

Yes  No

Do you have a suggestion about a methodology for measuring the distance from a railway (such as whether to measure from the edge of the railway track or the boundary of railway land, and how this would include underground railway tunnels)?

Yes  No

**Comments**

No comment

**Consolidation of the Town and Country Planning (Development Management Procedure) Order 2010**

**Question 4.10:** Do you have any comments on the proposal to consolidate the Town and Country Planning (Development Management Procedure) Order 2010?

Yes  No

**Comments**

No comment

**Measurement of the end-to-end planning process**

**Question 4.11:** Do you have any suggestions on how each stage of the planning application process should be measured? What is your idea? What stage of the process does it relate to? Why should this stage be measured and what are the benefits of such information?

Yes  No

**Comments**

No comment

**Question 4.12:** Are there any further comments that you wish to make in response to this section?

Yes  No

**Comments**

No comment
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