



Department for
Communities and
Local Government

Streamlining the planning application process: consultation questions response form

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

How to respond:

The closing date for responses is 4 March 2013.

This response form is saved separately on the Direct Gov website.

Responses should be sent to: streamlining@communities.gsi.gov.uk

Written responses may be sent to:

Darren McCreery

Streamlining the planning application process – Consultation

Department for Communities and Local Government

1/J3, Eland House

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	Stephen Russell
Position:	Policy and Public Affairs Officer
Name of organisation (if applicable):	Landscape Institute
Address:	Charles Darwin House 12 Roger Street London WC1N 2JU
Email:	stephenr@landscapeinstitute.org
Telephone number:	020 7685 2649

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

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish/community council

Non-Departmental Public Body

Planner

Professional trade association

Land owner

Private developer/house builder

Developer association

Residents association

Voluntary sector/charity

Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

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

Question 1. Do you agree with the proposal to reduce the number of minor applications which require a Design and Access Statement by raising the threshold?

Yes No

Comments

The Landscape Institute supports the Government's overall intention to reduce the regulatory burden and remove unnecessary procedural requirements. However we have serious concerns with the proposal to make the content of Design and Access Statements less prescriptive. It is appropriate that applicants should be free to exercise greater discretion as to what needs to be included in such Statements, which will vary commensurate with the scale and sensitivity of the development proposed. Indeed, this is reflected in the DCLG national guidance on information requirements as published in 2010, which notes in paragraph 101 that Statements should be proportionate to the complexity of the application. We note that this guidance is itself currently being considered for revision following the recent Taylor Review recommendations in light of the Growth and Infrastructure Bill provisions. We are also aware that the Government's commitment to good design has recently been reiterated in ministerial statements. We would recommend that the content for Design and Access Statements remain unchanged and that it is the level of the response that is variable and proportionate. This will be dictated by the local planning authority's planning application validation process.

Question 2. Do you think that major development is the right threshold for requiring a Design and Access Statement? If not, what should the threshold be?

Yes No

Comments

The Landscape Institute's primary concern is that the proposal to raise the threshold for requiring a Design and Access Statement will undermine the commitment to design quality that is enshrined in the National Planning Policy Framework and should be abandoned. The requirement to submit a Design and Access Statement ensures that applicants give due consideration to the design aspects of their proposal before submission. Moreover, the preparation of a Design and Access Statement can be of substantial value to the applicant/developer, by providing an opportunity for some rigorous evaluation of design options and choices which should inform all types and scales of

development. A Design and Access Statement will also enable the local planning authority and third parties to better appreciate the rationale underlying the approach taken, thus providing greater clarity and reducing misunderstanding or the need for dialogue. The level of detail and sophistication of such Statements should be proportionate to the scale and sensitivity of the development proposed.

The cumulative impact of the large numbers of minor developments across the country does result in a significant impact on towns and neighbourhoods. If the requirement for Design and Access Statements is withdrawn in such cases, the consequence is that design quality will be perceived to be of little importance, contrary to the Government's expressed intentions. The ministerial foreword of the National Planning Policy Framework states that:

“Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too often experience of mediocrity.”

In addition to this, the fourth of the planning principles outlined in the National Planning Policy Framework states that planning should:

“...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The proposals to raise the threshold for requiring a Design and Access Statement represents a clear contradiction of the Government's previously stated principles.

High quality, well-considered design is important in delivering sustainable development that is for purpose and, inter alia, respects local character and context and provides positive economic benefits in addressing energy and water management and climate change. Moreover, good design standards should embrace not only the buildings, but the spaces that surround and are between buildings. The principle of requiring applicants for the majority of proposals, including minor developments, to demonstrate that they have thought about design is therefore critical and should be retained.

Question 3. Do you agree with the proposals to require a Design and Access Statement for some smaller schemes in World Heritage Sites and Conservation Areas, in addition to major development and listed building consents?

Yes No

Comments

The Landscape Institute is of the view that the current Design and Access Statement thresholds should be retained. This would therefore include smaller schemes in World Heritage Sites and Conservation Area, in addition to major development and listed building consents.

Question 4. Do you agree with the proposed simplification of the statutory content of Design and Access Statements?

Yes No

Comments

The Landscape Institute feels that the headings of “amount”, “scale”, “landscaping” and “appearance” are helpful in establishing basic principles and concepts of design that will apply to most developments, but that it should be open to applicants to state where such headings may be inapplicable or irrelevant (as is currently explained in Chapter 6, paragraph 139 of the 2010 DCLG Guidance document). For major developments and developments in sensitive areas it would be very unusual if all the currently listed content requirements were not all matters that would still need to be addressed.

The Landscape Institute has no comment regarding a requirement to give details of maintenance with respect to access, but note that the guidance on ‘landscaping’ does state the need to explain how the proposals will be maintained. The planning system has long recognised that landscape treatment is a special case, dealing as it does with live organic material that may deteriorate or die if not maintained. Where landscape treatment is increasingly applied to provide vital functional services (as acknowledged in the National Planning Policy Framework), such as sustainable drainage and other climate change adaptation purposes, the proposed mechanisms for maintenance are essential in achieving sustainable development. This is therefore an issue that must be properly addressed as a matter of both public and consumer interest when considering a planning application.

Question 5. Are there any further changes that could be made in respect of Design and Access Statements?

Yes No

Comments

It is important to highlight here that valuable guidance is available in two particular publications:

Design and Access Statements explained (2008), Urban Design Group
Design and Access Statements – How to read and use them (2006), CABI

Design and Access Statements could also usefully address ways in which energy and water management and adaptation to climate change are to be addressed and how the development relates to its local context, including the local economy. In doing so, they would reflect the Government's stated support for sustainable local development.

Question 6. Do you have any comments on the changes to local lists and validation, as set out in paragraphs 39-46 and reflected in the draft legislation in Annex 2?

Yes No

Comments

The Landscape Institute supports an approach that requires Design and Access Statements and information requirements to be relevant, necessary and material to the application. We would also recommend that Local planning authorities be mandated to have the relevant and appropriate expertise to validate the quality standards proposed in the Design and Access statements. This is fundamental to ensuring the quality of development demanded by the National Planning Policy Framework.

Question 7. Do you have any comments on the procedure for challenging information requests at the validation stage as set out in paragraphs 52-54 and reflected in the draft legislation in Annex 2?

Yes No

Comments

The Landscape Institute agrees that applicants should have a right of appeal against 'non-valid' applications but have concerns that this could have an unintended consequence of placing additional burden on applicants, local authorities and the Planning Inspectorate. This may slow down the planning process, contrary to Government objectives. The resources and time required to make an appeal might well outweigh those required to provide the relevant information.

Question 8. Do you agree with the proposal to remove the statutory requirement, when planning permission is granted, to provide a summary of reasons for approval and a summary of the relevant policies and proposal considered on written decision notices?

Yes No

Comments

The Landscape Institute feels this would be a helpful simplification.

Question 9. Do you have any comments on the assumptions and analysis set out in the consultation stage impact assessment in Annex 1?

Yes No

Comments

The Landscape Institute disagrees with the figure of £500 stated to be the cost of producing a Design and Access Statement for a minor development.

Question 10. In particular, do you agree that £500 is an accurate reflection of the costs associated with creating a Design and Access Statement for minor development? If not, what do you consider to be a more realistic figure?

Yes No

Comments

The costs of producing a Design and Access Statement vary widely but could be as low as £100. For many minor householder applications, a relevant and proportionate statement could be as little as 500 words making cross references to the submission documents. Typical costs for minor applications would probably be substantially less than £500 unless agents are using this statutory requirements as a pretext to do more work than is necessary. The level of detail and sophistication of such Statements should be proportionate to the scale and sensitivity of the development proposed. For small-scale straightforward proposals the Statement can be very succinct indeed, and therefore inexpensive to produce.

Thank you for your comments.