

Easing the Burden of Regulation (DRAFT)

The Planning Officers Society is the body representing the most senior planners in local government. We welcome the initiative to reduce the burden of unnecessary regulation, both as part of our ongoing commitment to providing a more efficient and accessible planning service to our customers, and because it could help us in delivering your localism agenda within the tight financial constraints in which we now find ourselves. We have identified the following areas of planning which might benefit from de-regulation:

- 1. Paperwork accompanying planning applications:** One of our colleagues gave us a case study, illustrating the problem. A planning application for 800 houses had to be accompanied by 16 sets of paper documentation (in addition to the electronic version). Each of those sets of documents weighed in at 16.3 kg and the photocopying costs alone for the applicant were £4,000+. All of these were required as part of the previous Government's validation checklist. Some improvement resulted from new guidance introduced in March 2010, but at the same time this reduced our flexibility to correct any problem of missing information after registration. There must surely be scope to reduce this burden further, without prejudicing the processing of the application. Additional burdens are also being created, especially for smaller-scale applications, by the growing nature conservation requirements relating to protected species.
- 2. Sustainability:** We believe that the arrangements currently made for sustainability assessment are unnecessarily gold-plated, and often tend to generate long, turgid documents that add little to the sum of human wisdom. We believe the requirements could be substantially simplified. In particular, there is a separate process of Appropriate Assessment, which it may be possible to merge into a single assessment regime. In addition to a review of evidence requirements, it may be helpful for the appropriate government agencies to actively encourage a more proportionate approach to evidence-gathering among the local authorities themselves.
- 3. Evidence base:** Whilst we welcome the principle that planning policy should be underpinned by solid evidence, we are concerned that aspects of it (such as strategic housing market assessments) have got out of proportion to the added value they bring to policy. To date, Housing and Planning Delivery Grant has enabled us to meet the cost involved, but this will no longer be an option in future. The range and detail of evidence requirements needs to be revisited. To an extent, we recognise that this is a problem of the local authorities' own making, a form of risk-aversion resulting perhaps from a prolonged period of detailed regulation, and the point made in the previous paragraph about encouraging a more proportionate approach also applies here.
- 4. Annual monitoring reports:** Again, is all the detail required in them strictly necessary?
- 5. Local Development Schemes:** These tend to be unnecessarily detailed, sometimes running to fifty pages or more, when a single side of paper (this is what we are going to do and this is when we will do it) may be all that is needed.
- 6. Local newspaper advertising:** A typical planning authority can spend £40,000 a year on public notices in local newspapers, and our evidence suggests that they serve little useful purpose. On-site notices and electronic media are much more effective

means of communicating with the public. In our submission, these notices are little more than hidden subsidies to the local newspaper industry. If government at whatever level wishes to subsidise local newspapers, it should at least be done transparently.

- 7. Multiple regulatory regimes:** There are a number of areas (Houses in Multiple Occupation are one in which the government has recently taken an interest) where planning controls operate alongside other regulatory regimes (either within the local authority itself or in other agencies, such as the police). Is there scope for simplifying or unifying these regimes, to the mutual benefit of the regulators and those who are regulated?
- 8. References of planning applications to central government:** There are currently many planning applications which we are required to refer to central government. These could potentially be reduced and simplified. You might also look at the potential for dropping the requirement to consult national agencies (eg Natural England) and quangos (eg CABE) on planning applications where there is already local specialist input duplicating their advice.
- 9. De-jargonising the system:** Over the years, the planning system has become ever more burdened with jargon and acronyms (to give one basic example, “plans” – a term most people understood – have become “local development frameworks” or “regional spatial strategies”). This discourages public participation in the system. As part of any review of planning, the government should consider making it more accessible by reducing the language barrier. As a start, the government might consider the scope for simplifying the General Permitted Development Order.
- 10. The Prior Notification Procedure:** a prime candidate for deregulation. Within the General Permitted Development Order certain classes of Permitted Development are subject to the Prior Notification Procedure, such as agricultural permitted development, telecommunication masts etc. This additional process adds significantly to confusion in the local community without seeming to add any value. If the Prior Notification Procedure were deleted then the Permitted Development system would be simpler and easier for the public to understand. If this were to happen then development would either require planning permission or be permitted development. Prior Notification does not add value but leads the public into the belief that they can raise the full range of planning objections to a scheme, as if it were a planning application that was being considered.
- 11. Five-year housing land supply:** As things stand, regionally-set housing targets (whatever their other faults) do at least prevent these being challenged at each local inquiry. An unintended consequence of scrapping regional spatial strategies could be to make these a bone of contention that prolongs every local public inquiry. Alongside the scrapping of RSSs, consideration should be given to finding a way of the local authority validating its housing supply situation in such a way that it does not face repeated challenge.
- 12. Unauthorised development:** Review the current four-year and ten-year “immunity” rules, preventing enforcement action being taken against unlawful development. As recent well-publicised cases have shown, these encourage rogue developers, place heavy enforcement burdens on local authorities and undermine public confidence in the effectiveness of the planning system.

Stuart Hylton
South-East Regional Convenor
Stuart.hylton@rbwm.gov.uk