

Details of the Board's Proposed Response

The Planning White Paper

1. The first section of White Paper that proposes changes is Chapter 2 which deals with improving the way key infrastructure projects are dealt with. Key infrastructure projects will include airport and port projects, improvements to the Strategic Road Network, significant energy infrastructure such as power generation and significant water and waste infrastructure such as reservoirs and waste water plants.
2. The Government proposes to produce national policy statements for key sectors to ensure that there is a clear policy framework for decisions on nationally significant infrastructure. The statements would integrate environmental goals and would be subject to thorough consultation. Provided that AONBs were considered as part of the process, particularly by involving the National Association of AONBs and AONB management boards and committees, and that responses to consultation exercises were actually taken account of then this is not objected to.
3. Help will also be given to promoters of infrastructure projects to improve applications and require effective consultation with statutory environmental bodies. If this rigour is applied and statutory AONB Conservation Boards are recognised and included as one of the statutory environmental bodies then the Board does not object to this proposal.
4. An independent infrastructure planning commission will be created to take decisions on nationally significant infrastructure cases. Decisions would be taken in the light of national policy statements unless any adverse local consequences outweighed the benefits. This is not objected to, provided that the Government listens properly to the input made by organisations like the Conservation Board into the policy statements. Any representations at the local level should also be listened to in the same way.
5. The Government proposes to streamline the procedures for infrastructure projects by rationalising the different development consent regimes and improving the inquiry procedures for all of them. The Board supports this proposal as it will lead to clearer processes that will be more easily understood at the local level.
6. Public participation will be improved across the entire process with opportunities to be involved being extended to include open floor stages at inquiries. On the basis that this will improve the decisions that are made and will allow organisations like the Board to be involved and to make a difference this is supported.
7. There is a proposal to explore devolving decisions on smaller infrastructure projects, where appropriate, to local authorities. The particular schemes that would be covered by this change are those that are primarily local in effect.

Provided that there will still be full opportunities for public involvement in the process the Board does not object to this proposal.

8. Section 3 of the White Paper deals with the National Policy Statements (NPS) which would establish the national case for infrastructure development. Though the production of NPS is not objected to the Board considers that these would be better prepared in the context of a national spatial planning strategy, which to date has not been properly considered. Nationally designated landscapes such as National Parks and Areas of Outstanding Natural Beauty would have to feature as a fundamental part of any NPS. Before being approved NPS should be subject to extensive public consultation and any responses should clearly be taken account of.
9. The content of NPS is briefly outlined in paragraph 3.8. The Board objects to the lack of any reference to implications for the environment and the current over emphasis on economic matters. Paragraph 3.9 details common core elements that would appear in NPS, and in this instance the environment is considered, but only as part of a Strategic Environmental Assessment of the NPS. The Board considers that environmental objectives should be at the heart of NPS and not considered as an afterthought. The Government proposes that NPS should be the primary consideration with more weight than any other statement of national, regional or local policy. This causes the Board some concern as many statements of policy, which have evolved over time and which reflect the wishes and desires of many groups and individuals, are likely to be ignored in the rush to get large schemes through the planning process. The Board would prefer the status of NPS to be on a par with other national statements of policy (PPS for example) and should be considered alongside other statements of policy such as development plans that have been subject to full consultation and adoption procedures.
10. Chapter 4 of the White Paper considers the preparation of applications for nationally significant infrastructure projects. Public consultation on potential options appears to be encouraged at various stages throughout the process, and would be required before an application was submitted, which is welcomed by the Board. The Board also welcomes the proposal that applications should meet defined standards before being considered by the infrastructure planning commission.
11. The Government also proposes that other organisations should be consulted on relevant projects – whilst National Park authorities are included in the list AONB Conservation Boards (and other management bodies) are not. The Board objects to the omission of AONB Conservation Boards from the list of indicative statutory consultees because Boards have similar duties to National Park authorities and deal with landscape of exactly the same quality. As part of consultation the Government proposes to impose time limits by which responses should be made. Whilst not objecting to this, the Board wishes to ensure that any timescale that is set is appropriate to the issue and this should be longer rather than shorter to enable proper consideration. An appropriate time would probably be 12 weeks from receipt of notification.

12. The role of the Infrastructure Planning Commission (IPC) is dealt with in Chapter 5. One of the key implications from this chapter is the proposal to rationalise the different development consents regimes and create a unified, single, consent regime. On the basis that the Board considers that this would simplify the process this is supported. The Board welcomes the recognition given to the requirement to have regard to the purposes of AONBs as a result of the relevant Acts of Parliament (Box 5.2) in decisions that the IPC will make.
13. Chapter 7 is concerned with providing a positive framework for delivering sustainable development. The Government proposes to extend permitted development rights for microgeneration to other land uses. This is supported and should be particularly encouraged for commercial and business uses, whilst also offering encouragements for making existing buildings more energy efficient.
14. The Government intends to review the current approach to retail development and will introduce a new test which has a strong focus on the town centre first policy. This is vital to ensure that developments take place in appropriate locations that serve to improve the vitality and viability of town centres, and should ensure that edge of town or out of town locations are properly considered taking account of landscape issues (particularly nationally designated landscapes). The review will take the form of proposals that are consulted on in the summer of 2007. The Board will continue to examine documents as they emerge.
15. There are proposals to review the current planning policy framework (PPG and PPS) to produce a more strategic, clearer and more focused national framework. This is welcomed provided that the nationally designated landscapes (including AONBs) remain a fundamental part of the framework as currently detailed in PPS7.
16. Strengthening the role of local authorities is covered in Chapter 8. Plan making procedures are proposed to be simplified by removing one element of consultation (preferred options) and allowing core strategies to include strategic sites, though consultation with the public will remain fundamental to the process. This is welcomed and supported by the Board.
17. One proposal that is particularly welcomed and fully supported by the Board is that which would remove the requirement that all SPDs should be listed in a local planning authority's LDS (paragraph 8.21). In addition it is proposed that the blanket requirement for sustainability appraisal of SPD should be removed (paragraph 8.23). These changes would ease the process and speed up production of SPD and allow the Board's publications (Management Plan, Design Guide and Technical Notes) to receive the weight and recognition that they are due.
18. The timely provision of infrastructure is also discussed and a change will be proposed that ensures that implementation has been soundly addressed as part of the plan making process. If the infrastructure that is to be considered includes Green Infrastructure then this approach is supported by the Board.

19. Chapter 9 is concerned with making the planning system more efficient and effective. The Government intends to introduce an approach that assesses the impact of proposals on others, to determine what type of development is permitted. Provided that the implications of development include impacts on the wider landscape, which can arise from issues other than size (design and use of materials for example) then this is not objected to. Similar principles would apply to other forms of development in the future, and the Board's stance would be the same in this instance. Controls could still be used in the form of Article 4 Directions and changes are likely to ease their implementation, which would be welcomed in connection with certain forms of development (selling of plots of land on the internet for example).

Planning Performance Agreements – a new way to manage large-scale major planning applications

20. Planning Performance Agreements (PPAs) (formerly Planning Delivery Agreements) are a means of providing greater certainty with regard to the speed and quality of large planning application assessments and decisions. PPAs, which would include a project management framework, are considered to help the planning process in connection with certain larger applications. Though not having direct implications for the Board and AONB the use of PPAs is to be welcomed.

21. The PPA process would allow early involvement by environmental bodies and specific consultees. The Board welcomes and supports this approach.

22. As part of the process a list of key issues should be created. This is welcomed and supported.

23. The consultation document redefines major development into two categories – large-scale major and small-scale major applications. Large-scale major applications would be 200 or more dwellings or 4 hectares or more for residential and 10,000m² or more than 2 hectares for all other uses. Small-scale major applications would consist of 10 to 199 dwellings or 0.5 to less than 4 hectares for housing and for all other uses 1,000m² to 9,999m² or 1 to less than 2 hectares. PPAs would be encouraged on all such sites and only those within the large-scale category would be removed from the 13 week determination requirement (BV target 109a). This approach is supported and welcomed.

Changes to Permitted Development – permitted development rights for householders

24. The Government is advocating an impact approach for permitted development. Though this is not objected to the wider, often landscape, implications still need to be considered and impact should relate, not only to volume or size, but also to design and use of materials.

25. The consultation document refers to a study that suggests that conservation areas should be offered a higher level of protection than other designated areas (including AONBs). The Government should, rightly, be cautious in this instance

as the exclusion of National Parks and AONBs from Article 1(5) land, for the purpose of permitted development would be confusing and would send out the wrong messages. This would therefore be objected to by the Board. National Parks and AONBs, which according to PPS7 'have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty', cover approximately 25% of the land surface of England and Wales. The Government is proposing that the restrictions proposed for conservation areas should apply to other designated areas (including AONBs) and this is welcomed and fully supported by the Board, although other areas should also be considered as detailed below.

26. Therefore, the Board considers that the restriction should include: all Article 1(5) land; waterways; highways (which should by definition include all rights of way); open access land, and other areas of land with public access (including parks) particularly in the wider landscape where there would be implications for tranquillity. The developments, in a few areas like the canal network, could be equally visible from waterways, or canal or waterside public paths.
27. Consultation will be undertaken in connection with basement development and the Board welcomes this approach and will reserve its right to comment at the appropriate stage.
28. The Government is considering changes to Article 4 directions so that the Secretary of State approval is not always required and the right to compensation may be removed. These changes are welcomed by the Board particularly as they should speed up the process of issuing such directions.
29. Some types of permitted development could be subject to prior approval procedures (similar to those for telecommunications development). The Board considers that there would be benefit in making certain types of development subject to a prior approval mechanism. It is difficult to propose exactly which forms of development should be included, though any with an implication for a nationally protected landscape should be included, and elements of proposals such as siting design and appearance (which would include materials use) should all be subject to approval. Examples could include: telecommunications; fencing above 1m high, and mobile field shelters and maneges for equestrian use.
30. The Government proposes various limits for extensions, many of which are similar to the existing situation. The Board welcomes the requirements for: materials to match the existing house, and planning permission for side extensions and cladding in designated areas.
31. A similar proposal is included for roof extensions and alterations. The Board welcomes the requirement for all roof extensions and roof alterations to be the subject of a planning application in designated areas.
32. Various developments within the curtilage of dwellings are also considered. The Board welcomes the restrictions that are proposed for the area covered by outbuildings, garages and swimming pools and the need for outbuildings at the side of properties to require permission.

33. The consultation suggests no restriction on paving over gardens as it is not considered to be a national problem. This is objected to by the Board and we suggest that the consultant's proposal of no more than 50% to be covered, with the covering being porous should be adopted and permitted development rights therefore removed.