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BCSC response to consultation on improving engagement by statutory and non-statutory consultees

BCSC welcomes the publication of the consultation on improving engagement by statutory and non-statutory consultees.

Our organisation represents businesses operating in the retail property sector, our mission being to promote industry best practice and advance the professional aims of the retail property industry. Our membership is a broad church of nearly 3,000 property professionals including owners, developers, retailers, surveyors, architects and public sector managers.

We are committed to working with the Government to develop the most suitable planning policies for the successful regeneration of the UK's towns and cities.

The Killian Pretty Review Recommendations were published in November 2008. Recommendation 9 set out a number of measures to improve the involvement of statutory and non-statutory consultees, including:

- a clear re-statement of the roles of the local planning authority and statutory consultee, to reinforce the primacy of the decision making role of the local planning authority, and **the ability of the local planning authority to make a decision after a defined timescale in the absence of a response from the statutory consultee;**

This recommendation relating specifically to the introduction of a defined timescale to enable a local planning authority to make a decision in the absence of a statutory consultee's response was the recommendation that BCSC was most keen to see taken forward by the Government.

We therefore particularly welcome the draft policy statement which includes the points:

14. Local planning authorities should identify the timescale for response;
20. Those bodies consulted should respond to the requests for advice in a substantive and timely manner; and
22. To provide a substantive response to consultation within 21 days, statutory consultees should ensure authorities are aware of the kind of technical information their organisation is likely to require in order to comment on applications

Looking more broadly to the whole consultation, please find our responses to the questions below.

Part 2 Policy

Q1 Do you agree with the policy principles guiding the statutory and non-statutory consultation process?

We support the policy principles guiding the process. In particular, we are keen to see that due emphasis is placed on both the timeliness and the proportionality of the consultation process.

Q2 Does the draft policy statement provide a suitable policy framework for statutory and non-statutory consultation?

We believe that the statement does provide a suitable framework. However, we do think that there may be scope to clarify what measures may be introduced in the event that an interested party (local authority, developer or consultee) does not comply with the guidance.

Q3 Are any of the proposed policies too prescriptive?

We support the proposed policies in their current form.

Q4 Are there any important policy omissions?

As said above, we feel that there may be a further need to articulate the consequences for non-compliance with the guidance.

Part 3 Code of practice

Q5

- a. Are the provisions of the Code in respect of statutory consultees workable and proportionate?**
- b. are any requirements unreasonable, and if so, please explain why?**
- c. are there any requirements missing, and if so, please explain why?**

We would hope that statutory consultees will welcome these proposals. However, we do acknowledge that the requirements may mean that they need to increase some internal resources.

Q6 Point 17 of the Code for statutory consultees, seeks to ensure that there is a strong commitment to achieving and maintaining high levels of performance. How might this element of the Code be strengthened, whilst recognising that current levels of performance by statutory consultees varies considerably and we want to encourage all statutory consultees to sign up the Code without delay?

As stated above, we believe that there is scope to be more specific about any action that might be taken in the event that a statutory consultee fails to meet the deadlines given to it.

Q7

- a. are the provisions of the Code in respect of local planning authorities workable and proportionate?**
- b. are any requirements unreasonable, and if so, please explain why?**
- c. are there any requirements missing, and if so, please explain why?**

We believe that these provisions are workable, but accept that there may be a necessary transition period to enable local planning authorities to up-skill and realign priorities where appropriate.

Part 4 Existing arrangement for consultation

Q8 Do you agree with the changes set out in Table A? If not, please specify what change is of concern and why?

We are broadly content with these changes.

Q9 Are there further changes that could cut down unnecessary consultation?

We support the process of wide consultation, providing this is done in a timely and proportionate manner.

Q10 Do you agree that we should review national policy recommendations for consultation when we are updating the relevant policy?

We do support this approach.

Part 5 Further measures to improve engagement

Q11 Do you agree that there should be greater clarity and consistency in the way statutory consultees provide advice on applications? Do you agree with approach we propose and the categories of advice we have identified?

We welcome the move towards greater consistency. Again, we would like to see more in relation to how this will be enforced.

Q12 Do you support the development of this consultation information resource on the Planning Portal? Do you find the format of the information useful? Is there any additional information that should be provided on this site which would be particularly useful?

We would support the development of a planning portal. However, any such portal will only be helpful providing it is user-friendly for both those that submit, approve and consult on any application.

Q13 Are there other ways, in addition to a new site on the Planning Portal, that we can encourage good practice? Are there other examples of good practice that should be included on the Planning Portal site?

BCSC believes that the Planning Portal would be an appropriate place to carry examples of best practice.

Q14 What are the main blockages preventing greater use of e-consultation between local planning authorities and statutory consultees? Are there simple and cost effective ways that the greater use of e-consultation could be encouraged?

There are still technological barriers for smaller firms, and also for less well resourced local authorities.

Q15 Should any changes be made to Circular 03/2009 to further clarify the award of costs regime in relation to statutory consultees? If so, what changes are necessary, and why?

N/A

Part 6 Improved Monitoring

Q16 Do you agree with these measures to improve the monitoring of the performance of statutory consultees?

We welcome the changes to the monitoring of performance, in particular the proposal that as from July 2010 CLG will publish a list of statutory consultees who have submitted an annual report and a list of those consultees that have not. However, we do think that further clarification is required to make this an enforceable requirement of a statutory consultee.

Q17 Are there any further measures which would strengthen the monitoring of performance?

See above.

If you would like to receive any information from us at this time, please feel free to contact our Public Affairs Manager Philippa Latimer on philippa.latimer@bcsc.org.uk or 0207 227 3455.

Yours sincerely,

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