A British Property Federation response to:

Technical Consultation on Planning

Introduction

1. The BPF represents companies owning, managing and investing in property. This includes a broad range of businesses comprising commercial property owners, the financial institutions and pension funds, corporate landlords, residential landlords, as well as all those professions that support the industry.

Section 1: Neighbourhood planning

Question 1.1: Do you agree that regulations should require an application for a neighbourhood area designation to be determined by a prescribed date? We are interested in the views of local planning authorities on the impact this proposal may have on them.

2. Yes.

Question 1.2: If a prescribed date is supported do you agree that this should apply only where:

- **the boundaries of the neighbourhood area applied for coincide with those of an existing parish or electoral ward; and**
- **there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought?**

3. Yes. However, it would seem likely that the more contentious neighbourhood area proposals are likely to suffer delays to their designation. It would be helpful if, there were a longer fixed time period for determining all other NA applications, such as 15 weeks.

Question 1.3: If a date is prescribed, do you agree that this should be 10 weeks (70 days) after a valid application is made? If you do not agree, is there an alternative time period that you would propose?

4. Yes, we support the proposed time period of 10 weeks, and suggest a deadline of 15 weeks for all other neighbourhood areas.

Question 1.4: Do you support our proposal not to change the period of six weeks in which representations can be made on an application for a neighbourhood area to be designated? If you do not, do you think this period should be shorter? What alternative time period would you propose?

5. Yes, the six week period should not be changed.

Question 1.5: We are interested in views on whether there are other stages in the neighbourhood planning process where time limits may be beneficial. Where time limits are considered beneficial, we would also welcome views on what might be an appropriate time period for local planning authority decision taking at each stage.

6. In order to fast-track the system further, a business improvement district (BID) that has the intention of creating a neighbourhood plan for the BID area should be fast-tracked through the Forum and Area designation stages. This differentiation from parish or community-led neighbourhood planning would encourage greater numbers of businesses to become involved and to directly support the process of creating a business-led neighbourhood plan.

Question 1.6: Do you support the removal of the requirement in regulations for a minimum of six weeks consultation and publicity before a neighbourhood plan or Order is submitted to a local planning authority?

7. Yes, this requirement should be removed.

Question 1.7: Do you agree that responsibility for publicising a proposed neighbourhood plan or Order, inviting representations and notifying consultation bodies ahead of independent examination should remain with a local planning authority? If you do not agree, what alternative proposals do you suggest, recognising the need to ensure that the process is open, transparent and robust?

8. Yes; responsibility for publicising a proposed neighbourhood plan or Order should remain with a local planning authority.

Question 1.8: Do you agree that regulations should require those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

9. Yes; regulations should require those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected.

Question 1.9: If regulations required those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process, what would be the estimated cost of that requirement to you or your organisation? Are there other material impacts that the requirement might have on you or your organisation? We are also interested in your views on how such consultation could be undertaken and for examples of successful approaches that may have been taken.

10. N/A

Question 1.10: Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or Order? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

11. Yes, there should be a new statutory requirement to test the nature and adequacy of consultation undertaken.

Question 1.11: Do you agree that it should be a statutory requirement that either: a statement of reasons; an environmental report, or an explanation of why the plan is

not subject to the requirements of the Strategic Environmental Assessment Directive must accompany a neighbourhood plan proposal when it is submitted to a local planning authority?

12. Yes.

Question 1.12: Aside from the proposals put forward in this consultation document are there alternative or further measures that would improve the understanding of how the Environmental Assessment of Plans and Programmes Regulations 2004 apply to neighbourhood plans? If there are such measures, should they be introduced through changes to existing guidance, policy or new legislation?

13. No. We consider the proposals detailed in the consultation document to be reasonable and sufficient.

Question 1.13: We would like your views on what further steps we and others could take to meet the Government's objective to see more communities taking up their right to produce a neighbourhood plan or neighbourhood development order. We are particularly interested in hearing views on:

- **stages in the process that are considered disproportionate to the purpose, or any unnecessary requirements that could be removed**
- **how the shared insights from early adopters could support and speed up the progress of others**
- **whether communities need to be supported differently**
- **innovative ways in which communities are funding, or could fund, their neighbourhood planning activities.**

14. Although there are an ever-increasing number of parish/ town council-led and local community-led neighbourhood forums and plans, we are concerned that the business-led neighbourhood plan-making process has not been taken up to anywhere near the same extent since inception. We believe that there are some changes that could be made to the process for making a business-led neighbourhood plan, in order for this tool to really make a difference to shaping and creating areas.

15. In particular, and as local authorities continue to have to cut expenditure on discretionary services, the role of place-making and shaping shifts more towards property owners and occupiers. It would therefore be more appropriate if business-led neighbourhood plans could be made by a different process to other such plans. For example, voting regimes could be similar to those used for BIDs. As there is likely in the future to be a voting mechanism for property-led BIDs (including owners), it should be possible to "graft" the two processes together, to provide a sensible and democratic basis for a BID to make a business-led Neighbourhood Plan expeditiously.

Section 2: Reducing planning regulations to support housing, high streets and growth

16. In principle, we support the proposed deregulation of changes of use. There is often too much unnecessary intervention in development and too little public benefit results. However, the current proposals are, in some cases, rather blunt instruments that should be carefully reconsidered and nuanced accordingly.

Question 2.1: Do you agree that there should be permitted development rights for (i) light industrial (B1(c)) buildings and (ii) storage and distribution (B8) buildings to change to residential (C3) use?

17. We support the intention behind this proposal, to help make development management processes simpler, easier to use and clearer and to ensure that appropriate development can take place without delay.

18. However, we are concerned that this particular proposal for a new change of use permitted development right is unlikely to significantly boost housing numbers and we have concerns that there is considerable potential for some unintended and negative consequences.

19. Many B1(c) and B8 buildings are not suitable in themselves for conversion to residential use and even to provide substandard accommodation, they would require significant changes that may well require planning permission in their own right. Such buildings are also often in locations that are deliberately set apart from residential areas; the transfer of businesses away from these areas may well therefore create longer journeys to work, contrary to the principles of sustainable development and the Government's own national planning policies for reducing the need to travel. In many cases, edge-of-urban areas in particular typically need more, not less, employment use allocations. For example, the growth in internet shopping deliveries being requires more B8 units; and, proximity to population densities helps limit delivery van miles.

20. We believe that there should be a more considered approach to bringing appropriate B8(c) and B1 buildings back into use so that they can, at the same time, become attractive places to live, work and play. There should also be an emphasis on maintaining those places that have a good balance of such things currently, rather than encouraging solely residential areas. Local authorities should be encouraged instead to take a more creative approach to conversion of suitable industrial buildings to other appropriate uses via planning policy and in determining planning applications; there are already suitable policy tests in place in national policy and guidance to assist councils in this way.

Question 2.2: Should the new permitted development right (i) include a limit on the amount of floor space that can change use to residential (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?

21. We do not support this proposed permitted development right, as explained above but if it were to be introduced with all of these necessary limitations and conditions, its value in terms of speeding up and simplifying change of use would be entirely

negated. It is our view that there are such limited scenarios in which this proposed permitted development right will be appropriate, it is not worthwhile introducing a whole new, extremely complex process for its achievement. We believe instead that there are much more effective ways in which the end result can be achieved, to ensure that there is no loss of valuable employment land and that new homes are well-located and well-designed.

Question 2.3: Do you agree that there should be permitted development rights, as proposed, for laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3) use and to carry out building work directly related to the change of use?

26. As with the industrial to residential change of use permitted development right proposals, this one is even more unlikely to produce a large quantity of new homes. In addition, many of the assets selected may not be at all suitable for conversion - and their loss, without the proper and full consideration of planning matters may denude places of valuable community assets.

27. We believe that, as above, instead of introducing this new and permitted development right, policy encouragement and guidance should be given to local authorities to take a positive attitude towards the proposed conversion of such assets where appropriate, via the planning application process.

Question 2.4: Should the new permitted development right include (i) a limit on the amount of floor space that can change use to residential and (ii) a prior approval in respect of design and external appearance?

28. We believe that the proposed tool is rather too heavy-handed, and therefore should be reconsidered and not pursued.

Question 2.5: Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential(C3)?

Question 2.6: Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

30. Response to 2.5 and 2.6:

    The starting point for continuing the principle of a permitted development right to change use from B1(a) offices to residential use is that the planning system must enable a managed approach, in order to ensure that some areas and some buildings, particularly in urban centres and in key employment locations, can continue to fulfil their locally, regionally and nationally important economic functions.

31. Removing the current exemption areas and introducing instead a general test of 'considering the potential impact of the significant loss of the most strategically important office accommodation within the local area' will introduce unacceptable levels of uncertainty for local planning authorities and for prospective developers throughout the country. Hence, we believe, if at all possible, that the exemption

areas' system should remain in place; however we are aware of the restrictions and limitations faced by Government.

32. Like many other stakeholders, we suggest that the proposal post-2016 in the consultation document is a step too far. As we stated in our initial response to the office to residential change of use permitted development right proposals in 2011, an Article 4-based system is to be preferred, in which the developer can benefit from the certainty of knowing that for a specific building or in a defined geographical zone, the rights have been withdrawn, and the local authority can take a more granular, evidence based approach.

33. As is suggested by others, we believe that the Secretary of State should identify broad criteria for the allocation of Strategic Office Locations, such as importance to the local and wider economy, opportunities for growth and intensification. Local authorities should be permitted to assess and define the most strategically important office accommodation in the local area and to widely consult at this stage.

34. The local authorities should notify the Secretary of State of the identified accommodation by submitting details (including any consultation responses) in a document of the strategically important office accommodation in the local area to the DCLG prior to the commencement of the new permitted development right. If the Secretary of State is not satisfied with the proposed description of what is strategic office accommodation in a local area, he may require a modification of the assessment or state that the local area has no strategic office accommodation, within 90 days of receiving the notice. This would be similar in process to the notification of an Article 4 Direction but without the large administrative burden and financial risks that and Article 4 Direction involves. It would also not exempt change of use planning applications from paying a fee.

35. Within the defined areas of strategic office accommodation change of use from B1(a) to C3 would not be permitted development. A local authority may decide it does not have any strategically important office accommodation and thus there should be no requirement for an LPA to undertake such an assessment or notify the Secretary of State of the results of such an assessment.

Question 2.7: Do you agree that the permitted development rights allowing larger extensions for dwelling houses should be made permanent?

36. We agree that the permitted development rights allowing larger extensions for dwelling houses should be made permanent. However, the deadline of May 2016 should not be removed as this may encourage sites to remain unfinished.

Question 2.8: Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?

Question 2.9: Do you agree that a planning application should be required for any change of use to a betting shop or a pay day loan shop?

Question 2.10: Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?

34. Response to 2.8, 2.9 and 2.10:

    Whilst we acknowledge the principles behind the proposals, there are other non-planning mechanisms (principally the licensing regime) that are better- placed to control any unwanted 'intensity of such uses in specific areas.

35. We have no suggestions for the definition of pay day loan shops or on the type of activities undertaken; again, it is not within the scope of land use planning to define the detailed nature and activities of any business that has no specific planning considerations of its own.

Question 2.11: Do you agree that there should be permitted development rights for (i) A1 and A2 premises and (ii) laundrettes, amusement arcades/centres, casinos and nightclubs to change use to restaurants and cafés (A3)?

36. Yes. We agree that there should be permitted development rights in this area, with the limitations and conditions proposed and with planning permission being required for material changes to the building's external appearance.

Question 2.12: Do you agree that there should be permitted development rights for A1 and A2 uses, laundrettes, amusement arcades/centres and nightclubs to change use to assembly and leisure (D2)?

37. Yes. We agree that there should be permitted development rights in this area, with the limitations and conditions proposed and with planning permission being required for material changes to the building's external appearance.

Question 2.13: Do you agree that there should be a permitted development right for an ancillary building within the curtilage of an existing shop?

38. Yes. However, although 20 square metres is sufficient to provide a standalone 'click and collect' facility, the size limit should exclude any canopy over the car loading area.

39. The permitted development right should not be subject to the prior approval process as a 'click and collect' facility would be ancillary to the retail use. As a result, the current requirement to seek planning permission for such uses rarely considers the principle of the use and tends to be limited to the more subjective areas of design, siting and external appearance.

40. We suggest that the prior approval requirement should be removed from the new development right, and should be replaced by a requirement for the external materials of the ancillary building to match the existing retail unit.

Question 2.14: Do you agree that there should be a permitted development right to extend loading bays for existing shops?

41. Yes. In addition to loading bay ramps and doors, the inclusion of associated canopies should be limited to a maximum height of 4 metres above ground level and not exceed the height of the wall in which the loading door is placed.

42. In addition, there should be additional clarification of the meaning of the 'existing loading bay' for the purposes of calculating the 20% limit. Any additional loading facilities provided under the new permitted development right should be controlled by any pre-existing conditions restricting hours of delivery and delivery procedures.

Question 2.15: Do you agree that the permitted development right allowing shops to build internal mezzanine floors should be increased from 200square metres?

43. Yes, in part. We believe this proposal should be used to encourage the more effective use of existing retail space and to contribute to maintaining and enhancing town centre vitality and viability. We therefore suggest that within defined town centres, the mezzanine size restriction should be entirely removed. Elsewhere, the restriction should be maintained, or increased by a prescribed amount, in order to allow local planning authorities to continue to consider and appropriately determine planning applications for additional internal retail space, such that they can continue to seek to understand the effects that new non-town centre floorspace may have on the high street.

Question 2.16: Do you agree that parking policy should be strengthened to tackle on-street parking problems by restricting powers to set maximum parking standards?

44. We do not consider that there should be a new 'blanket' restriction on local authorities setting maximum parking standards. The provision of parking is a complex area of transport and land use planning; we strongly believe that with local authorities having their local plans examined in accordance with the National Planning Policy Framework (and the Framework being a material consideration with considerable weight in the determination of planning applications), parking policies and standards already have to be fully in line with a national policy that fully takes into account all of the issues that parking provision raises.

Question 2.17: Do you agree that there should be a new permitted development right for commercial film and television production?

45. Yes. However, there should be additional, appropriate conditions and limitations to the permitted development right, in particular to limit the hours of operation and ensure that there is no material loss of amenity for neighbouring uses.

Question 2.18: Do you agree that there should be a permitted development right for the installation of solar PV up to 1MW on the roof of non-domestic buildings?

46. Yes. We support the increase to 1 MW. However, the proposed prior approval process relating to siting and design would negate any benefit associated with the relaxation. It should be removed. As an alternative, we suggest that the new permitted development right incorporates the wording of the existing Order - *'Panels should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.'*

47. We strongly suggest that the Government gives thought to extending this PDR to the curtilage of non-domestic buildings. This would allow, for example, a supermarket car park to be roofed in solar panels.

Question 2.19: Do you agree that the permitted development rights allowing larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings should be made permanent?

48. Yes.

Question 2.20: Do you agree that there should be a new permitted development right for waste management facilities to replace buildings, equipment and machinery?

49. Yes.

Question 2.21: Do you agree that permitted development rights for sewerage undertakers should be extended to include equipment housings?

50. Yes.

Question 2.22: Do you have any other comments or suggestions for extending permitted development rights?

51. Yes. In addition to some of the proposals made above, there should be a simplification of the existing 'rules' for demolition – and a new permitted development right should be brought into force for infrastructure installations, such as gas holders.

52. With regard to any further change of use permitted development rights that could be brought forward, there are often challenges now, in finding appropriate premises to convert to new shops in areas of demand and in designated retail locations. Therefore we would suggest that consideration be given to a new change of use permitted development right that would allow other types of property - such as ground floor offices (which in the main have offices above, as part of a block) to change to A1 where they are in designated retail locations, without the need to apply for planning permission for the principle of the use. The ground floor of such buildings is frequently unattractive to office occupiers and therefore an active use could be introduced and maintained on the ground floor in these retail locations by the new retailers.

53. Converting a ground floor office currently requires a planning application for change of use. Most local planning authorities have policies that safeguard all employment floorspace, with little thought being given to the location, the suitability of the building for offices and the character of the surrounding area.

54. Given the relaxation of the need to apply for permission to convert offices to residential, we therefore suggest that there is an equally good case to allow a permitted change of use for ground floor offices to retail in designated retail locations, with no prior approval process.

Question 2.23: Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence

regarding the impact of the proposal on the number of new betting shops and pay day loan shops, and the costs and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?

55. No.

Question 2.24: Do you agree (i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 direction and (ii) should the compensation regulations also cover the permitted development rights set out in the consultation?

56. Yes - where prior approval for permitted development has been given, but not yet implemented, it should most definitely not be removed by any subsequent Article 4 direction. If there is a concern that prior approvals are not being implemented and this is affecting land use matters, then consideration should be given to time-limiting prior approvals in terms of start date (as with planning permissions).

57. The compensation regulations should cover the permitted development rights set out in the consultation.

Section 3: Improving the use of planning conditions

Question 3.1: Do you have any general comments on our intention to introduce a deemed discharge for planning conditions?

58. We agree wholeheartedly with the intention to introduce a deemed discharge for planning conditions by way of the Infrastructure Bill that is currently making its way through Parliament, not only to ensure that post-permission delays preventing implementation are not incurred by developers, but to release some of the development management pressure placed on struggling local authorities.

Question 3.2: Do you agree with our proposal to exclude some types of conditions from the deemed discharge (e.g. conditions in areas of high flood risk)? Where we exclude a type of condition should we apply the exemption to all the conditions in the planning permission requiring discharge or only those relating to the reason for the exemption (e.g. those relating to flooding)? Are there other types of conditions that you think should also be excluded?

59. No. We see no real reason to exclude developments that are subject to conditions in areas of high flood risk, nor an Environmental Impact Assessment, providing that there are no unassessed environmental or flood risk effects.

60. The proposed exclusion of conditions requiring a s106 obligation or s278 agreement is an unnecessary burden. Deemed discharge should apply to both, particularly as it will otherwise encourage the transfer of matters that should be included within conditions into s106 obligations.

Question 3.3: Do you agree with our proposal that a deemed discharge should be an applicant option activated by the serving of a notice, rather than applying automatically? If not, why?

61. Yes.

Question 3.4: Do you agree with our proposed timings for when a deemed discharge would be available to an applicant? If not, why? What alternative timing would you suggest?

62. Yes.

Question 3.5: We propose that (unless the type of condition is excluded) deemed discharge would be available for conditions in full or outline (not reserved matters) planning permissions under S.70, 73, and 73A of the Town and Country Planning Act 1990 (as amended).Do you think that deemed discharge should be available for other types of consents such as advertisement consent, or planning permission granted by a local development order?

63. Yes.

Question 3.6: Do you agree that the time limit for the fee refund should be shortened from twelve weeks to eight weeks? If not, why?

64. Yes.

Question 3.7: Are there any instances where you consider that a return of the fee after eight weeks would not be appropriate? Why?

65. No.

Question 3.8: Do you agree there should be a requirement for local planning authorities to share draft conditions with applicants for major developments before they can make a decision on the application?

Question 3.9: Do you agree that this requirement should be limited to major applications?

66. Response to 3.8 and 3.9:

    Although we agree with the sharing of draft conditions with applicants in principle, making this a legal requirement may have unintended consequences. A new area of legal challenge would arise in the mechanics of the sharing itself, and there would generally be a far greater potential for delay in the system.

67. We believe that a better way to ensure that this collaborative and transparent way of working becomes more commonplace is to amend the Planning Practice Guidance (PPG) to include more advice and more encouragement to local authorities to share their draft conditions, and the timing etc. for how best to go about doing so.

Question 3.10: When do you consider it to be an appropriate time to share draft conditions:

- **10 days before a planning permissions is granted?**
- **5 days before a planning permissions is granted? Or**

- **another time?, please detail**

68. We believe that, as suggested above, this should not be a legal requirement; instead, the PPG should provide guidance to the affect that the local authority should share their conditions in reasonable time, in relation to the determination process.

Question 3.11: We have identified two possible options for dealing with late changes or additions to conditions – Option A or Option B. Which option do you prefer? If neither, can you suggest another way of addressing this issue and if so please explain your alternative approach?

69. We support Option A, as Option B suggests that there would be greater scope for the new process to be used as a delaying tool.

Question 3.12: Do you agree there should be an additional requirement for local planning authorities to justify the use of pre-commencement conditions?

70. We believe that, as suggested above, this should not be a legal requirement, but recommended good practice in the PPG that the local authority should justify their use of pre-commencement conditions. The PPG should also deal with when to consult in respect of planning conditions as continued consultation on condition details is a regular cause of delay on projects.

Question 3.13: Do you think that the proposed requirement for local planning authorities to justify the use of pre-commencement conditions should be expanded to apply to conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead?

71. As above, we suggest that this should take the form of guidance on encouragement in the PPG, rather than a legal requirement.

Question 3.14: What more could be done to ensure that conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead are appropriate and that the timing is suitable and properly justified?

72. N/A

Section 4: Planning application process Improvements

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.

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?

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? 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?

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.

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.

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 a pre-application stage. Do you have any comments on what specific measures would be necessary to facilitate more regular use of this flexibility?

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.

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?

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

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

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?

73. We agree with all of the proposals in Section 4 of this consultation and have no further comments, except that there should be greater monitoring of the timescales relating to the pre-application process, as they can be very lengthy.

Section 5: Environmental Impact Assessment Thresholds

Question 5.1: Do you agree that the existing thresholds for urban development and industrial estate development which are outside of sensitive areas are unnecessarily low?

Question 5.2: Do you have any comments on where we propose to set the new thresholds?

Question 5.3: If you consider there is scope to raise the screening threshold for residential dwellings above our current proposal, or to raise thresholds for other Schedule 2 categories, what would you suggest and why?

74. We agree with all the proposals in Section 5 of this consultation, and believe them to reach a balanced conclusion. However, there will be some applications, such as those for tall buildings, where the site area is smaller than that specified but an EIA should still be undertaken.

75. A discussion surround the process of EIA would be welcome in order to reduce the burden (both time and expense) on the developer.

Section 6: Improving the nationally significant infrastructure planning regime

Question 6.1: Do you agree that the three characteristics set out in paragraph 6.10 are suitable for assessing whether a change to a Development Consent Order is more likely to be non-material? Are there any others that should be considered?

Question 6.2: Do you agree with:

(i) making publicising and consulting on a non-material change the responsibility of the applicant, rather than the Secretary of State?

(ii) the additional amendments (see above) to regulations proposed for handling non-material changes?

Question 6.3: Do you agree with the proposals:

(i) to change the consultation requirements for a proposed application for a material change to a Development Consent Order?

(ii) to remove the requirement on an applicant to prepare a statement of community consultation for an application for a material change?

(iii) to remove the current requirement to publish a notice publicising a proposed application where an application for a material change is to be made?

Question 6.4: Do you agree with the proposal that there should be a new regulation allowing the Secretary of State to dispense with the need to hold an examination into an application for a material change?

Question 6.5: Do you agree with the proposal to reduce the statutory time periods set out in the 2011 Regulations to four months for the examination of an application for a material change, two months for the examining authority to produce a report and their recommendation and two months for the Secretary of State to reach a decision?

Question 6.6: Are there any other issues that should be covered if guidance is produced on the procedures for making non-material and material changes to Development Consent Orders?

Question 6.7: Do you agree with the proposal that applicants should be able to include the ten consents (listed below) within a Development Consent Order without the prior approval of the relevant consenting body?

Question 6.8: Do you agree with the ways in which we propose to approach these reforms?

Question 6.9: Are there any other ideas that we should consider in enacting the proposed changes?

Question 6.10: Do you have any views on the proposal for some of the consents to deal only with the construction stage of projects, and for some to also cover the operational stage of projects?

Question 6.11: Are there any other comments you wish to make in response to this section of the consultation?

76. We agree with all of the proposals in Section 6 of this consultation and we have no further comments to make.

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