



**Infrastructure
Forum**
CONSTRUCTING EXCELLENCE

**'IMPROVING INDUSTRY PERFORMANCE
IN THE UK INFRASTRUCTURE SECTOR'**

**Planning White Paper Consultation Response
from the Infrastructure Forum**

Collected on 23rd July 2007

**Facilitated by Peter Kydd, PB
Chaired by Simon Flint, Balfour Beatty Civil Engineering**

Submitted to: Planning Reform Team, Department for Communities and Local Government

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1. **Planning for a Sustainable Future – White Paper Consultation Response**

This report is in response to HM Government consultation on the ‘Planning for a Sustainable Future White Paper’.

The White Paper sets out an ambitious programme of proposals to be taken forward in the next three years. Some of the proposals will require legislation, others changes in policy and guidance. In developing these proposals, the Infrastructure Members want to work closely with Government and where appropriate provide a response to the direction and the decisions being outlined.

The consultation raises some important questions on which the Infrastructure Forum believe important to contribute as a strategic and important body in industry.

2. Executive Summary

We welcome the contents of the White Paper and strongly agree with the objectives it is seeking to achieve. As with all new processes, there are elements on which we would welcome further detail and we have drawn attention to these in our responses. We support and recognise this is a positive progression in the development of planning.

The Infrastructure Forum is the only body in the construction industry to take a vertical slice through the Infrastructure Sector. The Forum involves a wide mix of organisations including government in all its forms, clients in the public and private sector, developers, contractors, specialist and consultants, suppliers and logistics companies, to make-up a diverse and interesting strategic group of organizations, able to address issues of national importance for the Infrastructure Forum Members.

The vision for the Forum is to be a strategic industry body, working for industry, in collaboration with key sector bodies and Government to demonstrably change the performance of the sector.

We would like to support our comments in response to the consultation with the following comments to support the Forums values:

- Earlier involvement promotes greater collaborative working
- Clear leadership strengths operational delivery and improves value
- A clear commitment to sustainability at every stage of the built environment process.
- Achieving an appropriate balance between economic, environmental and social requirements
- An enhanced relationship between Government and industry will deliver better outcomes.

Collectively as an industry body we see this improvement in the planning system as an investment to the long term development of our industry and ultimately the built environment we deliver for the economic prosperity of the country.

This consultation response has been prepared on behalf of the Construction Excellence Infrastructure Forum. It represents the considered views of those members on the Forum, a list of which is available elsewhere in this document, and has been assembled from the outputs of a workshop held in London on Monday 23rd July at which we were privileged to have a presentation on the white paper and its implications from Ian Scotter, Deputy Director of the Planning Reform Team at the Department of Communities and Local Government. Members of the Forum unable to attend that meeting have also been able to contribute to this document as have the wider membership of Construction Excellence.

The following comments are constructed to help add value and clarity to proposals outlined in the White Paper and our key messages to support the consultation submission.

- Political stability – A period of consultation is essential to stop overnight U-turns in the format of national policy statements. An expressed procedure should be developed to ensure legitimacy in policies is maintained throughout changes in government and changes within government. It is acknowledged that politics cannot be legislated out of the process but we can look forward to try and maintain stability.
- Complementary policy – Although joined up thinking is advocated by the Infrastructure Forum, conflicting legislation could potentially be developed and great care will be required to ensure that the national policy statements are not compromised by legislation or direction that may support one policy but conflicts with another.
- Quality of IPCs – The technical input to the IPC Panel is not considered sufficient. Neither technical experts nor engineers have been included in the proposed structure of the IPCs. The appointment of panels should be reviewed to ensure the quality of the panels is similar to that of current Planning Inspectors. Furthermore in the interest of clarity, the selection committee must be defined within the White Paper.
- Compatibility with Regional Spatial Strategies – Further clarification is necessary to determine how national policy statements will tie in with Regional Spatial Strategies.
- Implementation date – The proposed implementation date for the white paper is considered ambitious. It is essential that prior to implementation a skills base is developed that will sit below the IPC panels, this will include administrative and IT procedures. In addition, national policy statements need to have been drawn up and adopted before the IPC sits for the first time.

We look forward to the introduction of legislation at the appropriate time – once the national policy statements have been drawn up and accepted, and the processes required for successful implementation are in place – to support these changes. We believe that a more efficient and productive planning system, consistent with the sustainable development principles of achieving an appropriate balance between economic, environmental and social requirements in a more efficient and predictable way will encourage greater investment in major infrastructure projects by the private sector. At the same time it will also provide a more consistent approach in consideration of differing views and the principle of early stakeholder and public consultation will, we believe, encourage early resolution of such issues to the benefit of all parties.

3. Introduction

As a working group we have been examining the benefits of long term planning. An industry that is forewarned is able to develop a proactive response to the rising issues. The result is the opportunity to create added value and leave less to chance.

Within the Infrastructure Forum the following areas have been examined:

- Stakeholder management
- Resource management
- Environment/Climate Change
- Improved investment in UK construction
- Improving UK's economic viability

The spirit of this White Paper lends to this in that it is taking the unpredictability out of the Public Inquiry process. Less risk offers the client greater flexibility of when to engage the contractor and thus his supply chain.

Earlier involvement promotes greater collaborative working and thus the opportunity for the whole supply chain to add value. The result will be better quality, and optimal solutions based on whole life costs that benefit directly the community.

This paper is part of a series of initiatives that the working group has been pursuing. It is the conclusion of a process that had the following steps:

- Preliminary discussion
- Review paper highlighting key points
- Detailed discussion – identifying key issues
- Presentation by Ian Scotter, DCLG
- Review of 40 White Paper Discussions

This paper will be passed up to Constructing Excellence for approval before submitting by the Infrastructure in unison with other consultation documents Constructing Excellence has participated and submitted to meet the 17th August 2007 deadline.

This process has been enhanced by the efforts of Ian Scotter and Peter Kydd, Parsons Brinkeroff. We thank them both and supporting team.

4. Consultation Response

The following are responses to the specific questions outlined in the White Paper. The Infrastructure Forum consultation group identified key questions, discussed openly and concluded the questions with the following responses. The statements expressed are based on a collective decision of the group present at the consultation meeting.

Q.7 Timescale of national policy statements

We propose that national policy statements should, in principle, have a timeframe of 10-25 years, depending on the sector.

Do you agree, in principle, that 10-25 years is the right forward horizon for national policy statements?

If not, what timeframe do you consider to be appropriate?

- The Infrastructure Forum **strongly** supports the proposal to introduce a timeframe of 10-25 years for each national policy statement. Where possible the Infrastructure Forum believes that implementation of the upper limit should be encouraged.

Q.10 Transitional arrangements

Where relevant policy statements already exist we propose that these should acquire the status of national policy statements for the purposes of decision making by the commission. However, in order for this to be possible, they will need to meet the core elements and standards for national policy statements with regard to both content and consultation.

Do you agree, in principle, that subject to meeting the core elements and standards for national policy statements Paper, policy statements in existence on commencement of the new regime should be capable of acquiring the status of national policy statements for the purposes of decision making by the commission?

If not, what alternative arrangements do you propose?

- **The** Infrastructure Forum does not consider the use of existing national policies an appropriate base for national policy statements. The development of national policy statements requires fresh thinking and it is essential that work on their development begins immediately. The implementation of the new regime should concur with the completion of national policy statements. If necessary the proposed implementation date should be delayed to enable national policy statements to be fully developed.
- We believe that the national policy statements should be binding upon all ministries and demonstrate 'joined up thinking' in the true sense of this term across Government. As such, existing policies are not 'fit for purpose' as they tend to be single department outputs. The development of policies should have three time frames – immediate, medium/long term and aspirational. The immediate guidance should not be changed, but aspirations can be constantly under review to ensure we remain a progressive nation.

Q.11 The preparation of applications

To avoid delays during the decision making process, we propose that promoters of nationally significant infrastructure projects would be required to prepare applications to a defined standard before the infrastructure planning commission would agree to consider them.

Do you agree, in principle, that promoters should have to prepare applications to a defined standard before the infrastructure planning commission agrees to consider them?

- The Infrastructure Forum agrees that promoters should prepare applications to defined standard however, it is essential that the agreed defined standard is appropriate for the project requirement. The standard must be compatible with the size and impacts of the project.

Q.12 Consultation by promoters

We propose that promoters of nationally significant infrastructure projects should be required to consult the public and, in particular, affected landowners and local communities, on their proposals before submitting an application to the commission.

Do you agree, in principle, that promoters should be required to consult the public before submitting an application to the infrastructure planning commission?

Do you think this consultation should take a particular form?

- **The** Infrastructure Forum supports the requirement for promoters to consult with the public prior to submitting an application. The introduction of this policy will encourage good practice. Furthermore given that there would now exist the opportunity to resolve matters before the start of an inquiry it should reduce public inquiry durations.
- A large part of the industry infrastructure supply chain should be engaged before Public Inquiry. Therefore it is envisaged that by taking the right steps and preparing a robust submission the outcome will be more favourable to the promoter. This will encourage more industry support at the crucial early stage.
- One aspect not covered specifically by the White Paper but which has been successfully adopted in other countries is the resolution of some issues through early agreement of appropriate compensation. Any process that is able to minimise legal costs whilst providing greater opportunity for resolving issues through payment of mitigation measures is welcomed.

Q.13 Consulting local authorities

We propose that promoters of nationally significant infrastructure projects would be required to engage with affected local authorities on their proposals from early in the project development process.

Do you agree, in principle, that relevant local authorities should have special status in any consultation?

Do you think the local authority role should take a particular form?

- The Infrastructure Forum is concerned that the term “special status” has been used within the White Paper. There remains some confusion on what the implications of “special status” will mean to the process. Will it result in extra votes for the local authority or will local authorities get some form of compensation? The Infrastructure Forum suggests that the term “special status” should be defined within the White Paper.

Q14 Do you agree, in principle, that this list of statutory consultees is appropriate at the project development stage?

Are there any bodies not included who should be?

- Please remember the professional institutions who can add value to the process.

Q.15 Statutory consultees’ responsibilities

We propose that legislation should impose an upper limit on the time that statutory consultees have to respond to a promoter’s consultation.

Do you agree in principle that the Government should set out, in legislation, an upper limit on the time that statutory consultees have to respond to a promoter’s consultation?

If so, what time limit would be appropriate?

- The Infrastructure Forum supports the proposal to implement an upper limit on the time that statutory consultees have to respond to a promoter’s consultation as set out in the White Paper.
- We offer an indication of the upper time limit in Q15. to be 6 weeks maximum.
- Question 15 does not seem to reflect the situation since 24th August 2005 and ODPM Circular 08/2005 ‘Guidance on Changes to the Development Control System’ which comprehensively addressed statutory consultees response times and instituted annual reporting and review procedures on such consultees.

Q.20 Scope of infrastructure planning commission

We propose that the commission would deal with development consent applications for nationally significant transport, water, wastewater and waste infrastructure in England, and energy infrastructure in England and Wales, which exceeded statutory thresholds. Chapter 5 of the White Paper sets out some indicative thresholds:

*Do you agree, in principle, that these thresholds are appropriate?
If not, what alternative thresholds would you propose?*

- The Infrastructure Forum supports the implementation of thresholds proposed in the White Paper.

Q.23 Other routes to the infrastructure planning commission.

Do you agree, in principle, that it is appropriate for ministers to specify projects for consideration by the commission via national policy statements or ministerial directions to the commission?

If not, how would you propose changing technology or sectoral circumstances should be accommodated?

- Only in exceptional circumstances should the ministers be given the power to specify projects for consideration by the commission, for example in the case of the EU disaster relief fund.
- The Infrastructure Forum would like confirmation if ministers also have the power to take away projects from the commission. It is the view of the Infrastructure Forum that this should not be the case.

Q.29 Decision

We propose that the commission would approve any application for development consent for a nationally significant infrastructure project which had main aims consistent with the relevant national policy statement, unless adverse local consequences outweighed the benefits, including national benefits identified in the national policy statement. Adverse local consequences, for these purposes, would be those incompatible with relevant EC and domestic law, including human rights legislation. Relevant domestic law for infrastructure sectors would be identified in the planning reform legislation.

Do you agree that the commission should decide applications in line with the framework set out above?

If not, what changes should be made or what alternative considerations should it use?

- The success of the regime is dependent upon the consistency of the IPC panels. To ensure appropriate decisions are made the Infrastructure Forum considers training for IPC panel members to be essential. The Infrastructure Forum is concerned that without training commissioners may work independently.
- It is essential that safeguards are put in place to ensure consistency across decisions. Any inconsistency could lead to unpredictability which would ultimately reduce the value of the proposed reforms.

- Consultation on the guidance for commissioners must be carried out to ensure there is clarity in the process.
- Consistency in the process would improve the regime as a whole; given that decisions made in one IPC inquiry could be rolled forward into future IPC panel, there should be little need to re-debate general issues. It is the hope of the Infrastructure Forum that after a time only site specific issues would need to be debated.

Q.35 More flexible response to a successful legal challenge

Subject to finding a legally robust way forward, we propose to seek legislation to enable the High Court to order that a plan is sent back to an earlier stage of its process rather than back to the start. This proposal would also apply to a Regional Spatial Strategy.

Do you agree that the High Court should be able to direct a plan (both at local and regional level) to be returned to an earlier stage in its preparation process, rather than just the very start?

- The Infrastructure Forum supports this proposal and considers it to be a sensible methodology to be taken forward as it will result in some degree of time saving throughout the process.

5. General Comments to accompany consultation comments

The following comments were received following the consultation meeting but valuable and informative to support the consultation. The responses are referenced back to the main consultation document.

- (3.15 page 49)
It seeks to put a national framework in place but there are clear tensions not addressed in how to balance / interests, are to be taken forward outside England, Scotland and Wales.
- (5.53)
Finding and supporting in the required timeframe Commissioners and Secretariat.
- Attracting and appointing Commissioners willing to serve, available, of sufficient reputation and sufficiently distanced from previous forums, judges, ex Inspectors, ex Chief Executives of Local Authorities, Council Leaders?
- Experience of Casino Advisory Panel and decision making there may make candidates more circumspect.

6. Conclusion to the White Paper

The White Paper is viewed by the Infrastructure Forum as a positive step in the right direction. Collectively we are supportive of a paper which seeks to cover the whole of the planning system including infrastructure. It is envisaged that the planning process will become more predictable in process, thereby reducing the risks involved.

It is important that the revision of the planning is correctly launch and time allowed for correct initiation of the improved approach to planning. It is worth allowing enough time to get this framework right and have a full debate, to avoid introducing things such as HIPS that are not thought through.

More emphasis should be placed on the long term timeframe. The industry should be promoting the merits of the 25 + year timeframe. The statement “implementation of the upper limit should be encouraged” is not strong enough. At the meetings I have attended there appeared to be a strong belief in longer term horizons.

A better approach must consider:

- Long term timeframe covering several parliaments facilitating stability and continuity will need to be understood to avoid political interference. (rather than ‘u’ turns)
- Practical approaches to, encourage sustainable development and construction including sustainable procurement.
- Place trust in the professionals – give them the aspirations for the country, then let them produce the detail.
- The correct skill based must be invested in by government to ensure the new process is successful.

7. General Comments on the Planning Process

General comments on planning and practical issues faced by industry relating to planning.

- Far too long timescales with excessive costs for clients (fees and inflation) putting projects at risk.
- Planning is too reactionary. It tends to respond to pressure from developers but does not actually plan as it should. The national policy statements should feed down to regional and local initiatives that deliver the policy. This is not happening at the moment.
- Skills base
- Supply of skills, continuity and experience of professionals in key areas eg planners, environmental health and highways engineering officers, management of applications database on web sites within local authorities.
- Long term resourcing and capacity in planning schools, grants and bursaries extension.
- The next delay in consideration of proposals will be lack of flood assessment compilers and reviewers.

Statutory Consultees and TCP (GDP) Order 1995

9.19 This has been proposed and the subject of consultation since 12th December 2001 (paragraphs 5.29 – 5.35 of Planning Green Paper - Planning: Delivering a Fundamental Change).

8. Organisations involved in the Consultation Process

Balfour Beatty	Simon Flint
Constructing Excellence	Tim Embley
	Anna Russell
Parsons Brinckerhoff (PB)	Peter Kydd
	Katie Hall
	Robert Blackadder
	Peter Stubbs
Jim Barrack Consulting	Jim Barrack
Concrete Centre	Alan Bromage
Petroplus Bitumen	Gareth Evans
Channel Tunnel Rail	Lester Hillman
Westfield	Philip Isgar
Bre	Sandy Mackay
Costain	Mike Napier
	Geoff Hughes
Traxsydes Training	Mary Roberts
Energy and Utility Skills Limited	Bob Windmill
Alfred McAlpine	Alan Garner
DHL	John Humpreys
Highways Agency	Nick Hopcraft
Mott MacDonald	Stephen Coker
Ringway	Sean Geiser
Capita Symonds	Jonathan Thomas
Accord Highways	Phil Bridge
East Riding Yorkshire Council	Steve Baker
Geldards	Tony Norris
Crossrail	Paul Gilfedder
Marshall	Jaz Vilku
4 Delivery Limited	Bill Marshall

9. Submission instructions

Please send your response, no later than **17th August 2007** to:

Planning Reform Team
Department for Communities and Local Government
3/J2 Eland House
Bressenden Place
London
SW1E 5DU

Or by email to planningreformconsultation@communities.gsi.gov.uk