

DCLG CONSULTATION

Nationally significant infrastructure planning: extending the regime to business and commercial projects

Consultation Response Form:

The closing date for responses is Monday 7 January 2013.

About you

i) Your details:
Name: Shane Gould
Position: Senior Local Government & National Infrastructure Adviser
Name of organisation (if applicable): English Heritage
Address: 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Email: Shane.Gould@english-heritage.org.uk
Telephone number: 020 7973 3841

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

iii) Please indicate which best describes you or your organisation:

Non-Departmental Public Body

iv) What is your main area of expertise or interest in this work?

Environmental protection

v) Would you be happy for us to contact you again in relation to this questionnaire?

Yes

Consultation Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that the proposed list of development types set out at Annex A should be prescribed in regulations in order to make them capable of a direction into the nationally significant infrastructure regime?

Yes

Comments – Paragraph 16 states that it will be up to developers in the first instance to determine whether they would like their application to be determined by the Secretary of State. These decisions are to be based on the criteria set out in Annex A. However, in the absence of more detailed information on the types of project, thresholds and guidance on when they are appropriate to be dealt with under the Planning Act 2008 we feel there is the potential for possible confusion. This could be addressed by the Government producing a National Policy Statement.

Question 2: Do you think that thresholds should apply and, if so, whether those in column 2 of the table at Annex A are appropriate? If not, how should these be changed?

Yes

Comments – However, we feel further explanation is required in the form of an over-arching National Policy Statement for business and commercial projects.

Question 3: Do you agree with our assessment of the factors that the Secretary of State would need to take into account when considering whether a project is nationally significant?

Comments – The factors could be made clearer by the presence of an accompanying National Policy Statement. In the absence of such a Statement tailored to all considerations including those affecting the historic environment there is the potential for possible confusion and ambiguity.

Question 4: Do you agree that retail projects should not be a prescribed business or commercial project?

Yes / No

Comments – When describing retail and associated development paragraph 37 could create possible uncertainty. For example, retail might be included under 'conference and exhibition centres' and 'leisure, sports and recreation' as described in Annex A. Although it is noted that the Department has produced guidance on associated development we believe this could be further clarified in a National Policy Statement.

Question 5: Do you agree that Government should not prepare a National Policy Statement (or Statements) for the new category of business and commercial development?

No

Comments – National Policy Statements provide further clarity and certainty for all those engaged in the process. They provide an important link to the National Planning Policy Framework, but in their absence it can be difficult to deal with applications, which might then require additional work from developers, local authorities, statutory consultees and others. By having a National Policy Statement in place which encompasses the policy principles set out within the National Planning Policy Framework these potential problems can be overcome resulting in a quicker and more efficient process. They can also help to address possible ambiguity when dealing with applications affecting the historic environment.

An overarching National Policy Statement has already been produced for energy generation and we suggest a similar approach could be taken for nationally significant business and commercial projects. This does not need to contain an in depth detailed analysis, but sets out the headline terms thereby providing a clear steer for applicants.

Question 6: Do you have any other comments on the proposals that you would like to make?

Yes

Comments – We welcome the Government's intention as set out in the consultation to finalise the National Policy Statement on hazardous waste in spring 2013, but note that those relating to airports, national networks (road and rail) and water supply have yet to be brought forward. We therefore urge the Government to address this as a matter of urgency in order to provide further clarity for all those involved in the process.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk