

The Institution of Environmental Sciences

The professional body for environmental scientists
President: His Grace the Duke of Westminster OBE TD DL



PO Box 16
BOURNE
PE10 9FB

Telephone & Fax: +44 (0) 1778 394846
E-mail: ies-uk@breathemail.net
Web site: <http://www.ies-uk.org>

Our File Ref: 7.5.4

Sen: 15/3/02

CONSULTATION PAPER

REFORM OF PLANNING OBLIGATIONS

COMMENTS FROM THE INSTITUTION OF ENVIRONMENTAL SCIENCES

Introduction

1. This note contains the comments of the Institution of Environmental Sciences on the above Consultation Paper issued by the Department of Transport, Local Government and the Regions (DTLR) in December 2001.
2. We welcome the invitation to contribute on the issues raised by the proposals for improving the planning process in relation to planning obligations. This is an important topic, and one in which clarity and consistency is required.
3. The structure of our note follows the ordering of the Consultation Paper. As relevant we have referred to the paragraph numbers in the Consultation Paper, and in general we have only commented upon key issues. We have also summarised our response to the questions raised at the end of the Consultation Paper.

Objectives for Planning Objectives

4. We support the proposal to turn planning obligations into a positive planning tool (para 2.1). This will hopefully help spread the overall positive impacts of development wider. Related to this, we also endorse the re-focussing of planning obligations to deliver sustainable development (para 2.2). This will help ensure other government initiatives are supported in a consistent way.
5. The proposal that details of all planning obligations should be available for public inspection is welcome (para 1.11). This will ensure transparency in decision-making, and will also assist in future monitoring of the approach.

6. We also support the proposal for seeking a contribution for affordable housing from a range of development types, not just residential developments (para 2.7). This is in line with supporting sustainable development, as commercial developments may generate a demand for labour that is being inhibited through a shortage of affordable housing. It is only reasonable, therefore, that the benefits secured through planning obligations are used to support the development of affordable housing which in turn will assist the more efficient operation of the market.

Proposals for Improvement and Reform

7. The proposal for planning obligations to take the form of a standard tariff set locally through the local plan process, is one we can support (para 4.1). The retention of the ability to negotiate certain issues is, however, important. It is important that this proposal is backed up by the development and issuing of national guidance, as proposed (para 4.3). Without this there is a risk of inconsistency in approach by local authorities, or failure to maximise the benefits that the reforms might otherwise achieve.
8. Local planning authority discretion on the types, size and location of development subject to the tariff is appropriate, within reason (para 4.6). It will be important for national guidance to support this to ensure consistency in approach, notwithstanding real local needs and priorities. This is an area where inconsistency between areas could easily develop, but equally the ability for local authorities to develop measures to suit their local requirements is important. Equally, it is reasonable to allow local authorities the ability to reduce or waive tariffs in certain circumstances, such as for developments that make major contributions to sustainable development (para 4.9). This is an area where further research and guidance to local authorities could be very beneficial.
9. We would support the proposal that developments should not be subject to multiple planning obligations agreed for different purposes and with different agencies (para 4.8). Removal of this would be a progressive step.
10. In terms of the type of tariff to be implemented, we would propose that the use of the development value of the scheme is used as the basis for setting the tariff (para 4.12). Whilst this is potentially more complicated than, say, the use of a gross floorspace assessment, it is likely to be more equitable in overall terms. A floorspace assessment could, for example, result in the same tariff for two different value land uses, such as offices and manufacturing use – unless a different set of tariffs was agreed for different types of land uses. However, this in itself starts to raise issues of complexity, which would suggest that the development value approach might be more reasonable as the values would be related to the scheme itself rather than a notional value for a land use type. It would be important to have clear guidelines on assessing value, either through independent valuations or by agreeing a standard methodology for agreeing value.

11. It would be reasonable to exclude smaller developments from the tariff (para 4.13). Whilst there are strong arguments for setting the threshold nationally, initially at least, we feel this may be inappropriate. It should be left to local authorities to determine appropriate thresholds, ideally with national guidelines, but a monitoring arrangement needs to be put in place to ensure that the system is working effectively. We would suggest, however, that the residential threshold is too low – it is effectively a tariff on all developments of more than one house or three flats. A threshold of 300 square metres might be more appropriate. However, this raises the very issue that is best decided locally, in line with other planning policy considerations.
12. The potential to lever greater benefits across local authorities through pooling contributions from tariffs is considerable (para 4.15). We would support this proposal. As indicated in the Consultation Paper, it will be important the clear and auditable monitoring arrangements are in place to support such arrangements.
13. We would support the proposal for local authorities to define the proportion of the tariff to be used to deliver affordable housing (para 4.19). This should help in better meeting the needs of particular areas. We would, as mentioned in point 6 above, support the tariff for such housing coming from both residential and commercial developments.
14. We have some concerns over the proposal to allow local authorities to allocate sites solely for affordable housing (para 4.24). Whilst mention is made in the Consultation Paper about ensuring such developments are consistent with creating mixed and balanced communities, there is a risk of 'sink' developments arising if careful consideration is not given to such developments. Nevertheless, successful 'single site' affordable housing developments can be achieved, and such a critical mass may assist in making such development more viable. We would, however, urge that such policy developments are fully considered at a local authority level.
15. It is proposed that the tariffs are also used to bring empty property back into affordable residential use (para 4.25). We would support this proposal, but care will be needed at the local level to ensure policies and tariff arrangements are mutually supportive. Thus, if say, two empty properties totalling 400 square metres were re-developed for affordable housing, it would be important to consider whether a local authority policy should be in place to ensure that this type of development was excluded from the tariff itself. If it was not, it might prevent the re-development of the properties.
16. We would endorse the proposal that local authorities state the proportion of the tariff that will be devoted to affordable housing.

Reforming Planning Obligations Questionnaire

1. Do you support refocusing of the planning obligation system around the objective of sustainable development? Yes. See our comments under point 4 above.
2. Do you agree that we should:
 - a) Introduce a standardised tariff-based approach for planning obligations?
Yes
 - b) Incorporate the provision for affordable housing within the standard tariff?
Yes
3. Do you believe that any of the other options listed in Annex A provide a better solution than our preferred option? On balance, no, although the impact fee approach has merits, notwithstanding the findings of the Oxford Brookes research.
4. How do you think the tariff should be set? We believe a tariff based on development value would be the most equitable, as discussed in point 10 above.
5. Do you agree that sites should be identified within the planning system specifically for affordable housing? With some reservations, yes. See point 14 above.
6. Do you support the provision of central guidance about how the tariff-based (system) should work, while retaining local flexibility on the details of implementation? Yes – this is essential if consistency is to be achieved.
7. Do you agree we should retain negotiated agreements where they are needed to address, principally, site-specific issues? Yes.
8. Should we enable local authorities to pool contributions should they wish? Yes, see point 12 above.
9. Are you in favour of the use of a dispute resolution mechanism? Yes.
10. Would you welcome new good practice guidance about monitoring, accounting and the use of model clauses for planning obligations? Yes.