

Appendix A – Newark & Sherwood Response to Statutory Consultee Consultation

Consultation questions (where the District Council has decided to answer this is in bold)

Question 1

Are there other key areas we should be considering in relation to improving the performance of statutory consultees?

Question 2

In exploring reforms to the system, we have so far focussed more on key national statutory consultees. Is there more that government should do in relation to smaller scale and local statutory consultees?

Question 3

In light of the proposed mitigations, do you support the removal of Sport England as a statutory consultee?

- support
- oppose
- neutral

Members in this District are sensitive to properly considering the impact of development proposals on sports field capacity and want to ensure that local community's benefit from a sustainable sports field strategy. In our experience, Sport England has provided robust and useful advice in many cases. The government quotes figures for Sport England holding objections with two thirds resulting in amended schemes. In many of these cases, better outcomes will likely have been achieved as a result of Sport England involvement. Ultimately, our concerns are that removal of Sport England as a statutory consultee could lead to a decline in good quality planning outcomes. We are also concerned about the potential increase in burden on local planning authority resources and the loss on monitoring at a national, strategic level.

Question 4

In relation to notification requirements, should substantial loss of an existing playing field be defined as:

- 20%
- a figure below 20%
- a figure above 20%
- an alternative approach

Please explain your answer/reasoning if possible.

It will be important to have consistency of approach in measuring the starting point for Sports Provision before going on to assess quantitative or qualitative impact or indeed weighing loss in a wider planning balance. At present, there is no such comfort that a consistent approach can be achieved, albeit we recognise the Government is welcoming views on defining what is meant by 'substantial loss', in which circumstances Sport England would be a consultee.

Question 5

Are there impacts of the removal of Sport England as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Resource impacts on LPAs, as well as strategic monitoring.

Question 6

In light of the proposed mitigations, do you support the proposals to remove The Gardens Trust as a statutory consultee?

- support
- oppose
- neutral

We still think the Gardens Trust have the potential to make useful comments. We have several registered parks and gardens and the Trust has provided useful input on relevant applications.

Question 7

Are there impacts of the removal of The Gardens Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Registered Parks are not the same as listed buildings. Impact on LPA resources should also be considered.

Question 8

In light of the proposed mitigations, do you support the removal of Theatres Trust as a statutory consultee?

- support
- oppose
- neutral

The Theatres Trust only receives around 100 consultations per year. We have sent them a number of statutory requests in recent years due to proposed works at the Palace Theatre in Newark. We have found their advice to be helpful. Theatres Trust engages on a non-statutory basis in relevant development, such as new theatre proposals, and has made representations to the government that it would seek to continue engaging in all relevant theatre development on a non-statutory basis, should its status as a statutory consultee be removed. We welcome this, but query whether the relatively small number of consultations received necessitates their removal.

Question 9

Are there impacts of the removal of Theatres Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Question 10

Are there other statutory consultees for which we should consider removal? What evidence would support this approach?

Question 11

Do you support the proposed changes to National Highways' referral criteria?

Question 12

Is there anything else we should consider in relation to National Highways as a statutory consultee?

Question 13

Do you support the changes to Active Travel England's proposed referral criteria?

We have concerns about changes to the criteria and impact on capacity and capability within the organisation given existing routes and priorities will not be known by the LPA.

Question 14

Is there anything else we should consider in relation to the role of Active Travel England as a statutory consultee?

Question 15

Are there other actions that the government and/or Natural England should be taking, to support their role as a statutory consultee?

Question 16

Are there other actions that the government and/or the Environment Agency should be taking in relation to the Environment Agency's role as a statutory consultee?

Question 17

Do you support the changes to Historic England's proposed notification criteria?

There is logic to removing notifications for all GII consents (other than demolition) and raising the threshold of notification to 2000sqm in conservation areas. In our experience, the vast majority of cases we are required to notify HE result in no comments.

Question 18

Do you support changes to align the listed building consent process in London with the process that applies elsewhere?

Question 19

Is there anything else we should consider in relation to the role of Historic England as a statutory consultee?

Question 20

Do you support the changes to the Mining Remediation Authority's proposed referral criteria?

Question 21

Do you support the proposed changes in relation to the Mining Remediation Authority commenting on the discharge of conditions?

Question 22

Is there anything else we should consider in relation to the MRA as a statutory consultee?

Question 23

Are there other statutory consultee referral criteria we should consider amending? What evidence supports this?

Question 24

Is there anything further government should consider in relation to voluntary pre-application engagement and for any statutory consultees in particular? What evidence supports this?

Question 25

Is there anything further government should consider in relation to statutory consultee engagement in post-approval processes, such as agreeing that planning conditions have been fulfilled? What evidence supports this?

Question 26

Do you have suggestions for how government can effectively incorporate appropriate developer and local authority feedback into consideration of statutory consultee performance?

Question 27

Do you agree with this approach?

Question 28

Is there anything else the government should be doing to support local planning authorities in their engagement with statutory consultees?

If there is a reduction in scope of consultation, for example higher thresholds at which consultees will be consulted, there are serious concerns that Local Planning Authorities will need to absorb an ability to respond themselves. This creates capacity and capability challenges. For example, if an LPA were to attach a planning condition requiring a flood drainage scheme there is then no in-house ability to assess this. There is no reference to any new burdens funding or expectation that LPA's should then 'resource-up' by having new in-house experts. We recognise the ability for local fee setting, but we agree with the government that this will not be enough on its own.

Question 29

Are there best practice examples from local authorities that help support statutory consultees and developers, for example, checklists/proformas for environmental issues?

Question 30

How might best practice be expanded to support statutory consultees, including through reducing the volume of material which developers have to produce?

Question 31

How best can government and statutory consultees support the increase in capacity and expertise of local and strategic authorities?

Question 32

Do you agree that these criteria clearly set a framework for decisions on future statutory consultees?

Question 33

Should the government maintain the moratorium, subject to periodic review, or adopt criteria for consideration of new statutory consultees?

Question 34

Is there anything else the government should consider in relation to the criteria?

Question 35

Are there any equality impacts in relation to the proposals in this consultation that the government should consider?

Question 36

The government considers that these measures would have a deregulatory impact. Do you have evidence from engagement with statutory consultees under the current system of the impact this may have?

Question 37

Based on the proposed changes to referral criteria, would statutory consultees expect to see performance improvements? Please explain your reasoning.

- strongly agree
- agree
- neutral
- disagree
- strongly disagree