

EDGE DEBATE NO 31

***REGIME CHANGE – Is there a
case for re-structuring?***

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Bedford***

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RIBA – Portland Place, London***

My current role:

- Responsible for an LDV – an informal partnership, charged with delivering the growth agenda - Focus on Bedford and the Marston Vale*
- Targets for new housing and employment are set out in MKSM Strategy - 19,500 new houses, and 19,800 new jobs by 2021 ! scale of transformation in the interim period is significant – 50% increase in population of Bedford*

Previous roles:

- Development control in a number of northern home county lpa's – Berkeley Homes Regional Planning Manager – Thames Valley and West London regions – Halcrow Group – jointly headed up the UK Planning and Regeneration teams in UK*

Halcrow Group Role:

- *Project Director for the ODPM (Now DCLG) research study – Unification of the Consent Regimes – 2002/3*

Research carried out with help of:

- *Wibraham & Co Solicitors*
- *Chris Pound and Jane McDermott*
- *Birmingham City Council Building Consultancy*
- *Vector Research*

Why was the research study initiated?

- *The existing panoply of consent regimes are :*
 - *Unnecessarily complicated – need simplifying*
 - *Involve significant duplication and paperwork*
 - *Time consuming*
 - *Inconsistent*
 - *Very costly*
 - *Incomprehensible to the man in the street*

and.....Failing !!!!

The current myriad of consent regimes have led to:

- ***Mediocre and mundane design***
- ***Mixed messages***
- ***Muddled approaches***
- ***Meddling by the legal profession and 'professional' objectors***
- ***More costs and delays to applicants***
- ***Misunderstanding by the public***
- ***Mountains of paperwork !***

Regime Round-Up !

- Planning Applications
- Appeals
- Listed Building Controls
- Conservation Area Consent
- Tree Preservation Orders
- Building Control regime
- Management Schemes/Covenant controls
- Party Wall Act
- Hedgerow Regulations
- Control of Lleylandii
- Crown Estates controls
- Highways Act licences and consents
- Land Drainage Act/Water Resources Act
- Ancient Monument Consents
- Environmental Impact Assessment Regulations.....

Any others ???

The Halcrow led research study:

- *Involved assessment of different working models as alternatives for a unified consents regime, and key recommendations*

Issues raised:

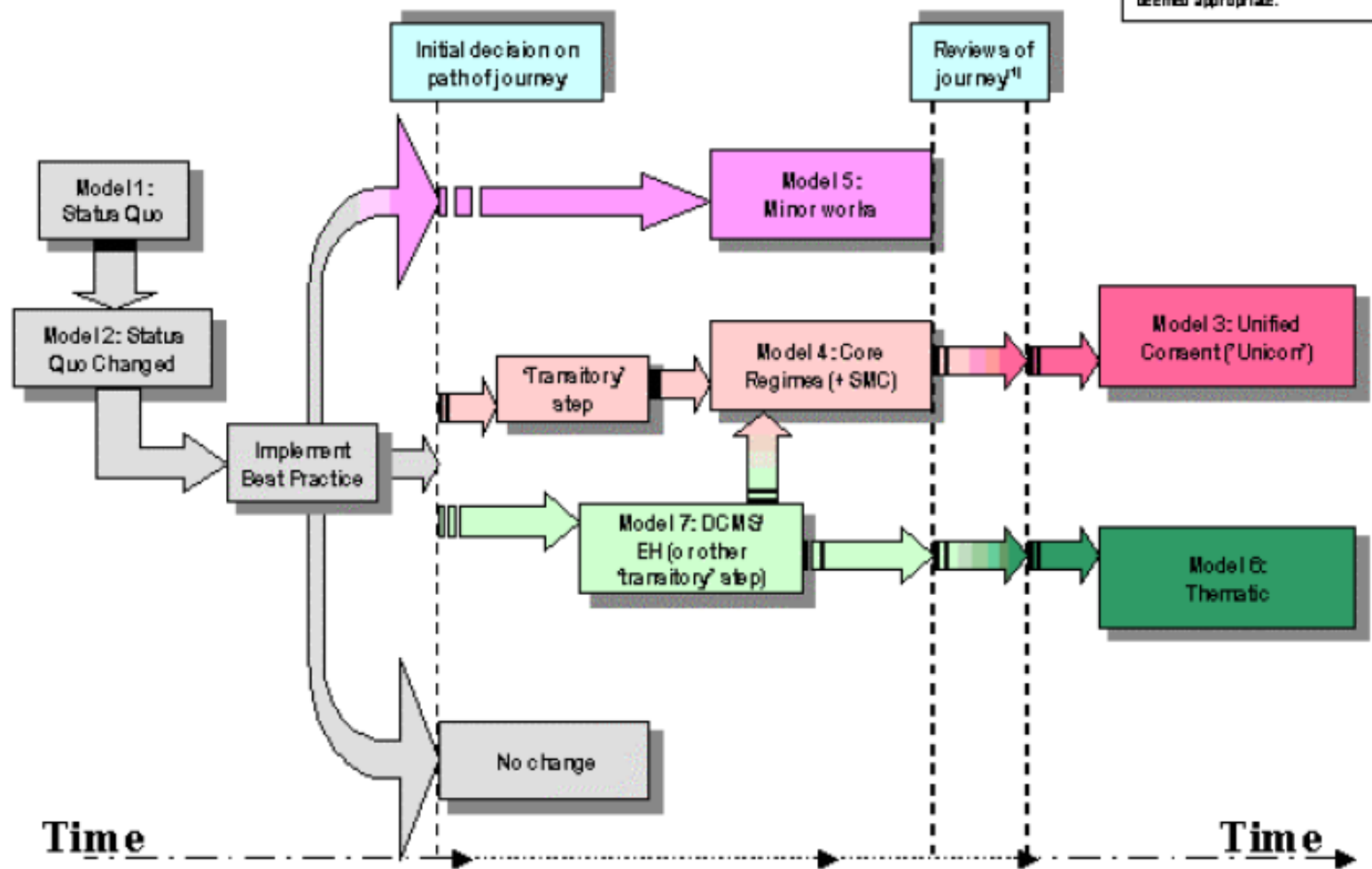
- *Quality of process and quality of outcome are different*
- *Built environment is also affected significantly by operations which do not require any form of consent*
- *Role of best practice ?*
- *Attitude of the local authority officer, training and skills*
- *Costs implications of unification – any savings?*
- *The balancing of ‘material considerations’ – very important*
- *Changes to primary and secondary legislation*
- *Examples from overseas reviewed*

Towards Unification:

- An incremental ‘step by step’ approach was recommended by my team.....
.....and is accepted by the DCLG*
- Step by step approach does **not** rule out a ‘step change’, or more **radical** and speedy move to full unification*
- It was felt that consensus needed on way forward, and stakeholders need time to plan for such a significant shift and change*

Towards unification: An incremental approach

* On-going review of the appropriateness of the path taken; and/or additional regimes added in at these stages, if deemed appropriate.



Radical re-structuring is essential now in my view:

- *Climate change – an increasing imperative*
- *Need for a more holistic approach to buildings design*
- *Bureaucracy - a dead hand on invention and innovation*
- *Costs and delays to the development industry are far too great*
- *Time spent securing agreement often = reduction in quality of outcomes*
- *Man in the street has given up trying to negotiate the 'system'*

Would a radical leap forward be any worse than the system we have created now ??

What should we be striving for ?

A unified consents regime which:

- Sets high minimum standards of design and construction*
- But then allows freedom of innovation, more flexibility, and introduction of uniqueness*
- And also therefore a greater range of permitted developments*
- Mediation role of a new Inspectorate enhanced where 'nationally' recognised or very special 'material considerations' have to be balanced*
- Costs payable by third party objectors for silly time wasting objections or challenges*
- Requires all Councils to operate 'one stop shops' for properly co-ordinated technical advice from officers, and to have adopted design guidance in place*

Thank you