



National Planning Forum

INSPIRING PLANNING

# **Improving the connection**

Proposals from the National Planning Forum  
Planning and Building Control Working Group

December 2009

# The remit

The Working Group was tasked with “*considering the extent to which better cooperation between planning and building control services (however organised or delivered) can assist in delivering higher environmental standards and more sustainable outcomes, and in particular to consider:*

- *synergies and distinctions between planning and building control **including enforcement**;*
- *means of reducing overlap between the two systems, **improving efficiency** and improving mutual understanding, in particular in relation to new construction methods;*
- *implications for policy, practice, staffing, training and inspection; and*
- *recommendations of appropriate action for consideration by the NPF Executive Board”.*

# The approach

- discuss the areas planning and building control procedures have in common and the differences between them
- examine the process of establishing sustainability standards and regulatory frameworks for tackling climate change and the different roles, and increasing convergence, of planning and building control as the principle mechanisms to achieve zero carbon objectives in construction and whole life building costs
- outline recent developments in Building Regulation and building control reform
- discuss the Working group's proposals
- conclude with observations around the development of shared agendas between planning and building control, barriers to progress and recommendations for further action to improve clarity of remit and linkage.

# The relationship

They are candidates for closer, more integrated working; however, despite a number of statements in both planning and building control policy advice, little real progress appears to have been achieved from centrally driven initiatives. The most significant effort has gone into creating partnership building control services and various levels of integrated service and service management at local authority level.

Building Regulations exist principally to ensure the health, safety, welfare and convenience of people in and around buildings, and the water and energy efficiency of buildings.”

“Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”

# The vision for Building Control (1)

***“Our vision is for a building control system which ensures buildings are safe, healthy, accessible and sustainable for current and future generations.***

**To deliver this vision the Building Control Alliance and Communities and Local Government want to see a building control system which:**

- is based on objective and fair standards developed through consultation and supported by clear guidance to aid compliance in common building situations
- works with the customer to help them achieve a building project which meets both their expectations and building standards designed for the public good
- works hand-in-hand with other regulatory systems to provide a coherent service to customers
- ensures that the level of inspection is appropriate to the risk and need
- gives local authorities the powers needed to enforce building standards
- ensures all building control bodies regularly assess and continually improve their own performance and effectiveness
- is served by a professional, well-trained and managed building control service which uses resources effectively and efficiently
- offers an effective means of resolving disputes about compliance
- includes communication and awareness raising in respect of both its purpose and the roles, responsibilities and expectations of its stakeholders
- monitors building performance and compliance levels to demonstrate its impact on the delivery of compliant buildings

# The vision for Building Control (2)

## **We need to be clear with customers that the building control service will:**

- provide a checking service to help achieve compliance with building standards
- support and advise customers on how to end up with the result they want, but will not be a substitute for professional design and construction advice
- help with aspects of quality (workmanship and materials) where these affect compliance with building standards, but not where they do not affect compliance
- ensure that all building standards which are set in the interests of the wider public good have been complied with at completion.

## **We need to be clear with customers that the building control service will not:**

- be responsible for compliance – *that is the duty of the person carrying out the work*. If work is found not to comply with building standards the person responsible could be prosecuted and the owner of the building may be required to put the work right
- manage every stage of the construction process on-site – that is a matter for the contracts and arrangements between the client and builder
- address issues such as the finish and aesthetics of the final project where these are not relevant to compliance with building standards – these are a matter for designers, developers, builders and, to some extent, new home warranty providers
- deal with contractual problems between client and builder – this is a matter of contract law.”

# IMPLEMENTATION PLAN MILESTONE MAP - Delivering improvements to the Building Control System to raise compliance, reduce burden and enhance customer service

Proposal	2009	2010	2011	2012	2013 (and beyond)
<b>Chapter 1 - A New Future for Building Control</b>					
<b>Vision and delivery statement</b>	Publish Building work, replacements and repairs to your home	Issue consolidated Building Regulations 2009 and Building (Approved Inspectors etc.) Regulations 2009 (June)	Publish vision and delivery statement (July)	Building control bodies endorse vision (2009/10)	Publish new procedural handbook
<b>Building control and planning - A smooth interface</b>			Produce project-specific maps on interface between building control, planning and other regulatory regimes (October)		
<b>An integrated and e-enabled building control service</b>	3-year grant to LABC to address data transfer issues between CEs and LAs	Launch XML schema hotline and arbitration service (Mar 2009)	Launch of new Planning Portal (early 2010)	Building control bodies link to Planning Portal guides and information (on-going)	Completion of LABC work to address data transfer issues
<b>Chapter 2 - A Better Approach to Regulation and Guidance</b>					
<b>Periodic review - A new way of updating the guidance</b>		Confirm initial periodic review programme (Aug)			Publish 3rd periodic review programme
<b>The periodic review</b>	Consult on changes to Parts L&F (June)	Consult on changes to Part J	Part G changes come into force (Oct)	Evaluate and review Part E, Part H, Part K, Part M, Part N, Part P and Regulation 7	Introduce revised regulations and guidance for Parts F&L and Part J
<b>Better guidance and new project guides</b>	Project specific guidance available on the Planning Portal	Publish loft conversion guide (Oct)	Adopt style guide for approved documents (Summer)	New policy on referencing in approved documents (on-going, with periodic review)	Publish domestic extensions guide
<b>Chapter 3 - Modernising Inspection and Enforcement</b>					
<b>New approach to risk assessment and improvements to the building control system</b>	Consultation on changes to LA charges to introduce flexibility, accuracy and transparency (April)	Publish risk assessment tool and guidance for building control bodies	Publish changes to LA charges and accounting guidance	Pilot risk-assessment tool	Publish building control consultation (replacing statutory notification stages with service plans, building notices, completion certificates and Approved Inspector regulations)
<b>New and extended enforcement powers</b>			Issue enforcement powers consultation	Publish summary of responses and policy statement	(if supported by consultation) introduce new powers
<b>Chapter 4 - Reform of Disputes and Complaints</b>					
<b>Alternative dispute resolution schemes and reform of statutory procedures</b>	Launch of Building Control Alliance's mediation scheme		Evaluate existing statutory procedures and local schemes	Decision on options to reform	Possible further consultation on reforms to the dispute process
<b>Handling of complaints</b>		Work with CIC/LABC/LGA/CPS to improve complaints procedures (2009/10)	BCA/BCFSAG to ensure performance management system considers complaints		
<b>Chapter 5 - Alternative Ways to Comply</b>					
<b>Competent person scheme</b>	3-year grant to LABC to address data transfer issues between CEs and LAs	Consult on competent person schemes administrative review (Sept)	Implement review recommendations (April)		Completion of LABC work to address data transfer issues
<b>Chapter 6 - Strengthening Performance Management</b>					
<b>Developing and delivering a performance system</b>	BCPSAG publishes 2007/08 indicators report (June)	Revised MoU to reflect new performance management work (Sept)	BCPSAG publishes 2008/09 indicators report (Oct)	BCPSAG/BCA proposals to strengthen the indicators and create a new performance management system	Pilot new and revised indicators and system
				BCPSAG publishes 2009/10 indicators report	Introduce new indicators and performance management system (April)

# The Working Group's proposals

The Group identified five priorities for investigation and possible action, which broadly address the issues of clarity of role and purpose, linkage and efficiency in the connection between building control and planning:

- **Ensuring better clarity of the roles and responsibilities of building control and planning**
- **Establishing an integrated approval service at small scale**
- **Unlocking the potential for dealing more effectively with completion and, if necessary, enforcement**
- **Recognising the increasing role of building technology by building control becoming a statutory consultee in planning**
- **Rethinking CDM to reduce complexity and tackle whole life issues**