



National Planning Forum

INSPIRING PLANNING

# **Improving the connection**

Proposals from the National Planning Forum

Planning and Building Control Working Group

## 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

Building control and planning are in some respects the two sides of the same coin. Both:

- are essential to delivering development to the standard the nation requires
- share the same client/customer base – although the two services are often accessed at different points in the process
- share increasingly complex codes, standards, techniques and technologies for achieving sustainability, which are critical to reducing carbon consumption in building construction and management.
- need to achieve efficiencies and improved customer service

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.

# The relationship

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”

Building Control encourages compliance in standards of building construction and performance by reference to codes and regulations, which require interpretation and interpolation in order that a proposal can be ‘deemed to satisfy’ the Regulations.

Planning requires that proposals conform to plans, policies and standards; but also judges each case on its merits and is delivered by both public and private sectors - although decisions on development proposals are made by public sector authorities, except where the proposal is ‘permitted development’. Planning also involves considerable exercise of both judgement and interpretation, but operates within a policy context that is based less on technical performance standards, is more open to interpretation and is accompanied by more public debate and consultation. Traditionally it has an adversarial culture and well-established and frequently used mechanisms for appealing decisions. It is essentially a political process in which judgement of ‘success’ or ‘failure’ is often subjective.

A key difference is that building control approvals or certification can be granted by private sector Approved Inspectors or Competent Persons, without recourse to a local authority.

# Building a greener future – towards zero carbon development

## CLG 2006

In *Building a Greener Future: towards zero carbon development* the Government set out the ambition to “move towards zero carbon development over time” by way of an initial transition to *low* carbon development, through measures that drive down carbon dioxide emissions from homes, buildings and other infrastructure; and ultimately to *zero* carbon, i.e. zero net carbon emissions from new developments.

Within this policy framework, three main policy levers that can affect energy performance of new development were identified:

- the planning system – which sets out the overall framework for development
- the Code for Sustainable Homes – which provides the mechanism for developing and demonstrating higher environmental standards; and
- Building Regulations – which ensure tougher energy/carbon standards for all new homes

Government envisaged: “a complementary relationship between the planning system and building regulations/the Code. In considering the location and design of new development, planning can reduce the need to travel and build in provision for low carbon or renewable sources of energy supply. Building Regulations and the Code are focussed on the performance of the buildings themselves.”

# The Future of Building Control

## Building control and planning – a smooth interface

- Although the planning and building control systems are complementary – focused on ensuring appropriate development and buildings are in the right place, and that these buildings are safe, accessible and sustainable – the consultation recognised that the lack of clarity and effective linkages between the two can cause problems and duplication.
- We are committed to making it easier for the users to navigate between the two services. Opportunities should be exploited to work together better and many good examples exist – for instance, pre-submission meetings, joint training and seminars, and commenting on technical parts of planning applications.
- Any actions taken will need to reflect the differences between Approved Inspectors and local authorities and ensure that neither is unfairly advantaged or disadvantaged. Yet we do not want to lose out on the opportunity to streamline appropriately with planning and other regulators, such as health and safety, fire and heritage protection.
- We are working with the Health and Safety Executive, the Department for Business, Innovation and Skills and the Better Regulation Executive to better understand the interface between building control and the other regulatory regimes.

# Development management

- development management is an integral part of the spatial planning process; it puts spatial development plans into action.
- development management is the end to end management of the delivery chain for sustainable development.
- the development management approach signals a culture change, underlining the role of the local authority as a place shaper in partnership with others.
- the processes for considering proposals need to be proportionate and appropriate to the impact of the individual development.
- the development management approach will necessitate changes in the structure and allocation of resources within local planning authorities

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‘local planning authorities should . . . . Ensure effective co-ordination and communication within the authority with all services which play a role during the delivery phase, such as building control, enforcement and environmental health.’



## 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**
- **Establishing stronger links between planning and building control to ensure a more integrated approach to the use of building technologies in complex developments**
- **Unlocking the potential for dealing more effectively with completion and, if necessary, enforcement**
- **Rethinking CDM to reduce complexity and tackle whole life issues**

# Proposals and recommendations

## Improving clarity in the of role and purpose of Planning and Building Control

**Shared objectives** – build on the work of the *Future of Building Control: Implementation Plan* and *Planning Policy Statement 1* to set out a clear statement of shared objectives for both Building Control and Planning to deliver sustainable low carbon development.

**Clear roles** – clarify the roles and responsibilities of the two services in relation to sustainable outcomes, particularly in relation to evaluating competing technologies, advising on the range of solutions to deliver sustainability targets and ensuring that design outcomes and sustainability technologies are compatible and mutually reinforcing.

**Improve the position and recognition of Building Control within local authorities** – there is a perception that Building Control is the ‘poor relation’ because it lacks both public and political awareness. In reality Building Control is, and will increasingly be, the delivery agent for Planning’s sustainability aspirations and requirements.

**Increased knowledge and awareness** – (joint) training for officers in both disciplines to increase knowledge and awareness of each other’s roles and responsibilities and to improve the skills base in relation to low carbon outcomes of both disciplines. LABC Training has developed a one-day course for delivery which is one potential mechanism to encourage debate and greater understanding.

# Proposals and recommendations

## Improving the links to achieve better service outcomes

**Develop skills, procedures and organisation in joint working** – through demonstration projects and highlighting best practice in:

- A one-stop shop approach to both Planning and Building Control applications for small-scale, 'householder' proposals.
- The potential for a joint application process for small-scale proposals.
- Co-ordinated processing of planning and building control applications for small-scale proposals either through a co-ordinated, 'parallel' processing or via a single officer trained to deal with both disciplines at an appropriate level.
- Joint monitoring, compliance and enforcement of projects under construction.

**Pursue the Development Management approach to major and complex development proposals** – and explore:

- Effective involvement by building control at pre-application, outline and detailed design stages of the consideration of development proposals through the planning process.
- The potential for Building Control becoming a statutory consultee to the planning process for certain categories of planning application.

# Proposals and recommendations

## New initiatives

- **Consider whether renaming the Planning Portal would deliver improved use of the service by both Planning and Building Control customers if it were re-named to reflect its wider purpose.**
- **Explore imposing common Building Control standards across all local authorities to simplify procedures and deliver improved customer service.**
- **Trial a new occupier pack for each new home to provide householders with a range of practical information – including:**
  - Construction and design standards in relation to energy efficiency and reduced carbon emissions.
  - Standards of inspection during construction.
  - Whether a structural warranty applies.
  - Dwelling performance standards and operational and maintenance standards, particularly in relation to energy efficiency.