

**LET'S GO FORWARD TOGETHER  
IS IT TIME FOR PLANNING STAKEHOLDERS TO DECLARE WAR ON THE  
RECESSION AND PLAN A ROUTE TO RECOVERY AS ALLIES NOT  
ENEMIES? THE CASE OF THE TRANSPORT SECTOR**

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## **1. INTRODUCTION**

### **1.1. Background**

The planning system is regularly criticised by politicians, the popular press, and business circles, for acting as a barrier to economic growth. To address these criticisms the Coalition Government has introduced legislation and policy which aims to cut the red tape and streamline the planning process so that it can better support economic growth. This paper seeks to argue that the planning process cannot be streamlined through legislation alone. It is suggested that it is the relationships between the various parties involved in the planning process which are acting as a barrier to new development. Therefore, if public, private and community stakeholders were encouraged to work together more effectively, planning decisions would be made more quickly, unlocking the development and infrastructure needed for growth. This call for more meaningful collaboration and cooperation within the development sector is not a new one, but could the 'war' against the recession provide the "olympic" impetus needed for stakeholders to put aside their differences and work together to deliver of economic growth?

### **1.2. Hypothesis and Objectives**

The hypothesis for this paper is as follows:

*"Improved stakeholder relationships would result in a more streamlined development planning process overall, which can better deliver transport infrastructure and in so doing support economic growth."*

To test this above hypothesis the following objectives have been addressed:

- ❑ To understand relationships between the stakeholders involved in the development planning process, and to explore to whether current (poor) relationships are acting as a barrier to economic growth.
- ❑ To determine whether improved relationships would result in a quicker planning decisions and a planning system which could better facilitate necessary and appropriate new development.
- ❑ To establish how better working relationships can be realised and who should lead in their formulation.

### **1.3. Scope**

The hypothesis has been assessed from the perspective of the transport sector as transport infrastructure, management and services are usually enablers of new development and support economic growth in addition to providing direct benefits. However, developers often see 'transport', and in particular the Highways Agency and local highways authorities, as a barrier which inhibits or halts new development. Emphasis is placed on transport schemes, and developments that contribute to the delivery of transport infrastructure. An effective transport system is recognised as 'necessary' for economic growth but transport schemes often attract controversy and conflict when going through the planning process.

### **1.4. Structure of this paper**

Section 2 outlines the research methodology used to collect the information for this paper. In Section 3 the findings are analysed in order to establish whether stakeholder relationships are acting as a barrier to delivery, if improved relationships would be beneficial and how we can encourage better working. A summary and conclusions are provided in Section 4.

## **2. RESEARCH METHODOLOGY**

To address the hypothesis the views of numerous stakeholder groups need to be considered and understood. Groups to consider include:

- ❑ Transport and planning consultants
- ❑ Professional institutes
- ❑ Developers and the wider business community
- ❑ National Government and the Highways Agency (HA)
- ❑ Local Highways Authorities (LHAs) and Local Planning Authorities (LPAs)
- ❑ Local Enterprise Partnerships (LEPs)
- ❑ Local Councillors and MPs
- ❑ Local communities and interest groups.

These groups are of varying importance to this paper. In order to capture the views of the most significant groups a combination of primary and secondary evidence has been collected and analysed.

### **2.1. Primary Data Collection**

A series of interviews were conducted with relevant stakeholders. An interview guide was produced to guide the interviews and ensure that all required topics were covered. A copy of the interview guide can be provided by the author.

Interviewees were sent a copy of the guide prior to the interview so that they could prepare for questions and give full answers. Given the nature of

the topic the interviewees were assured that their responses would be kept anonymous.

In total, twelve telephone interviews were undertaken and one written response to the questions was provided. Interviewees represented the following interest groups: local planning and highways authorities, planning and transport consultants, housing developers (and consultants acting on their behalf) and professional institutions.

## **2.2. Secondary data collection**

A desk-top review of relevant literature has been undertaken. Consideration was given to:

- ❑ National planning and transport legislation and policy
- ❑ Research papers
- ❑ Position papers and policy statements
- ❑ Guidance documents

A summary of the most salient points from the documents reviewed can be provided by the author.

## **3. Discussion**

To address the paper's hypotheses and objectives, attention is first given to the barriers to the delivery of transport schemes, and in particular how 'relationship issues' are inhibiting schemes. The literature review and stakeholder interviews both indicated that more emphasis needs to be given to the relationships between the people involved planning as well as the process itself. Consideration is then given to how these 'people issues' can be resolved and how better working relationships can be realised.

### **3.1 Barriers to Delivery**

When considering barriers to the delivery of transport schemes a number of interviewees drew particular distinctions between transport schemes which form part of wider developments (or which are funded by S106 contributions) and transport infrastructure schemes which are being delivered independently by transport bodies.

#### **A Lack of Long Term Strategy and the Political Dimension**

Given the current economic climate it is not surprising that funding was cited as a barrier both to delivery of transport schemes and wider development projects. However, in the case of major transport schemes it not just a lack of funding but also a lack of long term certainty over the funding for schemes. Both the literature review (Armit, 2013; Cox, 2013; Aghion et al 2013; ICE, 2013) and the interviews highlighted that in England there is no overarching transport strategy which stipulates what transport infrastructure is required, and when and how it will be funded and delivered. This lack of a strategic framework is compounded by a lack of cross-party consensus on transport schemes. There is a tendency for the parties to win votes by championing, or opposing, contentious

schemes, and as the Core Cities Group (2011) argues “decisions on major (infrastructure) issues tend to get made and unmade, or put off”.

A lack of cross-party consensus can be a problem over space as well as time, transport is inherently a cross-boundary issue which means the delivery of schemes can be compromised where adjacent local authorities have differing opinions on the same scheme. As several interviewees asserted, outside of London, transport bodies do not have the same level of funding or power as Transport for London does, which can inhibit the delivery of transport schemes. Instead neighbouring local authorities, often with different political persuasions, must work together to agree and deliver schemes. It can be difficult to achieve consensus, particularly where the benefits of the scheme will be felt differently across a city-region. Interviewees felt that this issue has been compounded by the abolishment of Regional Development Agencies (RDAs) and Regional Spatial Strategies (RSSs).

#### Adversarial Nature of the Planning Process

A number of the interviewees emphasised that planning continues to be seen as an adversarial, confrontational process. Issues are batted back and forth between developers, local authorities, local groups and all of their advisors. This all acts to slow down planning decisions and eventual delivery. There was a perception amongst the private sector interviewees that some local planning and highways authorities (LPAs and LHAs) do not want to engage with developers until after a planning application has been submitted. Interviewees also indicated that in many cases the Highways Agency’s (HAs) default position is to issue an Article 14 holding direction which blocks the development or causes unnecessary delays. The British Chamber of Commerce (BCC) Infrastructure Committee (2011) describe securing the engagement and cooperation of planning authorities and statutory bodies as “challenging” while the Confederation of British Industry (CBI, 2012) stated that businesses have identified a reluctance of case workers to offer pro-active advice. The private sector interviewees appreciated that public sector budget cuts have resulted in fewer planning and highways officers, and this may help explain why they are less resources to engage with developers.

It is felt that poor relationships are often due to a lack of understanding of how ‘the other side’ works. One of the private sector interviewees highlighted a propensity for local authorities to try and fill gaps in their budgets through Section 106 contributions but they do not understand that this can make a development unviable. One of the private sector interviewee indicated that engagement is most difficult in two-tier authorities as the LPA and LHA often have different priorities, this is exacerbated when the HA are involved which seen as “only caring about protecting the strategic network”.

#### Nimbyism

Another barrier to delivery is local opposition to a particular development or scheme - the ‘nimbyism’ culture. Opposition from the electorate and local groups often results in elected members and political parties removing their support for scheme. As one interviewee stated society is

“anti-development”. The interviewees indicated that local community opposition is often due to a lack of understanding of why the scheme or development is required, how it will benefit the local / national economy and what will be done to mitigate any negative impacts.

The barriers identified above all have a ‘people’ dimension. It is considered that there are several sets of relationships which somehow need to be improved in order to enable required transport infrastructure to be delivered in a more timely fashion:

- ❑ Inter-party relationships - there is a need for cross-party consensus on transport schemes over time and space in order to give greater certainty that schemes will be delivered.
- ❑ Developers and highways/planning authority relationships - there is a need to make planning less adversarial and develop working relationships built upon trust.
- ❑ Developer and local community relationships - there is a need to address the anti-development sentiment which is evident in some local communities.

### **3.2 Establishing Improved Relationships**

The literature review and all of the interviewees indicated that these relationships are most important, and that poor relationships inhibit the delivery of schemes. The NPPF (2012) recognises the need for improved relationships, stating that “local planning authorities should look for solutions rather than problems” and developers and LPAs need to work together, “local planning authorities should work proactively with applicants to secure developments”. Similarly it is intended that the HA adopts an open, collaborative and solution focused approach, and engages with communities and the development industry (HA, 2012; DfT, 2013). Evidence from the literature review and interviews suggests that the NPPF and HA’s intentions are often not being put into practice, so how can we reduce confrontation and cultivate better working relationships?

The UK Planning System has been subject to continual changes. This in itself can be counter-productive in terms of developing effective working relationships, as one interview stated: “one of the most important factors in effective joint working is time to establish relationships, trust and understanding. Regularly abolishing structures and processes and replacing them with new models, as incoming governments like to do, slows or disrupts that process.” Therefore it is proposed that yet more changes to the planning system are not required, instead time is needed for the changes to ‘bed in’ and we need to work within the existing system.

Better working relationships can be encouraged through a range of formal and informal channels. One interviewee highlighted that the danger with relying on personal relationships is that they are not robust enough to withstand a pivotal individual leaving their job or in the case of politicians being voted out. Instead, this interviewee recommends that there is a need for more formal ‘institutional capacity building’, which is defined as the process of developing relationships between stakeholders based upon

shared agendas, analysis, trust and information. The remainder of this section suggests various techniques which could be deployed to encourage stakeholders to work together more effectively.

### Mutual Goals

At a national level the literature review (Armit, 2013; Cox, 2013; ICE, 2013; Aghion *et al*, 2013; EEF, 2012) pointed to the need for a strategic framework which sets out the UK's long term transport infrastructure needs. It is also advised that this strategic framework should be developed by an independent body in order to "take infrastructure investment out of party politics" (Cox, 2013). This approach would "lay the foundation for a well-informed, cross-party consensus to underpin stable long-term policy" (Aghion *et al*, 2013). With the recent publication of the National Infrastructure Plan 2013 (HM Treasury, 2013) the Government appear to be recognising the need for long term infrastructure planning. The National Infrastructure Plan 2013 "sets out the government's long-term plan to ensure that the Government can deliver the investment required to meet the UK's infrastructure needs to 2020 and beyond" (HM Treasury, 2013:6).

At a more local level, cross-party commitment to deliver schemes of local significance is needed. One of the interviewees cited the case of the Croydon Tram Link, where the Council leader spoke to his political opposite to ensure that commitment to the scheme would be maintained if council changed power at the next election.

Several of the interviewees identified that the identification of mutual goals can bring disparate groups together. At a national level, a strategic framework or a national transport strategy would provide these mutual goals and objectives, identifying nationally significant transport schemes which are required and providing a rationale as to why a scheme is required to support economic growth. This should help reduce arguments and opposition when it comes to the delivery stage, as the need for a given scheme will have already been established. One of the interviewees suggested that one of problems with HS2 is that there has been no debate about where the scheme has come from and why it is required, instead it is being imposed on communities. It is argued that "we need to explain the rationale for HS2 to make people want it". This interviewee cited the role Kent County Council played in terms of 'smoothing the ground' with local people when the Channel Tunnel was being planned and built. Kent Councillors were in favour of the scheme as they thought it would be good for the economy of Kent, and as the locally elected council it was easier for them to win the trust of local people than it was for the Department of Transport or British Rail who were more remote. The same interviewee also suggested that in order to reduce opposition to scheme we should reconsider how people who are negatively affected by schemes are compensated.

The need for mutual goals also applies at the local level, in the context of bringing together developers, LPAs/LHAs and the local communities. As one of the interviewees stated we need to change the way society sees growth and development, we need cultural acceptance of the need for development. Highlighting how the local economy and community will

benefit from a proposed scheme or development will help gain their acceptance. One of the private sector interviewees provided an example of where a common aim - the need to deliver housing - helped bring forward a Sustainable Urban Extension (SUE). The interviewee explained that when the application was originally submitted there was an “us and them” approach which resulted in an infrastructure cost that made the development unviable. However, once the district council realised they needed the SUE to meet their housing targets a more collaborative approach was adopted, with the district and county council sitting down with the developers to try and identify possible funding sources to help fund the required infrastructure. Another of the interviewees highlighted the use of mediation, facilitated by an independent third party, to resolve planning disputes and build consensus.

### Strong Leadership and Cross-Boundary Working

All interviewees were advocates of strong leadership, and asserted that while all stakeholders need to work towards improved relationships it was the public sector who should lead the process. Given that transport is an issue which often crosses local authority boundaries several of the interviewees pointed to the need for an individual or a transport body which has the power to act across boundaries. In this respect the ‘London Model’ with the London Mayor and Transport for London was advocated as a model that could be extended elsewhere. Several of the interviews suggested that the introduction of a mayoral system outside of London may be beneficial, but only if, like the London Mayor, they have jurisdiction over the wider city-region. The fault with the recent mayoral referendums was that the proposed city mayors would only have authority over the individual cities, not the wider city-regions. The ICE (2013) recommends that we should learn from the experience of Transport for London and extend the current trend towards devolution of powers to integrated transport bodies. There has been some small progress in this regard through the likes of the City Deal and Combined Authorities.

To fill the strategic void left by the abolishment of the RDAs, the Coalition have introduced a number of new structures to encourage neighbouring areas to work together to deliver economic growth. The Localism Act 2011 introduced a ‘Duty to Co-operate’ on local planning authorities, compelling them to work together on issues of cross-boundary significance. Interviewees cited the creation of Local Transport Bodies (LTBs) and Local Enterprise Partnerships (LEPs) as other ways that the Government is encouraging joint working. A fundamental feature of LEPs is that they are partnerships between local authorities and businesses, it is vital that business and civic leaders work together to provide the clear vision and strategic leadership to drive sustainable private sector-led growth and job creation in their area.

At present it is too early to tell whether the aforementioned new structures and partnerships are resulting in more effective joint working but a number of the interviewees appeared positive as this quote demonstrates: “Local Enterprise Partnerships and Local Transport Bodies, should bring together the appropriate people, power and budgets across boundaries to agree and drive action on important economic and transport investment.” One of

the private sector interviewees suggested that he viewed the LEPs favourably as they are made up of locally knowledgeable people who understand the local economic climate.

A number of interviewees suggested that the Government could encourage joint working by making funding conditional on having working relationships in place, when applying for funding the stakeholders would need to show that they have agreements in place or have an agreed plan. The RTPI (2013) has recommended that local authorities and agencies should be given much greater incentives to work collaboratively across borders. Through the City Deal and the new Single Local Growth Fund the Government appear to giving stakeholders a financial incentive to work together to deliver local growth. One of the interviewees cited that the preparation of their City Deal proposal brought together the district and county councils, the private sector and other stakeholders such as the universities.

### Communication

In terms of making the planning process less adversarial and more efficient, early communication between developers, local authorities and local communities is viewed as essential. Guidance from the Planning Advisory Service et al (2007:9) advises that “confrontation in the planning system can be reduced by setting up procedures that enable developers and planning staff to work together from the outset, engaging positive input from consultees and third parties. Relationships tend to be more constructive and productive when seeking solutions at an early stage”.

Proactive discussions need to start at the earliest stages of a proposed scheme. One of the private sector interviewees suggested that there should be greater developer involvement at the plan making stage. He suggested that when a site is being considered for allocation that the LPA, LHA and site promoter (plus any other interested parties) should sit down in a single forum and identify what is required to bring the site forward. He likened it to a development brief but the private sector would be involved in its development.

The Killian Pretty Review (2008) advocates making best use of pre-application discussions, stating that early discussions can improve the quality of proposals and the efficiency of the process. Similarly the CBI (2012) state that it is crucial that applicants receive advice to help shape a suitable application and minimise delays at later stages. The CBI also state that planning case workers need to better appreciate how developers function, this would help address the aforementioned lack of understanding between the public and private sector.

Interviewees from the public, private and consultant sectors all stressed the importance of effective pre-application advice and dialogue. Not only can it make the planning process less adversarial, but early engagement also provides an opportunity to ‘iron out’ problems pre-application. Interviewees from the private sector do not object to paying for pre-application advice, as long as they have some assurance that the advice they receive will be ‘worth it’. In line with this the Killian Pretty Review (2008) advises that the Government should strengthen and clarify national



policy and guidance, clearly setting out its expectations from applicants, statutory consultees and local planning authorities in the pre-application process. A number of LEPs have taken forward this idea at a local level, for example the Black Country LEP has endorsed a Planning and Development Charter (2011) and Coventry and Warwickshire LEP a Planning Protocol (2013). These documents set out what developers can expect from LPAs and are designed to streamline the planning process and make it more 'business friendly'.

The BCC Infrastructure Commission (2011) encourages the use of Planning Performance Agreements to secure local authority engagement and speed up the planning process for some major projects. The DCLG and ATLAS commissioned the Tribal Group (2010) to undertake an evaluation of Planning Performance Agreements (PPAs) in England. Their research indicated a number of clear advantages of using PPAs including: having a realistic and predictable timetable; a more efficient service; identifying key issues early on in the process; greater transparency and accountability; improved partnership working; and overall better management of the planning application process.

In addition to the formal pre-application negotiations and PPAs, the interviewees identified more informal channels which can be used to improve relationships between developers and local authorities. For example one of the LHA interviewees provided the example of a 'Developers Day' which his authority hosted, this provides an opportunity for developers and LHA officers to meet face-to-face and talk about how they can better work together. This conversation helps build effective working relationships and means that developers will approach the LHA for advice. This interviewee said that they get developers approaching them for advice the whole way through the process, right from the potential purchase of land. A number of the interviewees suggested there was a need for developers and local authorities to hold round table discussions where they can talk open and honestly, without disclosure, in order to build up trust. The CBI (2012) suggest we should refrain from publishing early conversations between developer and case workers, as this will make developers more confident about informing authorities of their intentions and seeking advice.

As well as improving the communications between developers and local authorities, there is also a need to improve communication with local communities. As highlighted above, on the whole, development isn't popular, society is against it. Engaging with local people early on in the planning process can be highly effective in relation to generating community buy-in, and reducing opposition to a scheme. This links to the need to identify mutual goals and benefits in order to secure the support of the local community.

#### Special Delivery Vehicles and Processes

The interviewees identified that in some circumstances there was a need for special delivery vehicles. Perhaps the most recent example of where creating a special delivery vehicle has worked is the successful delivery of the Olympic Park by the Olympic Delivery Authority (ODA). It was determined that to deliver the Olympic Park on time, one organisation

should be created with responsibility for planning, funding and delivering the infrastructure required for the Olympics Games.

Another example of a successful special delivery vehicle which was cited by a number of interviewees was the London Docklands Development Corporation (LDDC). The LDDC was an urban development corporation created to secure the regeneration of the London Docklands Urban Development Area (UDA). Prior to the formation of the LDDC, the Docklands Joint Committee was established with a remit to prepare a strategic plan for the redevelopment of the Docklands area and to co-ordinate the implementation of that plan. The Committee consisted of representatives from the GLC, the five Dockland boroughs and the world of business and finance. The Docklands Joint Committee's efforts were perceived by the Government to be much too slow and there was a need for resources on a scale which it would only make available through a focussed agency of its own, and so the LDDC was created (taken from The LDDC History Pages) together with a number of other Development Corporations, most notably the Merseyside Development Corporation. It was argued by one interviewee that the LDDC worked because it had a clear set of aims, it had the funding and power to achieve its aims, and it operated in a business-like fashion. However, while it was effective in getting things done, the interviewee questioned whether it was democratic. Another interviewee was not in favour of Development Corporations, stating that they were simply another tier of government.

Both the Olympics and the regeneration of the London Docklands are projects of national significance, and it could be argued that this is why the respective Governments of the day decided to create special vehicles to deliver them. In a similar vein it was decided to introduce a new planning process for nationally significant infrastructure projects. The reforms to the system for dealing with nationally significant infrastructure ushered in by the 2008 Planning Act were intended to provide greater certainty, if not necessarily greater speed, in dealing with applications for major infrastructure projects. However, as one of the interviewee indicated two of the three transport-focused National Policy Statements intended to guide the process of dealing with such applications have yet to be published.

One of interviewees had experience of applying for a Development Consent Order for a nationally significant transport scheme. He indicated that there was some uncertainty over the process as the legislation and supporting guidance emerged. In general he felt the process functioned quite well and the key stakeholders (the Highways Authority and the two local planning and highway authorities) had worked well together, but the process was still slow and inflexible, and it could be more difficult for the public to engage.

#### **4. Conclusion**

The Coalition Government has introduced legislation and policy which aims to cut the red tape and streamline the planning process. This paper has argued that the planning process cannot be streamlined through

legislation alone, stakeholder relationships can act as a barrier to the delivery of transport infrastructure so we need to encourage interested parties to adopt a more collaborative approach.

The literature review and interviews with public and private sector stakeholders all indicated that relationships are important. It is considered that there are several 'sets' of relationships which need to be improved in order to enable required transport infrastructure to be delivered in a more timely fashion. Firstly, there is a need for cross-party consensus on transport schemes over time and space in order to give greater certainty that schemes identified as necessary will be delivered. Secondly, relationships between developers and highways/planning authorities need to become less adversarial. Finally, there is a need to address the anti-development sentiment which is evident in some local communities. This paper has identified several actions, summarised below, that are deemed necessary to address these 'problem' relationships so that effective joint working can be realised.

The identification of mutual goals was identified a critical mechanism for bringing disparate parties groups together. At a national level a strategic infrastructure framework, developed by an independent body, could provide the mutual goals and take the politics out of infrastructure planning and delivery. At a more local level, stressing the local need for houses and jobs could help quash local community opposition to developments.

To reduce confrontation in the planning system, early engagement appears to be the most effective approach. Developers and planning and highways authorities need to sit down as early as possible to 'iron out' problems pre-application. The private sector interviewees were not opposed for paying for pre-application advice as long as it was clear what they could expect in return. Both private and public sector interviewees suggested that developers should be able to approach highways and planning authorities for more informal, 'off the books' advice, and this would help engender a culture of trust.

Transport is often a cross-boundary issue therefore it is felt that the need for an individual or a transport body which has the power to act across boundaries. London with its Mayor and Transport for London, appears to be a model other city-regions aspire to. It was suggested that Government funding could be made conditional on stakeholders demonstrating that they are working together. To fill the strategic void left by the abolishment of the Regional Development Agencies, the Coalition have introduced new structures such as Local Enterprise Partnerships and Combined Authorities to encourage neighbouring authorities to work together to deliver infrastructure and economic growth. It is too early to tell whether the LEPs and Combined Authorities are resulting in more effective joint working, more time is needed before we can evaluate their success.

What is evident is that continual changes to the planning system can be counter-productive as it takes time to establish relationships, trust and understanding. Regularly abolishing structures and processes and replacing them with new models, as incoming governments often do, can

disrupt that process. Yet more reform of the planning system is not required, we need to work within the existing system and allow time for the most recent changes to 'bed in'.

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