



CDM consultation published

The CIC Health and Safety Committee has set up a task force to consider the long anticipated [consultative document](#) on the new CDM 2015 Regulations. This task force will present a joint CIC response to this document. The main proposed changes are to: make the regulations easier to understand; replace the CDM co-ordinator role with the principal designer; substitute the ACOP with targeted guidance; put aside the detailed and prescriptive requirements for individual and corporate competence in favour of a more generic requirement and; apply the Regulations to domestic clients albeit in a proportionate way. Responses are invited to this document by 6 June 2014.

The regulations have to be changed to realign them more closely to the parent EU Directive. CIC submitted a proposal to this effect at a very early stage in the process. The new task group is based around the initial task force which put forward recommendations to the HSE. Organizations represented on the Health and safety committee have been asked if they wish to join this new task group. Five members have put forward nominees in advance of the first meeting of the group on 2 May.

The whole process of producing this consultation document has been very lengthy and it must now be a possibility that the new regulations may fall foul of the “purdah regime”, bearing in mind the closeness of the next general election.

Extra borrowing powers for councils

New borrowing powers have been enacted which will enable councils to build up to 10,000 affordable homes. From 7 April councils can bid for a share of £300 million of extra borrowing, which will be made available through an increase in their housing revenue account borrowing cap, and can be invested in new affordable housing over two years from 2015.

Ministers also confirmed that the rules about council land sales would change, so more surplus and redundant land and property can be released to build homes for local communities. Councils applying for extra borrowing powers will need to demonstrate maximum value for money, by including funds from disposal of surplus assets, particularly high-value vacant stock, as well as bringing forward their own land for new affordable housing.

Under the reforms to the system for council house finance, Councils can now keep their rents and receipts from house or land sales, in return for taking more responsibility for housing in their area. Government figures state that since 2010 170,000 affordable homes have been delivered across the country, while councils have built more council housing in the last 3 years than in the previous 15 years

combined. However, overall housing starts at around 120,000 in 2013 are well short of the 250,000 per year needed.

House building is viewed as an engine for local economic growth, and councils will need to work closely with their Local Enterprise Partnership when preparing their bids for extra borrowing powers, which will form part of the government's Local Growth Fund. Ministers also confirmed that councils will have more flexibility to sell their land for new development. Councils can now sell their vacant land at below market value to a range of organizations if it is used to build affordable housing.

Farrell Review published

An expert committee under the leadership of Sir Terry Farrell has published the findings of the [architectural review](#) which examines a range of issues around "sustainable city making". The Government commissioned this review in 2013 but has said that it will not respond to the report until next year.

This review was produced as a result of four main forms of consultation: a public call for evidence; meetings of an independent advisory panel; workshops conducted nationwide and; specific investigations with property developers and Government departments. One aspect which is emphasized as the way forward, is the need for a proactive planning system with guidance on the shape of the built environment, rather than a system which is reactive and focussed on development control. Design reviews and a renewed alliance between the public and private sectors are also advocated. The emphasis on design is reinforced by the recommendation that all government decision making panels for major infrastructure projects should have design and planning professionals represented. It was also suggested that design quality needs to be viewed as an element in all public procurement.

Some of the recommendations echo familiar themes, for instance the call "to address the disproportionate VAT on retrofit and redistributing it to new build if necessary". The economic benefits of creativity within the construction industry are promoted in this review. In particular, it has been recommended that UKTI should restructure the way it supports the built environment, so that the built environment professions are not separated into creative industries and construction. The value of good design needs to be recognised with CIC and other professional bodies working together "to establish standards for defining, measuring and valuing the quality of architecture and place, informing a new method of property valuation that is fit for purpose". The review also calls for a new post of chief architect to be created.

Inquiry into the NPPF

The Commons Select Committee on Communities and Local Government is conducting an inquiry into the operation of the National Planning Policy Framework (NPPF) which has been in operation since April 2012. This investigation will focus on how the NPPF has worked in practice since it came into operation, particularly in relation to the following:

- planning for housing;

- town centres; and
- planning for energy infrastructure (excluding energy infrastructure covered by National Policy Statements).

The Committee also seeks views on the implications upon the NPPF of the findings of its research into the nature of planning constraints. They have stated that evidence from local government scrutiny committees is particularly welcome.

The Committee have asked for written submissions by 8 May 2014.

Planning constraints

Research from the Cambridge Centre for Housing and Planning Research on the nature of planning constraints on the provision of housing, has produced the unexpected finding that planning performance targets can in effect act to create perverse incentives.

This [report](#) has revealed that some local authorities refuse an application simply to make a decision within the statutory period. This means that although the data might show that a local authority meets the targets, in reality, time is either spent in pre-application discussions or on post determination processes, or both, and this time is not reflected in the planning performance data.

Two further problems are: the elected members rejecting officer recommendations at the last minute and; a lack of resources and/or part time staff in planning departments, both of which cause delays. The research also showed that many sources of delay lie beyond the control of the planning system.

However, the Centre also found that, where local authorities are open for business, welcome development and are focused on providing good customer service, the planning system works well to deliver new homes.

Promoting infrastructure

The public need to be convinced that tough choices on upgrading national infrastructure are necessary, according to a new poll of more than 1000 members of the public by Ipsos MORI for the CBI. This [research](#) shows that the government and businesses need to do a much better job of explaining the UK's infrastructure investment needs, shifting the focus to why it matters locally and what benefits these projects will bring.

It reveals that two thirds of people (65%) agree that decisions should be delayed so that the public's views can be heard properly, even if this means that infrastructure weaknesses are not tackled when they need to be. That compares with only 24% of those asked, who don't think decisions should be delayed. People are currently more concerned by the inconvenience and potential disruption of upgrade work than the risk of failing to act.

The CBI poll also found that people overwhelmingly trust technical experts to make national infrastructure decisions over politicians (64% versus 22%). Given the stark

disconnect between the need to invest in infrastructure to ensure the long-term success of the economy and general public perception the CBI argues that infrastructure needs to be 'sold' to the public based on:

- The quality of life for local people - cited by 47% of respondents
- Local job opportunities - cited by 44%
- Local environment - cited by 37%

Garden cities

DCLG has published a new garden cities prospectus, which calls for local areas to submit their plans for garden cities that will each provide at least 15,000 affordable homes, along with schools and jobs, while also preserving the countryside.

Ministers state that they will welcome proposals that reuse brownfield sites that have been previously developed, provided that they are not of high environmental value. Proposals should also have the support of the local council, including at district and county level in 2-tier areas. There is a package of support available but only limited funding from within the existing DCLG budget.

EU procurement directives

The 2014 EU Procurement Directives were approved by the European Parliament on 15 January 2014, and by the EU Council on 11 February 2014. These directives were published in the Official Journal of the EU on 28 March 2014 and came into force on 17 April 2014. EU member states will then have two years to implement them into national legislation.

The three directives are: a directive on public procurement which replaces the current 2004 directive; a directive on procurement by entities operating in the utilities sector (water, energy, transport and postal services) and; a directive on the award of concession contracts.

Promotion of electronic procurement as a more user friendly feature is a cornerstone of the process. One aspect which Government feel is particularly welcome, is the boost given to small and medium sized enterprises (SMEs), by these reforms. The new regulations will benefit SMEs by encouraging buyers to break large contracts into smaller lots and capping turnover requirements for businesses. These simpler processes could also save SMEs up to 60% of bidding process costs, according to European Commission estimates. One measure which will encourage SMEs, will be the introduction of a limit on the minimum yearly turnover economic operators are required to have. This is now set at twice the contract value (except in duly justified circumstances where a higher level may be permitted based on the nature of specific works, services or supplies).

Although the Government have endorsed the proposed changes, the actual draft regulations have however not yet been produced yet.