

Planning Applications Committee

24 April 2024



Reading
Borough Council

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Title	CONSULTATION ON SPEEDING UP PLANNING DECISION MAKING
Purpose of the report	To make a decision
Report status	Public report
Report author	Julie Williams, Development Manager (Planning & Building Control)
Lead councillor	Councillor Micky Leng, Lead Councillor for Planning and Assets
Corporate priority	Inclusive Economy
Recommendations	The Committee is asked: 1. To agree that officers should provide the responses to the consultation questions at Appendix I as set out in an Update Report to be provided.

1. Purpose of report

- 1.1 To advise Committee about a current consultation by the Government on ideas to speed up the process for making planning decisions. The consultation is available to view at [An accelerated planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/accelerated-planning-system)
- 1.2 The consultation paper is generally looking at ways to restrict the use of extensions of time to the long established 13 weeks for major applications and 8 weeks for all other types with a penalty requiring local planning authorities (LPA) to refund fees if the target date is not met. The deadline for responding to the consultation is 1 May 2024.
- 1.3 Officers are preparing responses and these are to be provided in an Update Report. The list of questions are set out in Appendix I.

2. Background

2.1 The current consultation seeks views on proposals to:

1. introduce a new Accelerated Planning Service for major commercial applications with a decision time in 10 weeks and fee refunds if this is not met
2. change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments, which links to a proposed new performance measure for local planning authority speed of decision-making against statutory time limits
3. expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals

4. implement section 73B for applications to vary planning permissions and the treatment of overlapping permissions

3. Proposed changes

3.1 Introduce for major commercial applications an option of paying a higher fees for an Accelerated Planning Service with a decision time of 10 weeks and fee refunded if this is not met.

3.1.1. The supporting text for the consultation explains that local planning authorities will be required to offer an Accelerated Planning Service for major commercial applications. In exchange for paying a higher planning fee the LPA will be required to determine these applications within 10 weeks (rather than the 13-week statutory time limit), with a guarantee that the fee would be refunded if the application is not determined within this timescale. The consultation also seeks opinion on how this could work.

3.1.2 Officers understand that the intention of the higher fee is to help to pay for more staff to meet the shorter timescales for without it most planning offices would struggle. If planning offices do not have the capacity to process applications in time currently it will not help to make the timescale shorter and then still have to refund fees after 10 weeks of work (potentially) if a deadline is not met. As Councillors know it is often the applicants who want the extra time to respond to an objection raised or who delay an application by not providing necessary information. The consultation seems to ignore the hurdle of applications sometimes needing to be decided by a Committee and that the frequency of these meetings for most LPAs would make achieving a 10 week decision timetable challenging.

3.1.3 The higher planning fee would be set by central government. As far as the fee refund is concerned government are proposing that either all or a proportion of the statutory application fee must be refunded by the LPA to the applicant if the application is not determined within the 10-week timescale, even if an extension of time has been agreed. This is different to the existing Planning Guarantee where a refund is not provided if an extension of time has been agreed.

3.2 End the use of extension of time for householder applications and only allowing one extension of time for other developments

3.2.1 The consultation paper accepts that the introduction of allowing an extension of time agreement has been a good thing by allowing more time for the consideration of important issues raised during the application process and to enable changes to be made to make a scheme acceptable. As currently, if an application is determined within an agreed extended time period, it is deemed to be determined 'in time' it does not count against the overall performance of a local planning authority.

3.2.2 The change is proposed due to concerns that some authorities are using extensions to delay in decision-making to mask poor performance and an easy way to not attempt to determine applications within the statutory time limit.

- 3.2.3 To curb the use of extensions unless justified it is proposed that for major applications 50% or more of applications should be determined within the statutory time limit and for non-major applications 60% or more of applications should be determined within the statutory time limit.
- 3.2.4 Performance will be monitored and those authorities that fail to meet the above are at risk of being designated and the ability to make planning decisions removed from them .
- 3.3 The consultation also includes proposals to expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals and minor changes to s.73 permissions.

4. Officer comment

- 4.1 To be provided in an Update Report.

5. Contribution to strategic aims

- 5.1 New development that meets adopted policy requirements and the consideration of applications for prior approval and planning permission contribute to creating a healthy environment with thriving communities and helps the economy within the Borough, identified as the themes of the Council's Corporate Plan.

6. Community engagement

- 6.1 Statutory consultation takes place on planning applications and applications for prior approval. The Council's website also allows the public to view information submitted and comments on planning applications and applications for prior approval.

7. Equality impact assessment

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 In terms of the key equalities protected characteristics, it is considered that the proposed changes described in the consultation would not have adverse impacts.

8. Environmental and climate implications

- 8.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 8.2 The Planning & Building Control and Planning Policy Services play a key part in mitigating impacts and adapting building techniques using adopted policies to encourage developers to build and use

properties responsibly, making efficient use of land, using sustainable materials and building methods. Developments coming forward through prior approval will need to meet current building control standards, which include energy efficiency and performance.

9. Legal implications

9.1 There are no apparent legal implications arising from the proposals in the consultation.

10. Financial Implications

10.1 There are no direct financial implications arising from this report although we welcome the commitment in the Levelling Up and Regeneration Bill to increase application fees which will help to better resource the planning service. The additional pressures on the planning service of requiring decisions within the deadlines, and the financial and other penalties for not doing so have the potential to impact on the Council financially. The requirement for additional staffing will be a financial impact

Appendix 1 – Questions to be Responded to (recommended answers to be provided in an Update Report).

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

Yes / No / Don't know

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

Yes / No / Don't know

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

Yes / No / Don't Know. If yes, what do you consider would be an appropriate accelerated time limit?

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes / No / Don't Know

Question 5. Do you agree that the Accelerated Planning Service should:

a) have an accelerated 10-week statutory time limit for the determination of eligible applications

Yes / No / Don't know. If not, please confirm what you consider would be an appropriate accelerated time limit

b) encourage pre-application engagement

Yes / No / Don't know

c) encourage notification of statutory consultees before the application is made

Yes / No / Don't know

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Yes / No / Don't know. If yes, please specify what percentage uplift you consider appropriate, with evidence if possible.

Question 7. Do you consider that the refund of the planning fee should be:

a. the whole fee at 10 weeks if the 10-week timeline is not met

- b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
- c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
- d. none of the above (please specify an alternative option)
- e. don't know

Please give your reasons

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

Please explain

Question 9. Do you consider that the Accelerated Planning Service could be extended to:

- a. major infrastructure development

Yes / No / Don't Know

- b. major residential development

Yes/ No / Don't know

- c. any other development

Yes / No / Don't know. If yes, please specify

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

Question 10. Do you prefer:

- a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)
- b. the mandatory option (which provides a single Accelerated Planning Service for all applications within a given definition)
- c. neither
- d. don't know

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

Yes / No / Don't know

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

Yes / No / Don't know If not, please specify what you consider the performance thresholds should be.

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

- a) the new criteria only – i.e. the proportion of decisions made within the statutory time limit; or
- b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria
- c) neither of the above
- d) don't know

Please give your reasons

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

Yes / No / Don't know

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

Yes / No / Don't know

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

Yes / No / Don't know

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes / No / Don't know

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded from the simplified written representation appeal route?

Yes / No / Don't know

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

Yes / No / Don't know. Please specify.

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

Yes / No / Don't know. Please give your reasons.

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes / No / Don't know

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes / No / Don't know

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes / No / Don't know

Question 27. Do you have any further comments on the scope of the guidance?

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes / No / Don't know. If not, please explain why you disagree

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

Yes / No / Don't know. If not, please explain why you disagree and set out an alternative approach

Question 30. Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?

Yes / No / Don't know

Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

Yes / No / Don't know

Question 33. Can you provide evidence about the use of the 'drop in' permissions and the extent the Hillside judgment has affected development?

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

Question 35. If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?