

# Planning Applications Committee

24 April 2024



**Reading**  
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<b>Title</b>	<b>ITEM 07: CONSULTATION ON SPEEDING UP PLANNING DECISION MAKING – UPDATE REPORT</b>
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Report author</b>	Julie Williams, Development Manager (Planning & Building Control)/ Steve Vigar, Planning Applications Team Leader.
<b>Lead councillor</b>	Councillor Micky Leng, Lead Councillor for Planning and Assets
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	The Committee is asked: 1. To agree that officers should provide the responses to the consultation questions at Appendix I as set out below.

Paragraph 1.3 of the main report explained that officers were preparing responses to the list of questions set out in Appendix I of the main report and that these were to be provided in an Update Report. The suggested responses are set out in bold text beneath each question as set out below.

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

**No. The proposal as drafted is flawed and does not take into account the realities of dealing with a planning application, the complexities that are involved and the resources required. This is expanded upon below.**

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

**No. The scope is too broad. Realistically there may be scope for a more streamlined approach to Householder planning applications. Applications involving multiple consultees, complex issues and S106 legal agreements benefit from the possibility of Extensions of Time. This is in the interests of the applicant**

**as well as the LPA. There is little benefit in refusing an application arbitrarily if good progress is being made towards an approval.**

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

**No. Given the comments above, it follows that EIA development would not benefit due to the even greater complexity.**

**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. But on the grounds that other exclusions are also required. The scope is too broad.**

**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

**No. It is unclear why large commercial development has been selected for this approach. This is likely to be a drain on resource and distract attention from other priority applications – those applications which include much-needed housing for instance. The few applications of this type received means that any increase in fees will be sporadic and it would not be possible to recruit additional officers to deal with an application at the point in time at which it is received.**

b) encourage pre-application engagement

**Yes. Pre-app should always be encouraged as a means of speeding up the formal application stage.**

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

**No. Unless through a pre-application enquiry process managed by the LPA. Simply notifying consultees ad hoc would be confusing, divert resources from dealing with formal applications, and would lack the planning balance applied by professional planning officers at pre-app stage.**

**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, but on the basis that this the APS is a good proposal, which it is not.**

**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

**None of the Above. This is a crude measure which does not actually address the underlying lack of resources which is a root cause of the perceived slowness of decision making in the first place. It is unlikely to encourage LPAs to divert resources to hit targets, or invest in additional staff, when the risk of financial penalty remains a possibility.**

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

Please explain

**Better staff resource for consultees and retention of experienced staff. We have witnessed a decline in capacity over recent years. This affects the existing Planning Service. Any "acceleration" will only serve to worsen this situation.**

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

- a. major infrastructure development

**No. For the reasons given above, large complex proposals will not be capable of being dealt with in 10 weeks. This question suggests a fundamental misunderstanding of what is involved in effectively determining a planning application, even if staff resources were improved and obstacles to speedy determination (increased complexity, legal agreements etc) were removed. This also suggests a lack of regard for the democratic involvement of local residents and elected Councillors as 10 weeks gives little time for community engagement and the Committee approval process.**

b. major residential development

**No. For the reasons given above, large complex proposals are not capable of being dealt with in 10 weeks. This question suggests a fundamental misunderstanding of what is involved in determining a planning application, even if staff resource were improved and obstacles to speedy determination (increased complexity, legal agreements etc) were removed. This also suggests a lack of regard for the democratic involvement of local residents and elected Councillors as 10 weeks gives little time for community engagement and the Committee approval process.**

c. any other development

**No. This would divert resources and prevent a proper prioritisation of proposals. Chasing targets for targets' sake rather than based on sound professional Planning judgement.**

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

**N/A**

**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

**Neither – see above**

**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?

**The same detail as would be required with a “normal” application of the same type, plus evidence of pre-application engagement resulting in agreement over the proposals as well as the level and type of information required to be submitted at application stage.**

**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?

**No. The time taken and the use of Extensions of Time is often in order to resolve unacceptable aspects of a submitted scheme, improve the quality of the final proposal and ultimately avoid a larger number of refusals. The proposals would simply shift the delay from the LPA onto the Planning Inspectorate, who may also be under-resourced to deal with the increased workload. There seems to be an assumption that LPAs are simply “sitting” on applications whereas the reality is that a large amount of time is spent working to get them to an approvable state. There seems to be a tension here between the acceleration proposals on the one hand and the greater emphasis in the NPPF on design quality and beauty.**

**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)?

**No. The current approach, with the possibility of Extensions of Time is a pragmatic one which balances speed with quality of decision making and avoids “planning by appeal”.**

**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

**Neither of the above. Both a and b appear to set the same target in practice. Regardless, the new criteria are likely to result in more refusals, Planning by appeal and greater frustration for applicants. It simply shifts the perceived “delay” from the LPA to the Planning Inspectorate. The current approach is pragmatic and a suitable balance. Any delays which do exist within the current approach are more likely due to under-resourcing of Planning departments. A ‘stick’ approach in these circumstances will not improve the quality or speed of decision making, it will only result in a target-driven, arbitrary approach with the associated undesirable, unintended, outcomes which typically accompany this type of management.**

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

**No. On the basis that the underlying proposals are also flawed.**

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

**Yes. Although a more qualitative approach to assessing quality is preferable. Statistics on their own are unlikely to be a useful indicator of quality.**

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

**No. Although this might be the only application type where the impact of this new approach might be manageable. However, it will inevitably result in a more frustrating process for individual homeowners with a greater number of refused or withdrawn applications and a perception of greater “red tape” and unnecessary bureaucracy. Extensions of time currently allow for issues to be resolved under a single application, managed by professional officers who work closely with members of the public to resolve matters of concern. A rushed application, a lack of opportunity to resolve problems and an arbitrary cut-off may achieve a good set of statistics, but is likely to leave a good deal of upset in its wake.**

**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?

**No. Again this is a crude measure which does not actually address the underlying problems of under-resourcing and increased complexity.**

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

**No. This would slow the process at earlier stages. Committee reports for when officers are recommending refusal would need to be approached with the sort of detail normally reserved for an appeal statement. This is in direct conflict with the desire to “accelerate” the process.**

**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?

**No. Exclude all those suggested, except those relating to approval of details reserved by condition.**

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

**No. Maintaining flexibility for the LPA/Appellant to submit appropriate, proportional, amounts of information and additional reasoning would assist the Inspector in their decision.**

**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. Concern would be that this is unnecessarily undemocratic and against the principles of public participation in Planning.**

**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. On the basis that the proposal for simplified appeals is flawed for the reasons set out above.**

**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. But this is of limited relevance as the proposal is flawed for the reasons set out above.**

**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)?

**Simply relying on updated guidance might simply serve to confuse matters without corresponding legislative changes.**

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

**No. See above.**

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

**The ability to vary an existing permission so that the scope of any change is clearly defined must be the key focus. The means by which this might be achieved is procedural and legislative. A clear, unambiguous procedure is needed. Incremental changes to guidance and existing legislation risks adding confusion and uncertainty.**

**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?

**This is a matter of detail. The procedure isn't clear, so it is not possible to comment on the fee at this stage.**

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

**See above.**

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

**See above.**

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

**See above.**

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

**Not without further research.**

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

**As above. The matter is within the government's gift to legislate for. It is unlikely to be capable of being achieved simply via update guidance.**

**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?

**No. Although this does sound like a workaround solution which might have its own unintended consequences and risk further legal challenge.**