

Planning applications: A faster and more responsive system

Final Report Executive Summary and Recommendations

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Executive Summary

Our purpose

In the 60 years since the post-war government introduced the planning framework as we know it, it has constantly adapted to meet the challenges of a changing world.

In recent years, the Government has sought to modernise the planning system further to meet the unprecedented pressures of the twenty-first century - from a truly global trading system, to rapid demographic shifts, to climate change. This has led, among other things, to the 2007 Planning White Paper, and subsequent Planning Bill.

This report is the next step in the process of modernisation. We were asked to look objectively at the planning application process, to identify how it could be further improved, and in particular to consider ways to reduce unnecessary bureaucracy, making the process swifter and more effective for the benefit of all users. Our full terms of reference are at Annex A.

Very early on in the review, a strong consensus emerged among all stakeholders, ranging from local authorities to businesses and civic groups, about what the planning system should deliver. It should be customer-focused, fair, proportionate and transparent. It should allow for local people to have a meaningful say. It should deliver the right decisions with appropriate speed.

Equally, a consensus soon became clear that, despite considerable improvements, the process was not working well enough. Planning decisions still take longer in the UK than in other countries with which we compete internationally¹. And alarmingly, it is often the developments which could do the most to boost local economies, provide much needed-homes or help tackle climate change that are subject to the greatest delays. 10% of major developments² are typically delayed by a year or more. In addition, the need to obtain planning permission for sometimes very minor changes can place unnecessary barriers in the way of expansion for businesses, large and small. These barriers include extra costs and delays and can be out of all proportion to the risks of development.

However, if stakeholders were vocal about the shortcomings of the current system, they were also able to provide a wealth of suggestions for remedying them. We have carefully considered these ideas in developing our recommendations.

This review sets out the result: 17 detailed recommendations designed to make the application planning process swifter, more efficient and more effective for all users.

¹ World Bank (2008) *Doing Business 2009*.

² Major

- For dwellings, a major development is one where the number of dwellings to be constructed is 10 or more, or where the site area is 0.5 hectares or more.
- For all other uses, a major development is one where the floorspace to be built is 1,000 square metres or more, or where the site area is 1 hectare or more.

Minor development is development which is smaller than major development (see above) but is not change of use or householder development.

Other development includes change of use and householder developments, as well as other smaller scale developments such as those relating to advertisements, conservation area and listed building consents, and applications for certificates of lawful development.

The world has changed even in the few months since we began this review. The current global financial turbulence has already caused many local authorities and developers to reassess their priorities. Yet reducing unnecessary bureaucracy and delays will benefit local economies, in tougher times. And in the longer term, as prospects improve, it could play an important part in helping businesses and communities recover. In sum, improving the planning application process - and by extension, this report and its recommendations - has never been more relevant.

The key areas of concern with the current process

In the first stage of this review we sought the views of a wide range of stakeholders who have first hand experience of the planning application process. The findings were set out in our “Call for Solutions” document published in June 2008. The discussions revealed quite a complex range of issues and concerns, many of which were interrelated, and for which all parties must share responsibility to a greater or lesser extent, including central government, councils, those consulted on applications, and applicants themselves. We were able to identify five key areas of concern, namely:

- a) **Proportionality** – in particular, that the requirements and process in relation to many smaller scale developments were not proportionate or reasonable in relation to the scale of development or its impact;
- b) **Process** – some stages in the process were particularly problematic, namely, the pre-application stage and discharging of conditions following the grant of planning permission;
- c) **Engagement** – that the involvement of some key parties, in particular elected members and some statutory and non statutory consultees, was not working effectively;
- d) **Culture** – in particular, that the current target regime is having some harmful, unintended, effects on behaviours and outcomes; and
- e) **Complexity** – in particular, the national policy framework and the complexity of the legislation governing the consideration of applications.

Developing solutions to address the concerns

Since the publication of the Call for Solutions document, we have carried out a further round of extensive stakeholder engagement around the country and with individual groups or sectors to discuss how we might address these key areas of concern. We also had over 150 written responses to our Call for Solutions document. In parallel, we also commissioned separate research:

- to carry out 64 detailed case studies identifying the causes of delays with the processing of applications for major developments and highlighting good practice;
- to better understand the needs of users for guidance on the planning application process; and

- jointly with the Department for Communities and Local Government (CLG) into the information being requested by local planning authorities in support of planning applications.

We have also taken account of the findings of a study by the National Audit Office which is being published at approximately the same time as this review. This has looked at the effect on the planning application process of the Government's target regime and its link to planning delivery grant, with a focus on housing delivery where it is most needed. In addition, we have drawn on research by White Young Green³, commissioned by CLG and published alongside this report, which reviewed the opportunities for improving the processes in relation minor commercial and other non householder development.

How our recommended solutions will make the system work better for everyone

We have drawn extensively from the wealth of information and advice we have received in developing our recommendations. The recommendations are set out in full at the end of the Executive Summary. We consider here how these recommendations will bring benefits to all users by reference back to the five key areas of concern.

Making the process more proportionate

Recommendations 1, 2 and 3 have two principal aims:

- to make the process simpler for small scale, low impact developments; and
- to free up resources to deal better with the larger developments which will make the biggest contribution to the future development of the area.

The vast majority of applications (97%) in England are for householder, minor, or other small scale development. These types of application dominate the caseload of most local planning authorities. We are concerned that too much of the limited resources of local planning authorities is being spent on these, making the process excessively burdensome for low impact developments and leaving too few resources for the much smaller number of major developments.

Recommendation 1 sets out measures for:

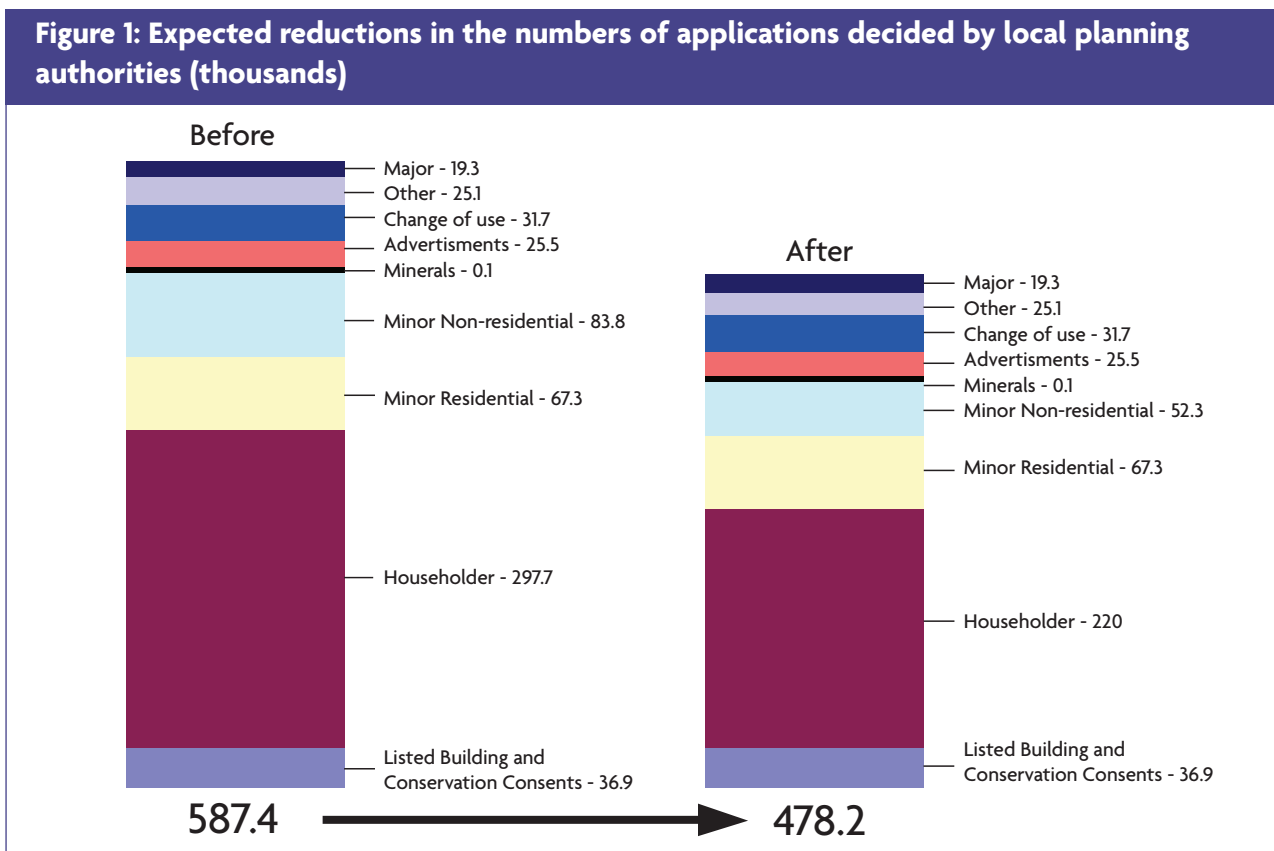
- considerably expanding the scope of permitted development for non householder development. We expect this to remove 15,000 minor commercial and other non residential developments per year from the need to obtain planning permission. Typically, this will apply to small scale changes, such as minor extensions and alterations, and would particularly benefit small shops and offices, as well as day nurseries, leisure facilities and public buildings, including schools, universities and hospitals;

³ White Young Green Planning (2008) *Non Householder Minor Development Consents Review: Final report*. Department for Communities and Local Government. London.

- revising and expanding the existing simpler consenting system (known as prior approval) to make obtaining planning permission simpler for a further 16,500 minor commercial developments, including changes to shopfronts and automated teller machines;
- as well as measures to encourage the use of Local Development Orders and to discourage the restriction of permitted development rights.

These measures will remove nearly 40% (31,500) of minor non-residential developments from the need to apply for full planning permission, saving over £30 million per year in administrative burdens on applicants. While these measures will also reduce the fee income for local planning authorities for these applications, we are also recommending financial incentives (possibly in the form of higher fees) for better performing local planning authorities, and other measures we are proposing will reduce the administrative burdens on their resources, allowing the resources to be better targeted.

Together with the recently introduced extensions to permitted development for householder developments, the measures will reduce the demands on local planning authorities to deal with applications for full planning permission by nearly 20% (see Figure 1 below).



Recommendation 2 sets out measures to considerably reduce information and validation requirements, particularly for householder and minor developments, including:

- a revised and more proportionate approach to Design and Access Statements;
- better guidance on the provision of drawings; and
- substantial changes to the way local lists are drawn up.

These measures will reduce the burdens on applicants from having to provide unnecessary information, and reduce the numbers of applications previously considered to be invalid, thereby reducing the burdens on local planning authorities and speeding up the processing of applications. Fewer information requirements will also enable more applicants to prepare and submit applications without needing the assistance of an agent. If we assume this reduces the use of agents for minor developments by just 10%, this could lead to further administrative burden savings for applicants of around £50 million per year.

Recommendation 3 proposes a range of measures to improve the quality of advice available to users of the planning system. In particular, the Planning Portal and Planning Advisory Service should work closely together to support and encourage local planning authorities to develop a high quality internet based information system which allows members of the public to establish accurately and quickly whether or not planning permission is required for small scale householder and commercial development.

These measures will improve the quality of advice available to those proposing development, reduce the number of enquires local planning authorities have to deal with, and reduce the numbers of applications either for full planning permission or for a Certificate of Lawful Development from applicants unsure whether planning permission is needed.

Making the process more effective

Recommendations 4 to 8 address measures to make the whole end-to-end process work better, particularly for the larger developments, with a focus on identifying and addressing issues at pre-application stage.

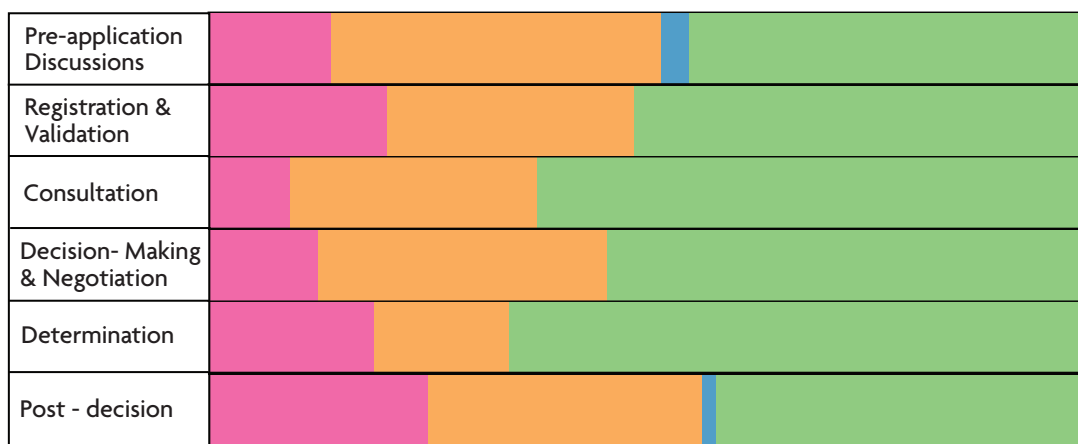
Our detailed research on case studies⁴ indicates the scope for improvement. The results are summarised in Figure 2.

⁴ Addison & Associates and Ove Arup & Partners Ltd (2008) *Killian/Pretty Review: Research Report – Case Studies*. Department for Communities and Local Government, London.

This illustrates the percentage of the 64 major development case studies in which, at each stage of the process, there was either:

- an efficient process with reasonable good practice and no substantial problems (green);
- some significant problems, delays or blockages but with minimal overall effect on the application, or the accumulation of several minor issues (amber); or
- substantial problems causing significant blockage or delay to an application, or exhibiting poor practice (red).

Figure 2: Summary of case study research⁵



This shows that there was a reasonably efficient process (green) at each stage in around half or more of the cases. However, only three out of the 64 cases encountered no problems at any stage (i.e. were green at every stage). The greatest incidence of problems of some degree occurred at pre-application and at post-decision stages, and the most serious problems were more likely to occur at registration and validation and at post-decision stage.

Recommendation 4 sets out a range of improvements to pre-application discussions, including:

- stronger and clearer national policy and guidance, incorporating improvements needed in use of resources, record keeping and consistency of advice;
- a strong presumption that, for major developments, there will be formal pre-application discussions involving, where appropriate, all relevant parties, including elected members, statutory consultees and representatives of the local community;

⁵ Blue denotes a reserved matters application (pre-application stage) and a refused application (post-decision stage).

- greater encouragement of the use of Planning Performance Agreements for major applications;
- better incentives, through revisions to the performance targets; and
- a more consistent approach to charging.

The aim of these measures is to avoid problems later in the process by ensuring that issues are identified at pre-application stage and addressed appropriately in the application and supporting documentation. This will:

- save time for applicants, local planning authorities and statutory consultees;
- improve the quality of schemes, with earlier engagement allowing issues to be addressed at the formative stage of the proposal;
- provide greater certainty for applicants, as timescales appropriate to the scale of the development can be agreed at pre-application stage; and
- reduce delays caused when issues are identified late in the process. Housebuilding and retail sectors, in general, and renewable energy developments, in particular, have been found to encounter the greatest delays. Planning delays have been estimated to cost the UK economy at least £700 million per year, and improvements of just 10% (and the case study research indicates scope for at least this) would save the economy as a whole £70 million per year.

Recommendation 5 supports continuing improvements to the processing of applications, including wide dissemination of the findings of the National Process Improvement Project. Councils which participated in this project have identified savings of between 3 and 13% in the costs of processing planning applications. Given that the costs of development control functions to local authorities have been estimated at around £300 million per year⁶, this suggests the potential for local planning authorities to save altogether between £9 million and £39 million per year.

Recommendation 6 sets out measures to improve the approach to planning conditions, so that unnecessary conditions are avoided and the process of discharging conditions is clearer and more efficient.

The results of our case study research have confirmed the view of many stakeholders that more conditions are now being attached to planning permissions than in the past. This increase is for a number of reasons, including a lack of engagement at pre-application stage, the lack of time to resolve issues because of the time targets regime, and the wish on the part of applicants to leave matters of detail until the principle has been agreed. However, the increasing number of conditions,

⁶ Department for Communities and Local Government (2007) *Planning Costs and Fees*. London.

and the breadth of issues that can be addressed with conditions, then place increasing demands on local planning authority resources to discharge the conditions.

The measures we propose, together with Recommendation 4 on pre-application discussions, will result in:

- the need for fewer conditions;
- reduced demands on local planning authority resources; and
- reduced delays associated with the discharge of conditions.

Recommendation 7 sets out measures to improve the negotiation and agreement of planning obligations. A one-off CLG survey in 2006 indicated that these so-called section 106 agreements are responsible for at least 50% of the delays that can occur with processing major developments. Some changes will follow from the introduction of the Community Infrastructure Levy (CIL) as proposed in the Planning Bill, and we recommend that the relationship between CIL and planning obligations needs to be made clear. We also recommend addressing and agreeing issues that would need to be covered by planning obligations much earlier in the process, at pre-application stage, and greater use of standard agreements and clauses.

These measures will:

- reduce demands on council legal services as well as on local planning authority resources;
- reduce delays associated with the negotiation and agreement of planning obligations.

Recommendation 8 proposes that a way is found to avoid the need for a new full application for planning permission to deal with a small, but material change to an existing permission. The need for such an arrangement might arise, for example, where it becomes apparent that it is necessary to change the location of a building on a major development by a small distance, but where such a change would have no discernable impact on a third party or other interest of acknowledged importance, although it would constitute a material change to the approved scheme. This recommendation is likely to require primary legislation, but would allow a more proportionate approach to be taken for small changes.

Improving engagement

Recommendations 9 to 12 address three key areas where engagement with third parties needs to be improved, namely in relation to statutory and non-statutory consultees, elected members, and the wider community.

Recommendation 9 sets out a number of measures to improve the involvement of statutory and non-statutory consultees, including, in particular:

- a fundamental overhaul of the arrangements for nationally defined consultation – with all such consultees needing to meet a coherent, consistent set of criteria and all identified in a single list;
- a clear re-statement of the roles of the local planning authority and statutory consultee, to reinforce the primacy of the decision making role of the local planning authority, and the ability of the local planning authority to make a decision after a defined timescale in the absence of a response from the statutory consultee;
- introducing an expectation that, where an application received is fully in line with the Local Development Framework, on which they have already been consulted, planning authorities should only consult statutory consultees on those details that have not already been subject to consultation;
- clearer guidance provided by the consultee about when the local planning authority should undertake consultation and clearer expectations of how a consultee is expected to respond.

A CLG survey conducted in 2006 indicates that issues associated with consultation could account for 5-10% of the delays encountered by major developments. Our full report also presents evidence demonstrating considerable over-consultation on some issues (e.g. one local planning authority was able to reduce the percentage of applications sent to the local highway authority for consultation by 50% through the introduction of clearer guidelines over the need for consultation).

These measures can therefore be expected to:

- considerably reduce the demands placed on the resources of local planning authorities and statutory consultees from unnecessary consultation (estimated to amount to at least £30 million in unnecessary administrative costs for local planning authorities and consultees);
- free up the resources of statutory consultees to enable improvements in the quality of their responses, particularly by improving engagement at pre-application stage;
- reduce the need for unnecessary information and assessments in support of applications; and
- reduce the delays due to consultation (which can be estimated to cost the economy at least £35 million per year).

Recommendation 10 sets out measures to improve the engagement of elected members, specifically to:

- ensure all councillors are empowered through appropriate training on planning matters;
- make absolutely clear that councillors can take part in pre-application discussions, provided these are conducted according to a clear and well structured format; and
- encourage delegation rates of at least 90% in every council.

In addition, we believe that, in order to ensure the involvement of councillors is effective, there is scope for planning officers to improve their understanding of the role of councillors in planning and their skills in managing their relationships with councillors.

These measures will:

- reduce inefficiencies because of confusion about the role of elected members;
- improve the quality of pre-application discussions and thereby improve the quality of applications; and
- help elected members focus their resources on the more significant developments.

Recommendation 11 sets out measures to improve the engagement of the local community, specifically that:

- some of the funding proposed in the recent White Paper on empowerment⁷ should be used to improve community engagement in the planning application process, particularly at the pre-application stage;
- councils should be given greater freedom over how they should publicise new planning applications, by no longer being required to publish notices for certain applications in newspapers.

These measures will:

- improve the effectiveness of pre-application discussions and the involvement of the local community at this stage;
- give local authorities flexibility to spend the estimated £15 million per year currently spent on newspaper advertisements in the way they see fit to best engage their local communities.

Recommendation 12 sets out measures to encourage greater use of alternative dispute resolution approaches throughout the process and proposes further study into the potential benefits of formal mediation as an alternative to appeal or to resolve issues within an appeal.

Greater use of alternative dispute resolution could avoid costly and time-consuming disputes at every stage of the process. We also believe there is scope for reducing the demands on the resources of the Planning Inspectorate (PINS) through avoiding the need for an appeal in some instances.

Achieving changes in culture

Recommendations 13 to 15 aim to provide better incentives to encourage the right behaviours among, applicants, agents and local planning authorities. Realising the full benefits of our

⁷ Department for Communities and Local Government (2008) *Communities in Control: Real people, real power*. London

recommendations will require changes in culture. We need to find ways to encourage higher quality applications, to ensure that the likely on-going shortages of skills and resources in planning departments do not adversely affect the planning service, and to provide better incentives for the efficient and effective handling of planning applications than the current time-based performance targets.

Recommendation 13 sets out measures aimed at improving the standard of applications submitted, in particular the development of an “accredited agents” scheme for householder and minor developments. This will reduce the demands on local planning authority resources by reducing the numbers of unacceptable applications they need to deal with. It will also reduce delays in the processing of applications because more will be right first time.

Recommendation 14 addresses the shortage of resources and skills in council planning departments. This issue has recently been considered by the House of Commons Select Committee on Communities and Local Government. Additional measures we propose include encouraging better use of support staff, including technicians, and making the most use of opportunities for joint working. We also strongly encourage local authorities not to make any dramatic reductions in the number of planning staff in reaction to the changing economic conditions, but instead to refocus resources on reorganisation, to deliver a more positive and proactive approach to development management, and on the preparation of the Local Development Framework, and, in particular, the core strategy, where this has not already been completed. This will ensure that local planning authorities are in a good position to respond to the recovery when it arrives, to the benefit of all.

Recommendation 15 sets out proposals for revisions to the timescale based performance targets. We think it is right to maintain a target for the handling of planning applications, but feel that this should also focus on the overall quality of service provided by councils in handling applications, rather than simply on the time taken. We therefore recommend that the current time-target based National Indicator is replaced with a new “Satisfaction with the planning application service” indicator. This indicator would measure customer satisfaction, including satisfaction with timeliness, for all types of application. In addition, we recommend the Government explores ways of providing financial incentives to councils that perform well and deliver high levels of satisfaction, either by allowing them to charge higher planning application fees, or through revisions to Housing and Planning Delivery Grant (HPDG).

This recommendation will overcome the perverse consequences of the current time-based targets without losing the benefits that the incentives to improve timeliness have delivered. The aim is to incentivise the implementation of other improvements we recommend, in particular improving the pre-application stage.

Tackling Complexity

Recommendations 16 and 17 then deal with some of the key underlying causes of many of the issues we have identified. In particular, much of the unnecessary complexity of the planning application process is rooted in the national planning policy and legislative framework, and this is an area that must be addressed, if real improvements are to be achieved.

We are also very concerned at the ability of the planning system to cope effectively with the continued expansion of the Government objectives it must help deliver. We think that enough is enough. It is time to remove duplicative objectives, and to call a halt to ad hoc additions of objectives, unless there is a very strong and compelling case for doing so.

Recommendation 16 sets out measures to prevent further unnecessary expansion of national policy objectives to be delivered through the planning system and to remove duplication with other regulatory regimes. It proposes:

- to use the planning policy review announced in the Planning White Paper to remove objectives which duplicate other controls, and ensure no additional policy objectives are added, unless there is a strong and compelling case to do so when tested against a set of challenging criteria;
- more effective challenge of impact assessments which involve the imposition of new burdens on the planning system; and
- full funding of the additional burdens imposed by Government Departments.

Recommendation 17 then sets out measures to substantially overhaul and simplify both the national planning policy framework and the secondary legislation for the processing of planning applications. In particular, it proposes:

- a national policy framework that is focused on the needs of the user;
- clarity about the scope of elements of the policy framework and about whether requirements for supplementary assessments or information are proportionate;
- consolidation and simplification of the legislative framework, in particular, the General Development Procedure Order (GDPO) to remove unnecessary prescription and detail;
- clear national policy guidance on the new development management approach; and
- effective, helpful and clear plan-based guidance for householder and minor developments, to be prepared once key Development Plan Documents are in place.

The measures set out in these final two recommendations will enable faster and more effective handling of applications by reducing the inherent complexity in the process, which is estimated to cost applicants £750 million per year in consultants and legal fees. Assuming a 10% reduction in complexity would therefore save applicants £75 million. In addition, we estimate that a similar reduction in complexity could save local authorities £30 million per year.

Overall impacts

We believe our recommendations will benefit everyone involved in the process, as indicated in the table below.

<p>Householder</p> <ul style="list-style-type: none"> • Clearer, simpler, more accessible advice on: <ul style="list-style-type: none"> – whether an application is needed (or whether development is permitted) – what information needs to be provided with an application • Fewer, more proportionate information requirements • Quicker process for applications submitted via an accredited agent <p>In addition, householders have recently benefited from a significant increase in permitted development.</p>	<p>Recommendation 3</p> <p>Recommendation 2</p> <p>Recommendation 13</p>
<p>Small business</p> <ul style="list-style-type: none"> • Many minor developments to be permitted or subject to streamlined process • Better, more accessible information, including on need for planning permission • Better pre-application engagement • Fewer, more proportionate information requirements • Fewer planning conditions & improved process for discharging them 	<p>Recommendation 1</p> <p>Recommendation 3</p> <p>Recommendation 4</p> <p>Recommendation 2</p> <p>Recommendation 6</p>

<p>Major developer</p>	<ul style="list-style-type: none"> • Improved availability and quality of pre-application discussions • Clearer national policy framework and process requirements • Greater clarity about supplementary information requirements • Improved handling of applications • Improved processes for consultation • Fewer planning conditions & improved processes for discharging them • Streamlined process for dealing with planning obligations • Streamlined process for dealing with minor modifications of permission • Speedier resolution of disputed decisions through formal mediation 	<p>Recommendation 4</p> <p>Recommendation 17</p> <p>Recommendations 2 and 17</p> <p>Recommendations 4 and 5</p> <p>Recommendations 4 and 9</p> <p>Recommendation 6</p> <p>Recommendation 7</p> <p>Recommendation 8</p> <p>Recommendation 12</p>
<p>Local councils</p>	<ul style="list-style-type: none"> • Councillors more empowered through effective training and clarity of role • Councillors more actively involved in influencing planning applications at formative, pre-application stage • Fewer additional national policy considerations – with additional resources where added • Simpler statutory processes with more freedom to tailor to local needs • Clearer national policy framework • Higher quality applications submitted by agents • Better support for developing skills, better use of existing staff resources • More flexibility to negotiate useful improvements to applications 	<p>Recommendation 10</p> <p>Recommendations 4 and 10</p> <p>Recommendation 16</p> <p>Recommendation 17</p> <p>Recommendation 17</p> <p>Recommendation 13</p> <p>Recommendation 14</p> <p>Recommendations 4 and 5</p>

<p>Statutory consultees</p> <ul style="list-style-type: none"> • Better use of available resources • Significant reduction in numbers of applications received on which consultation is unnecessary • More opportunities to provide input at pre-application stage and ensure better designed developments 	<p>Recommendation 9</p> <p>Recommendation 9</p> <p>Recommendations 4 and 9</p>
<p>Communities and citizens</p> <ul style="list-style-type: none"> • Better, more accessible information, on a range of planning application issues • Better approaches to dispute resolution • More effective engagement at pre-application stage for major applications • Better tailored local consultation process • Clearer statements of national policy and process 	<p>Recommendations 3, 6, 11 and 13</p> <p>Recommendation 12</p> <p>Recommendations 4 and 11</p> <p>Recommendation 11</p> <p>Recommendation 17</p>

Overall cost savings

Where it has been possible to quantify the benefits, we have attempted to do so, and the table below summarises the indicative overall savings. These figures need to be treated with some caution, as they are based on very general assumptions.

<p>Reductions in costs for applicants</p>	<p>£30 million p.a.</p> <p>£50 million p.a.</p> <p>£75 million p.a.</p> <p>> £150 million p.a. total</p>	<p>Recommendation 1</p> <p>Recommendation 2</p> <p>Mainly recommendations 16 and 17</p>
<p>Reductions in burdens on local planning authorities and statutory consultees</p>	<p>>£9 million p.a.</p> <p>£30 million p.a.</p> <p>£30 million p.a.</p> <p>~ £70 million p.a. total</p>	<p>Recommendation 5</p> <p>Recommendation 9</p> <p>Recommendation 17</p>
<p>Reductions in costs to UK economy of delays</p>	<p>£70 million p.a.</p>	<p>Mainly recommendations 4 – 11, plus others</p>

Recommendations

MAKING THE SYSTEM MORE PROPORTIONATE – to make the process simpler for small scale, low impact developments; and to free up resources to deal better with the larger developments which will make the biggest contribution to the future development of the area.

Recommendation 1 – Government should take the following steps to reduce the number of minor applications that require full planning permission:

- substantially increasing the number of small scale, commercial developments and other minor non residential developments that are treated as permitted development. Based on the detailed work undertaken, we would expect this measure to reduce the number of such proposals, such as small scale extensions and alterations to business premises, by about 18%, although Government should also consult on the scope for extending permitted development further, for example, in relation to plant and equipment, and allowing opportunities for small scale renewable facilities on non domestic buildings and land;
- ensuring that permitted development rights for new development are not restricted by condition at the time of the grant of planning permission, other than in exceptional circumstances;
- providing additional support for local authorities to increase permitted development opportunities locally, through the use of pilot Local Development Orders for areas, such as large hospital or university sites, where greater flexibility regarding small scale development may be appropriate;
- revising and expanding the prior approval process so as to provide a proportionate intermediate approach for appropriate forms of non residential development. Based on the detailed work undertaken, we would expect this measure to mean that nearly 20% of minor commercial and other minor non residential developments, such as replacement shop fronts and automated teller machines, would be subject to this expedited process.

Recommendation 2 – Government should make the information requirements for all planning applications clearer, simpler and more proportionate, removing unnecessary requirements, particularly for small scale householder and minor development, by:

- removing the detailed requirements for the content of a Design and Access Statement from statutory regulation;
- revising national guidance on the validation of planning applications to emphasise that local planning authorities must not ask for more information than they need (for example detailed plans should only be provided where they are necessary);

- consulting on the removal of the mandatory requirement to sign an Agricultural Holdings Certificate for most applications;

And, specifically in relation to local information lists, by:

- abandoning any attempt to define local lists nationally;
- revising national guidance to:
 - set out a clear expectation that councils should publish clear and simple local lists covering most types of development;
 - acknowledge that lists cannot cover every type of development and that, where major or unusual development is proposed, pre-application discussions about the type and scale of information required should be the norm;
 - clearly acknowledge the discretion councils have to decide what information is necessary to determine an application, and stress the responsibility incumbent on councils to ensure that their information requirements are clear, justified and proportionate.
- setting out revised and improved guidance to councils on any national policy requirements that need to be considered in developing local lists; and
- establishing an effective process of auditing the local lists to ensure that they are clear, justified and proportionate.

In addition:

- local planning authorities should not be required to consider documents of excessive length in support of applications. Government, working closely with representatives of local government and those who submit large scale applications, should identify how clear limits on the size of documents could be achieved.

Recommendation 3 – Government, local planning authorities and others should take the following steps to improve the quality of advice available for all users of the planning system:

- Government and local planning authorities should review the information they make available to the public on planning matters, having regard to the findings of the research we have undertaken, to ensure that they provide the advice that applicants need in a readily accessible form;
- the Planning Portal should assist in this review process by identifying and publicising existing exemplary good practice by local planning authorities;

- CLG should improve the accessibility of its website on planning matters and ensure effective links are maintained between it and the Planning Portal site; and
- the Planning Portal and Planning Advisory Service should work together to support and encourage local planning authorities to develop a high quality internet based information system which allows members of the public to establish accurately and quickly whether or not planning permission is required for small scale householder and commercial development.

MAKING THE PROCESS MORE EFFECTIVE – to make the whole process, from the start of pre-application stage until the discharge of the final planning conditions, work better, particularly for the larger developments. There should be a focus on identifying and addressing issues at the pre-application stage.

Recommendation 4 – Government, local planning authorities and others should take the following steps to substantially improve the critically important pre-application stage of the application process, in order to improve the quality of the application and to avoid problems and delays at later stages:

- Government should strengthen and clarify national policy and guidance, so as to set out clearly its key expectations from applicants, statutory consultees and local planning authorities in the pre-application process;
- this policy and guidance should be based on the presumption that, for major developments, there will be formal pre-application discussions involving, where appropriate, all relevant parties, including elected members, statutory consultees and representatives of the local community;
- Government should further encourage the use of Planning Performance Agreements (PPAs) for major developments by making it clear that a proportionate approach to PPAs is acceptable. Thus for smaller and less complex schemes, a much simpler approach to a PPA, centred around an agreed timetable, may be all that is required;
- each local planning authority should publish a statement or Code of Good Practice, clearly setting out the range of guidance and opportunities that it offers for pre-application advice, what is required or expected from potential applicants and detailed information on what will be delivered where there is a charging regime;
- appropriate professional bodies and stakeholders should jointly develop guidance for those councils which charge for pre-application advice, so as to introduce a more measured and consistent approach to charging across the country;
- Government should introduce a new performance framework, replacing the existing time targets, in which the availability and quality of pre-application advice is measured, and good performance by local planning authorities rewarded (see also Recommendation 15).

Recommendation 5 – Government should continue to invest in facilitating and encouraging improvements in the processing of applications by local planning authorities through:

- the Planning Portal taking forward its programme of work to allow greater consultation electronically on planning applications, rather than by paper; and
- working with the pilot local authorities who participated to ensure wide dissemination of the findings of the National Process Improvement Project on the application process, due to be published shortly, which identifies the opportunities for financial savings and the improved customer experience and satisfaction that are possible with a business process improvement approach; and encouragement to local planning authorities to take them up through experience sharing networks.

Recommendation 6 – Government should comprehensively improve the approach to planning conditions to ensure that conditions are only imposed if justified, and that the processes for discharging conditions are made clearer and faster by:

- comprehensively updating national policy on conditions, including stronger guidance on the need to ensure conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects (the 6 tests);
- revising and updating national guidance on model conditions, including clear examples of where conditions should not be imposed to avoid duplication with other statutory controls (see also Recommendation 16);
- for major applications, requiring local planning authorities to provide applicants with draft conditions at least 10 days before a decision is expected and to consider responses from applicants before conditions are imposed;
- requiring local planning authorities to produce a structured decision notice, which groups the different types of condition into those that must be: discharged before commencement; discharged before occupation; or require action or monitoring after completion;
- requiring local planning authorities to place a copy of the decision notice and all conditions on their websites within two working days of formal planning permission being issued;
- develop workable proposals for speeding up the discharge of conditions involving, for example:
 - the use of approved contractors to assist local planning authorities to discharge and monitor conditions;
 - the potential for a default approval of a condition, if not decided within a fixed time period;
 - a fast track appeal process for matters only concerned with the discharge of conditions.

Recommendation 7 – To reduce the time taken to agree planning obligations (section 106 agreements), Government should produce proposals for scaling back the use of planning obligations in the context of the introduction of the new Community Infrastructure Levy (CIL) and for further improving the process leading to an agreement, by:

- rewriting Government guidance to clarify the relationship between CIL and planning obligations, including scaling back the use of section 106; the use of planning (including Grampian) conditions and section 106 agreements; and contract validity and complexity issues.

In addition, to provide certainty for both applicant and authority and reduce the time taken to reach a finalised section 106 agreement, Government guidance should include a clear expectation that:

- local planning authorities should ensure good pre-application information is available, consisting of published standard agreements and clauses, transparent formulae, unambiguous Local Development Framework policies and effective pre-application discussion;
- applicants should submit draft Heads of Terms for any section 106 agreement at the same time as the application is submitted;
- section 106 agreements should use standard agreements, clauses and formulae wherever possible.

Recommendation 8 – Government should take steps to allow a more proportionate approach to minor material changes in development proposals after permission has been granted, by:

- amending primary legislation, if required, so as to allow:
 - discretion for a local planning authority to vary an existing permission where it considers that the variation is not a significant material change. This change should be supported by guidance for applicants and local planning authorities as to what does (and does not) constitute a minor amendment;
 - a simple and quick process, using the Standard Application Form, to deal only with minor amendments.

IMPROVING ENGAGEMENT – to provide more effective engagement in the planning application process by elected members, statutory and non statutory consultees and the wider community and to focus attention on the proposals with the greatest impact on the future development of the area.

Recommendation 9 – Government should clarify and improve the process for consulting on applications so that it is clearer which organisations need to be consulted, when they must be consulted and why, what response is required, and how the response should be taken into account in the decision by the local planning authority, by:

- using the opportunity of a planned review of consultation arrangements to carry out a fundamental review of all of the arrangements for statutory and non-statutory consultation;
- including all consultees identified at national level in a single unified list of statutory consultees;
- drawing up a coherent, consistent set of criteria which organisations would need to satisfy to become a nationally defined statutory consultee in the planning process;
- introducing an expectation that, where an application is received which is fully in line with the Local Development Framework, on which they have already been consulted, planning authorities should only consult statutory consultees on those details that have not already been subject to consultation;
- setting out a clear re-statement of the roles of local planning authority and consultee in the planning application process and, in particular, the primacy of the local planning authority in determining the application;
- allowing nationally defined statutory consultees greater flexibility to indicate the strength of any concerns when providing advice to the local planning authority;
- requiring nationally defined statutory consultees to report, not only on the timeliness of their responses, but also on the nature of their advice, by publishing annual returns on their websites;
- requiring nationally defined statutory consultees to provide better guidance to local planning authorities, including clear criteria and thresholds on when they must be consulted;
- requiring that, for developments where they would be consulted at application stage, nationally defined statutory consultees ensure they make the resources available to engage in meaningful pre-application discussions; and
- in the forthcoming review of the award of costs circular, clarifying the situation over the award of costs against statutory consultees to penalise unreasonable behaviour on the part of a statutory consultee.

Recommendation 10 – That the input of elected council members into the planning application process needs to be better targeted on those developments which will make the greatest contribution to the future development of the area.

To achieve this:

- local planning authorities should strongly encourage all new councillors to attend training on the role of elected members as decision makers in the planning application process, complemented by continuing regular training, including refresher courses for more experienced councillors;

- the councillor with strategic responsibility for planning should be encouraged to be a member of the planning committee, to provide improved consistency between planning policy and planning decisions;
- local planning authorities should review and update their local schemes of delegation, so that the resources of planning committees are focused on applications of major importance or wider significance, and that a minimum delegation rate to officers of at least 90% is achieved at all councils before the end of 2009; and
- local government stakeholders in ethical conduct and planning, such as the Local Government Association, the Standards Board for England, ACSeS and the IDeA should produce clear and authoritative guidance and support to elected members to encourage them to be more actively involved in the pre-application stage of the more significant developments, without prejudicing their decisions or compromising the council. Such guidance and a Model Members' Planning Code should be supported by a single point of contact for case-specific advice.

Recommendation 11 – That to help improve the effectiveness of community engagement:

- applicants for major developments should discuss with the council at an early point in pre-application discussions how best to engage with the local community;
- applicants should report the outcomes from the engagement, so that the community and the authority can easily understand what has been undertaken and how it has influenced the scheme;
- Government should ensure that the additional resources for community engagement in planning identified in the recent Empowerment White Paper are used, in part, to help improve community engagement in the planning application process; and
- local authorities should be given greater autonomy and flexibility to determine the best approaches to use in order to notify the public about planning applications, thus allowing them to decide whether to use local newspapers.

Recommendation 12 – That greater use of alternative dispute resolution approaches should be encouraged at all stages of the planning application process where this can deliver the right decisions in a less adversarial and more cost efficient way.

To achieve this:

- local authorities and applicants should explore opportunities for applying alternative dispute resolution approaches throughout the process; and
- CLG and PINS should carry out a more detailed investigation into the use of formal mediation as a less adversarial and speedy alternative to appeal, to establish whether the potential time and cost savings would justify the costs of introducing such a scheme.

ACHIEVING CHANGES IN CULTURE – to incentivise the right behaviours among applicants, agents and local planning authorities.

Recommendation 13 – Local planning authorities and other bodies should provide greater encouragement and recognition to those agents who prepare good quality applications on behalf of their clients, in order to drive up the standard of applications submitted.

This could be encouraged by:

- RTPI, RICS and RIBA identifying opportunities to encourage good practice for large scale applications;
- the introduction of an “accredited agents” scheme by local planning authorities for householder and other minor development schemes. Early indications from a pilot study suggest such schemes can encourage higher quality applications, which in turn lead to faster decision times and more efficient use of local authority resources.

Recommendation 14 – Government should continue to seek ways, alongside and working with local planning authorities and the professional bodies, to address the shortage of resources and skills in council planning departments.

In particular we would strongly:

- urge the Government, to take forward the programmes and actions set out in its response to the Select Committee on labour shortages and skills in planning, working closely with other key stakeholders in local government, the profession, academia and the private sector;
- commend our other recommendations which will, overall, free-up resource within local authorities that can then be applied to providing the better quality service all users of the planning system require;
- encourage local authorities to make better use of existing resource through ensuring the best possible use of support staff, including technicians, and through fully exploiting opportunities for joint working with other councils and the private sector; and
- urge professional bodies to ensure they provide strong support to help ensure up-to-date and appropriate skills bases across planning.

Recommendation 15 – Government should replace the current approach to targets, which is based simply on the time taken between the submission of, and a decision on, an application by a new, broader and more flexible approach to measuring the whole application process.

In particular, we recommend that:

- the current National Indicator 157, which is based on the 8/13 week time targets, is replaced with a new “Satisfaction with the planning application service” indicator. The indicator would be based on the results of customer satisfaction surveys of applicants for all scales of application. The surveys would consider a range of relevant factors, including the quality of service experienced by the applicant and the timescale for determining the application;
- alongside the introduction of a new indicator, the Government explores the opportunities to provide financial incentives to the authorities that perform well and deliver high levels of satisfaction (either by allowing them to charge higher planning application fees or through changes to the Housing and Planning Delivery Grant).

TACKLING COMPLEXITY – by making the national policy and legislative framework for planning decisions clearer, simpler and more proportionate.

Recommendation 16 – Government should avoid further expansion of national policy objectives to be delivered through the planning system and remove duplication with other regulatory regimes, by:

- using the planning policy review announced in the Planning White Paper to remove objectives which duplicate other controls;
- ensuring that no additional policy objectives are delivered through the planning system, unless there is a strong and compelling case to do so;
- publishing a set of challenging criteria against which it will test any additional policy objectives proposed to be delivered through the planning system.

In addition:

- the Better Regulation Executive (BRE) should thoroughly challenge impact assessments which involve the imposition of any new burden on the planning system, ensuring that they include an assessment of the impact of the additional burden on the whole of the planning system;
- the BRE should work with local planning authorities to ensure that the assessments of the implementation and enforcement burden are realistic;
- Government departments should fully fund the additional burdens imposed; and
- a similarly challenging approach should be taken in regard to the addition of new objectives and information requirements in development plans.

Recommendation 17 – Government should substantially overhaul and simplify both the national planning policy framework and the secondary legislation for the processing of planning applications to provide a clearer framework for a more positive approach to development management and to reduce unnecessary complexity and burdens for all parties engaged in the process.

To achieve this there should be:

- transformation of the national policy framework into one that is focused on the needs of the user, specifically by organising it around the processes of plan making and decision taking, rather than around broad policy objectives;
- clarity about whether any element of the policy framework is a national development control policy and whether or not there is scope for any regional or local flexibility;
- clarity and proportionality about any element of the policy framework which imposes a requirement on an applicant to provide a supplementary impact assessment or further information;
- consolidation and simplification of the existing legislative framework for processing applications, principally the General Development Procedure Order (GDPO), which removes unnecessary prescription and detail;
- as part of the new national policy framework, a clear statement by CLG about the key principles underpinning a move from development control to a development management approach; and
- a recognition by CLG, that as a second priority, after completion of the key Development Plan Documents required by Government to be in place by March 2011, local planning authorities should ensure that there is effective, helpful and clear plan-based guidance for those proposing householder and minor development.



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