REPORT FROM:	**PLANNING, BUILDING CONTROL & LICENSING SERVICES MANAGER**
TO:	**EXECUTIVE**
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RESPONSE TO THE TECHNICAL CONSULTATION ON THE IMPLEMENTATION OF PLANNING CHANGES

PURPOSE OF REPORT

To inform the Executive of the Consultation and to agree the content of the response of the Council.

RECOMMENDATIONS

That the Executive agree the content of the response as set out at Appendix A.

REASON FOR RECOMMENDATION

In order that Pendle has an input into the development of national planning policy and how Councils and the public will access planning services.

ISSUE

The Government is introducing a raft of changes to the planning system. These range from proposals to speed up the Neighbourhood Planning process, changes to fees and to more radical changes such opening up development management to the private sector.

The consultation document is extensive and reflects changes that are proposed in the Planning Bill. This still has to go through the Lords and the final reading in the Commons and the consultation paper may be seen as pre-empting this process but there is a need for Pendle to input into these significant proposed changes.

IMPLICATIONS

Policy:	None
Financial:	The financial impacts of the outsourcing of Development Management are not known but could be considerable.
Legal:	None
Risk Management:	None
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None

Background papers:

Technical Consultation on implementation of planning changes

Appendix A

1.1 Planning fees play an important part in helping to finance planning services in challenging economic circumstances. It is important that fees reflect the economic situation that Councils are in and that there are proportionate rises to cover costs. An inflationary rise, whilst not resulting in fees that would cover costs, would assist in keeping services running.

The cost of making a planning application is often cited as being of significant importance in dealing with planning applications. In reality the fees for planning applications are a small proportion of development costs, whether on major schemes or those relating to householders. The development industry tell us that planning fees are a minor issue for them. Their major concern is having a quality service and access to staff and Councillors to discuss applications.

The consultation seeks fee increases to be increased to go hand in hand with “an effective service”. The remainder of the consultation does not define what an effective service is except in terms of speed of decision making. Clearly speed of decision is an important element in decision making but quick decisions that are poor decisions should not be encouraged by ill thought out targets.

The development management function is one that is there both to promote sustainable development but also there to add value to ensure that poor developments are not permitted. The system is there to ensure that the public are consulted and play an integral part in shaping their community. Whilst the majority of planning applications are determined expeditiously there will be the occasional need to discuss improvements to schemes with developers to reach an acceptable standard of development.

Our view is that there should be a threshold level of performance which would trigger fee increases. This would set a standard of performance that would be high but which would not result in Councils competing against each other on a single benchmark of processing times which would be counterproductive for achieving good quality decisions.

As an example our head of planning worked at an Authority prior to Pendle. That Council introduced a stream lined planning process that resulted in extremely high levels of performance. That was however at the expense of time to negotiate on schemes. This resulted in local planning agents submitting planning applications in the knowledge that they were likely to get a planning refusal but that refusal would inform them of how to amend the scheme to make it acceptable. It was common practice for applications to be re-submitted a second time which ultimately was a waste of resources for applicants, agents and the LPA. To avoid a similar scenario a benchmark threshold should be set for performance that would trigger fee increases.

1.2 Yes

1.3 The case for allowing fast tracked applications for proportionate fee increases needs to be assessed base on actual evidence on performance and not anecdotal information. There are differences in the issues and complexity of major planning applications and ones that need an environmental assessment as opposed to applications such as minor household extensions. It is however often these latter applications that impact on

individual's lives, and need to be dealt with carefully, that in principle are easy to deal with but in practice are not.

The quality and speed of decision is also linked to the quality of the submission when first received, particularly when the national framework now allows for applicants to discuss submission requirements as opposed to having a set list that should accompany an application type. There appears to be general criticism of planning services and their speed of processing but this is often linked to a lack of adequate information accompanying the application from the outset.

In order for there to be a level playing field to allow both wider competition in processing applications and increased fees for any increased processing times there needs to be greater consistency in what documents would have to accompany an application. Unless this happens there would be considerable confusion in what was expected of applicants and those organisations with the most relaxed standards (an hence the worst placed to make informed decisions) would be the ones that developers would apply to.

For larger planning applications there are already planning performance agreements available that ensure an agreed approach to the provision of information and timing of decisions made. These relate to larger applications and it would be appropriate to allow higher fees to be charged in situations where PPAs are agreed. It must however be strictly controlled as PPAs are agreements between two parties and each rely on the other to achieve outputs.

Processing a planning application follows a set procedure. They have to be registered which would normally take 1-2 days. There then has to be publicity. If that includes any application that goes into a paper that may take over a week to do depending on the cycle of the paper. There is then a publicity period of a minimum of three weeks. There is then the writing up period (applications cannot be written up before the three week is up as this would not allow comments submitted to be taken into account). Then a decision notice issued. That is a minimum period of 5 weeks. Out of that 60% of the time is taken up with statutory publicity. This excludes any negotiation or waiting for revised plans to be submitted.

The average processing time of an application in Pendle for non-major applications is 50 days taken over a three year period. That takes into account the few applications that take longer to process and those that go to Committee. Without altering the statutory basis for publicity it is difficult to see how that timescale can be realistically altered without damaging the fundamental basis of a democratic planning application process.

Reference is made in the question to higher standards of service. For the purposes of the consultation this effectively means quicker processing of applications. The standard of service is not governed by speed of decision taking alone, although that is one component of it. The ability to negotiate and for members of the public to actively engage in the process takes time and effort and merely concentrating on speed is a flawed way of assessing standards. It is also a recipe for poor quality decision making.

Applicants consistently inform us that it is not the performance of planning authorities that is the issue for them. It is the information that needs to be submitted to support planning applications. That is both costly and time consuming for them.

Our view is that the very short timescale improvements that could be achieved for minor and other planning applications in introducing performance standards below the

statutory processing periods would reduce the ability of Councillors and members of the public to become involved in decisions taking. This would be in order to achieve timescale improvements that would be at best described as minimal and insignificant in the development process.

1.4 If fast tracked services are to be provided there would need to be heavy reliance on integrated IT systems that are joined up and clearly legible by the public and statutory consultees. If there are to be multiple providers of the DM service there needs to be a single DM portal and document archive that serves each Council. To do otherwise would present a challenge to the ability of members of the public to becoming involved in planning decisions in a system they already perceive as being complex.

1.5 We will refer to impacts on service users for this in the answers to Section 8.

2.1 The information that is contained in the Bill and the consultation document about how the system would operate is insufficient for an informed opinion to be given on whether or not any of the qualifying documents should be capable of granting permission in principle.

Until there is more clarity on the process that is involved, and the level of assessment that is required in order to be able to approve developments in principle, it is not possible to make informed comments on the process.

Before highlighting our potential concerns it is worth considering whether the perception of sites having the principle of development constantly being reassessed is happening in reality. We have looked through our register of submitted applications over the last 3 years. This includes developments that have gone to appeal.

There have been three applications that have been refused based partly or totally on the on the principle of development. Of these all three were in green belt and would not be subject of a grant of consent in principle unless the green belt boundary were to change.
If Pendle is a microcosm of other Councils then there is no basis for the assumption that the principle of development is something that is constantly re-assessed for planning application sites.

The closest current application process to a “grant of consent in principle” is an outline planning application. This can be used to approve none of the 5 reserved matters or up to 4 reserved matters. The purpose of the outline process is to establish the principle of whether a site can be developed. The requirements of what has to be contained in an outline planning application is established through a local list of requirements based around Government Guidance on what an application has to contain as well as, and importantly, what the courts have established are matters that need to be addressed before the principle of development can be established.

It must also be recognised that developers go through their own due diligence process before deciding whether or not to pursue a site and develop. Sites do not come forward without an internal site appraisal being carried out by the developer. This would normally consist of looking at potential constraints and abnormal costs that may be associated with bringing a site forward as well as a viability appraisal.

Some of the key matters that are fundamental to determining whether a site is in principle capable of development are those of highway impacts, flooding, ecology and, if relating to heritage assets, an assessment of the impact on that asset’s significance.

These matters are all ones that are required to be assessed by every Local Authority for every planning application. If they are not then an approval would be susceptible to legal challenge.

One key question is whether there will be a requirement for these matters to be dealt with in full before a grant of permission in principle could be established. If they are then there will be significant costs associated with procuring the information, the burden of which will fall on Local Authorities.

The question of what are the minimum information requirements needed to grant planning permission, in order to avoid potential judicial reviews, needs to be fully dealt with by Government before the legislation is put in place. For example planning permission cannot be granted in principle if there are protected species on site. That can only be established if an ecology survey has been undertaken. The burden of establishing this must not fall on Local Authorities. Once planning permission has been granted the principle of development exists and consent to develop cannot then be unreasonably withheld so it is important to establish if there are any actual barriers to development at the permission in principle stage.

In terms of the technical details that require to be approved this very much depends on what the permission in principle covers. The level of detail often depends on the nature of the site that is being considered. There may be complex highway issues requiring mitigation, flood risk, ecology, land stabilisation, coal mining, landscape assessments etc. Any one of these being unacceptable may result in the principle of development not being acceptable. We do not see that there is a way of simplifying the approach to dealing with these as what may seem similar sites may in fact differ radically in terms of the material planning issues.

Whatever the approach Local Authorities must not be placed in the position of having to undertake primary research in bringing sites forward which would be a significant additional burden on the public purse.

The proposals will result in fee income being reduced and Councils retaining costs. These new burdens need to be properly funded.

2.2 Reference is made to applicant's not being able to access timely pre-application advice. The principle reason for this is the dramatic reduction in staff resources within planning services, which Councils have had to impose in response to significant reductions in local government finance settlements.

We agree that if the system is to be put in place that it should be available to minor developments.

2.3 Based on the assumption that this process will be introduced we agree that the three areas for approval in principle are appropriate.

2.4 The approach to the matters that should be approved as technical details should follow the approach that is taken to registering planning applications. There should be a list that covers all of the material planning issues that could affect a site. These should comprise of a set of core matters ie flooding, highways, ecology etc but should also have list of matters that could be taken into account if circumstances apply as set out in national planning policy ie land stability, coal mining.

The main elements that need to be examined should be set out at the in principle stage. The proposal is to include public consultation in the process. There needs to be a process of allowing additional matters to be explored as otherwise there is little point in allowing for public consultation. For example if there are a limited number of matters only that can be considered what happens if a non-prescribed matter is brought up during consultation which is critical to the proposal?

2.5 The preamble to the question (at paragraph 2.27) throws open a fundamental issue. In order to be classified as "sustainable development" for the purposes of the NPPF the development needs to be set against all of the policies in it. That is specifically set out at para 6 of the NPPF which says that "paragraphs 18-219, taken as a whole" constitute the Government's definition of sustainable development. The presumption at para 14 of the NPPF is to allow sustainable development, and hence a presumption against un-sustainable development. Unless an application is assessed against the whole of the NPPF then it is not possible to determine if it is sustainable. If applications are to be assessed against only a minimum number of matters it will not be possible to determine if it is sustainable development.

A policy change will be needed or otherwise every decision will be contrary to the NPPF.

The proposal is to try to simplify a system that is inherently not simple. For example reference is made to screening out EIA development and only allowing a decision in principle on non-EIA developments. However case law is such that developments that are not in themselves EIA development can be the subject of EIA because of their cumulative impacts with other development.

The suggestion that Councils carry out EIA assessment is totally unacceptable. The time and costs for each Council of doing this would be prohibitive and with the resources Local Government has would not be possible. EIA development should be excluded from the process or land owners/developers need to submit the EIA.

For Local Plans SEA/SA are already built into the assessment process and would be able to be carried out by LPAs.

LPA's should not be placed in a position to have to pay for specific assessments on sites in order to grant a permission in principle. Any sites requiring this should be excluded from being able to be placed on the register or alternatively such assessments should, if legally possible, be left to the technical details stage.

2.6 The proposal not to require consultation is a fundamental departure from the principles of open government and public participation in decision making. We do not support proposals to exclude the public from the process.

If the public are to be involved their comments need to be able to be taken on board and acted on.

The whole purpose of the register is to give consistency across how sites are brought forward. It is essential that the public have a consistent and understandable approach to how they will be consulted. Legislation should in our view be put in place to require minimum consultation requirements for consent in principle and approval of technical details.

2.7 The response to this is predicated on the comments made in response to the preceding questions.

2.8 The fees should reflect the current fee regime with pro-rata increases for inflation added as a minimum.

2.9 The purpose of this process is to bring development forward and to simplify it for developers. Unlike dealing with individual planning applications, which are brought forward normally by willing developers, there will be a significant amount of land brought forward at a single time. It is highly unlikely that these will be built out simultaneously.

We suggest that sites in Local Plans should be allocated for the duration of the Plan. For sites that are approved on application there should be a five year period of time from approval to a technical start. That would reflect the number of sites that are likely to come forward and allow time for developers to secure the site, apply for technical approval and start the development.

The times for permission in principle should not be able to be altered. This will ensure that developers do not land bank sites and enter into protracted discussions on extending timescales. There should also be a period of 2 years from the end of the five year period before another permission in principle could be approved on application. Developers can always apply for planning permission if they wanted to bring a site forward between the five and seven year period. This would discourage land banking and promote development proceeding in a reasonable timescale.

2.10 If there is to be meaningful consultation the timescales involved are unworkable and will lead to many applications being rejected. A significant number of applications need amending or further clarifying information needs to be prepared. This requirement often comes from the comments of consultees who normally take the full 21 days to respond.

The processing of an application and registration takes two days and letters sent out to consultees. They will get the letters in the first week. There are then three weeks for consultation. That leaves 1 week to deal with all of the issues that are brought up. If there are outstanding matters, which there will inevitably be, LPAs will refuse consent rather than allow something that is potentially unacceptable.

Timescales need to be more realistic or the process will fall down with impossible to achieve timescales.

3.1 We agree with the details set out.

3.2 The definition of suitable is a rigorous test, particularly in terms of financial viability. Part of the reason that brownfield sites do not come forward is because of their limited viability. The purpose of this process is that it is supposed to give certainty to sites in the planning process and to stimulate interest in them. For example, there should be some scope to grant consent on key sites to assist in promoting them and stimulating developer interest, even if they are not viable

3.3 We are fundamentally opposed to Councils having to undertake EIA's for sites for the reasons set out at 2.5 above.

3.4 The whole purpose of the brownfield register is to help simplify the planning process not to add complexity to it. Having to undertake EIA for sites to be included on the register adds unnecessary complication and potential judicial challenges to registers. Before

proceeding with the register the Government should publish its proposals to deal with this for comment.

3.5 The proposal is to put provisions in place to consult, which we agree with. However, there is no detail of how this would happen, which does not allow us to make more than a general comment that there should be consultation.

3.6 We agree with the proposal.

3.7 No comment.

3.8 A yearly review is appropriate.

3.9 The proposals are inappropriate and are not linked to each other. If there is a five year supply of land in place without the brownfield register the proposal to then place a policy position that there is not a five year supply of land is purely punitive and not linked to the lack of progress on the register. The whole purpose of the five year requirement is to ensure that there is an adequate supply of land. If there is a five year supply the brownfield register is an additional supply that is not needed in national planning policy terms.

If Government is serious about bringing brownfield land forward first it needs to change the NPPF and place a sequential test in planning.

By placing Council's in a situation where it would not have a five year supply if the brownfield register was not in place this will bring forward greenfield development. This in our view defeats the whole purpose of promoting brownfield development. It would also place less of an emphasis on brownfield development by supplying the market with more greenfield sites. A better solution would be by defining standards authorities.

3.10 Yes.

4.2 No. Whilst the level of assessment is not likely to be as significant as for larger sites there will be circumstances in which it will be apparent that a site should not be included in principle. For example sites that sit in flood zone 3 should not be added to the register or sites that are in green belt that would not satisfy any of the NPPF exception tests. To add sites in that are clearly not appropriate would add a burden on developers by giving them unrealistic expectations that the site could come forward.

A list of the criteria that would prevent sites from being added to the list should be developed.

4.3 See 4.2 above.

4.4 Personal details are normally data protected. The consent of the owner to be added to the list would be needed. Otherwise the information is appropriate.

5.1 We support this change.

5.2 No comment.

5.3 Agreed.

5.4 Agreed.

5.5 These timescales are manageable.

5.6 Referendums take time to organise and are costly to set up. They may or may not coincide with other elections that are taking place and if they could be joined together they should be. Our view is that the timing of referendums should be tied in with the May round of elections.

However on the basis that referendums will not be tied into May elections the proposed ten weeks is too short of a period for a referendum to be properly set up. A 20 week period is more appropriate and realistic.

Whilst there is currently founding for referendums and Neighbourhood Planning this must be continued in perpetuity or new burdens finding be put in place if the current grant funding regime is withdrawn.

5.7 Agreed.

5.8 No comment.

5.9 The procedure set out does not allow for the LPA to have an input into the decision of the SoS in whether to intervene. This is a fundamental flaw in the process. LPAs will not interfere unless it is necessary to do so and hence they should be an active party in the process and should be allowed to submit a statement on why they wish to alter or amend the Plan.

5.10 Yes.

6.1 We are extremely disappointed with the whole approach that is proposed for penalising Councils that do not have up to date Plans. Implicit in the approach being taken is that Councils are wholly responsible for the time it takes to adopt Plans and that by putting punitive measures in place this alone will have the impact of speeding up Plans.

The reality of the situation is that there are a combination of factors that contribute to the speed and ability of Councils to adopt Plans. Part of the responsibility for this needs to be acknowledged as being the Government's who are responsible for putting the framework in place that dictates how Plans are adopted.

There should be a more holistic assessment of the reasons why Plans take as long as they take to get adopted and a package of measures put in place to speed the process up.

Amongst the issues that should be acknowledged as contributing to how the system operates and where improvements could be made are:

- The system was designed to make the final adoption process far more simple with all of the main issues being ironed out before the EIP which, in turn, were designed to be light touch. The reality is that we have a system that does not iron out issues early and results in complex and elongated EIPs that frequently are delayed as Inspectors identify issues that require examinations to be suspended and several months delay for re-consultation.
- A more flexible way in which the system could operate. Even minor amendments require detailed and lengthy consultation processes to be undertaken.

- Councils have to respond to national statistics that can vary significantly from year to year (eg population forecasts) which can often require new evidence to be generated. For example population forecasts for Pendle have varied significantly at each of the 2 year periods in which forecasts have been issued. This is frustrating and casts doubt on the accuracy of the forecasts.
- There have been a considerable number of changes to guidance and policy that cause delays in the production of the evidence base. The introduction of the NPPF has had a pronounced impact on Plan production as it fundamentally altered the policy base. This has caused the adoption of many Plans to be considerably delayed. The introduction of starter homes will cause delays in Plan production as we will be examined on these new proposals. Government need to understand that their policy changes have and will slow the Plan making process down.
- The introduction of elements in the Housing and Planning Bill will cause delays as there has to be an evidence base to support the content of Plans. For example the removal of regional strategies and the introduction of the duty to co-operate, whilst allowing flexibility, has increased the complexity of Plan production and a significant increase in the evidence needed to justify the soundness of a Plan.
- The resourcing of Local Government has impacted significantly on resources in planning services which, coupled with the increased demands for an ever expanding evidence base, has resulted in slowing down of Plan production.

We do not agree with the proposals to intervene without the Government accepting that there are other reasons for slow Plan production and these being considered alongside the punitive measure proposed.

In terms of the prioritisation set out at 6.11 of the consultation we agree that in principle it is an appropriate prioritisation.

6.2 We are not able to comment on this as critical to being able to comment is an understanding of how this would take place. There is a lack of detail in order for us to be able to comment.

6.3 There should be an assessment of the further delay that interventions would inevitably have and what implications they would have. This should be a key consideration.

6.4 Yes.

6.5 No comment.

6.6 No. Programmes will alter little over 6 months and a 12 month period is a more appropriate timescale.

7.1 The thresholds are appropriate on the basis that thresholds will be introduced.

7.2 No. It is important that decisions on planning applications are made on reasonable planning grounds but also that Councils can make decisions without feeling overly pressurised to approve applications against their better judgement. Decisions on appeal are assessed as being reasonable or unreasonable by Inspectors and where a Council has been unreasonable costs are awarded against them.

The award of costs is a better measure of whether Councils are acting reasonably. With the acknowledged inconstancy of the performance of the Planning Inspectorate

Councils should not be designated where they have made decisions that have been found to be reasonable by the Inspectorate.

In these circumstances there should be a higher threshold than 10% for designation. The current 20% threshold should remain.

7.3 We agree with the approach.

7.4 No. There should be an improvement plan put in place for Councils to reach an agreed standard but it is not appropriate for minor applications to go the Secretary of State.

8.1 Decision making on applications is not a mechanical process undertaken at the end of a process of evaluating an application. There are links through dealing with an application between the initial information that is required at the start of the process, the discussions and negotiations with the public and statutory undertakers and the final decision taken. They all can impact on each other.

Making good planning decisions is not simply about time taken to process them or the costs to the applicant. Indeed applicants, both for major and minor developments, inform us that the costs of submitting applications is not a major concern to them but the quality of the decision to be made is important. The quality of decision making needs to be at the heart of the planning process. We remain concerned that the proposals do not focus on this as the principal issue. Speed of decision making and costs appear to be the driving force behind the proposals.

Para 8.1 indicates that the outsourcing of applications will not change the decision making process. We disagree. Before submitting applications developers are encouraged to engage in pre-application discussions. This helps to improve the subsequent submission. Whilst it is accepted that proposals differ in complexity, most involve dialogue between applicants, agents, the LPA, the public and statutory consultees. Schemes then need to be altered to bring about the best decision that can be made on them.

Councillors play a fundamental part in the development process. Access to Councillors by developers and planning officers is an important aspect of the determination process. Having alternative remote providers will make the links between those involved in the process, and importantly members of the public, extremely difficult. If these links are not fully replicated in any outsourced or alternative process the decision making process will be severely undermined.

Resulting from the inputs of all of those involved in an application a balanced decision needs to be made. This includes an understanding of why particular aspects of the development have been arrived at and what negotiations have taken place. Without that understanding of the proposal Councils will be left to rubberstamp decisions or at best make ill-informed decisions whilst taking all of the responsibility for the decision taken.

There would also be significant duplication of work. In order to understand what decision is to be taken every document would need to be supplied to the LPA. All these would need to be reviewed afresh. The proposal is to give the Council a week or two to do this. For planning appeals which involve a similar process of an Inspector reviewing information, albeit from the LPA and appellant, this process takes several months. As LPAs are still proposed to be the legal entity that would be responsible for the decision they need to be given adequate time to deal with the report that wold be submitted to them.

In dealing with applications the processing and decisions can be challenged in the high court under judicial review and where processing has not been undertaken properly through the Ombudsman. There must be full accountability of alternative providers for their part in the processing of applications. It is not the decision maker who should be left with liabilities for the work of other providers. This means that alternative providers must have to show that they have assets enough to cover matters such as judicial review, ombudsman costs etc. There must also be a rigorous quality assurance of the ability of the providers to undertake the work. The quality of product in the private sector varies and there are examples of high quality as well as poor quality work.

The public need to be involved in decision making. Allowing alternative providers to provide a service leads to very practical difficulties. What is the mechanism for submitting applications? This should be the same for every application or there would be confusion in the system. Members of the public should be able to access, view and comment on applications using a single portal. If alternative providers, of which there may be many in a LPA area, all have their own portal this would lead to significant confusion to the public.

If the LPA register the application and keep the online planning register they should be able to charge the alternative provider for the service. If, as proposed, the LPA will not register or consult on applications, prior to the decision being taken all documents need to be transferred to the LPA and put on their website. This adds work and confusion into the process. This very practical issue has not been addressed in the consultation yet is one of the most fundamental issues to be addressed.

The costs estimates for saving 20% on services are based on out of date information and for different services. The more recent surveys quoted are between 6-12% which reflect the streamlining of services that has happened in Local Government recently. The likely benefits are significantly less than the 20% stated. If the purpose of the process is to save money there needs to be a more robust estimate of the potential savings.

These unquantified estimated savings need to be balanced against the impact that outsourcing would have on the democratic process which is of fundamental importance to the public. As outlined above outsourcing would reduce the quality of decisions and lead to a reduction of the public's ability to participate alongside that of Councillors. We are concerned with the phrase used in 8.6 of the consultation which states that there should be no loss of democratic oversight. Councillors do not merely oversee applications. They are a fundamental part of the decision making process. It is worrying that the emphasis here appears to be that Councils would play the role equivalent to an auditor.

The development control process needs to be devoid of relationships between interested parties which may lead to bias or the appearance of bias in the decision making process. There should not be any business relationship between any applicant and those involved in making recommendations. We are concerned to understand how this can be guaranteed. This is important for public confidence in the veracity of our planning system. Our view is that the only way this can be ensured and public confidence retained is for the processing of applications to remain with LPAs.

If alternative providers are to be introduced it should be limited to other Local Planning Authorities.

8.2 We are not aware of any LPA that fully recovers its costs for dealing with planning applications. Making full cost recovery a ceiling would not be inappropriate.

We have no specific comments about how to set fees in the scenario set out apart from two points.

First is that if this is to be a truly competitive process any costs associated with the final decision making process must be allowed to be recovered from the alternative provider. Unless this happens the public purse will be subsidising private business. In setting fees alternative providers would need to charge for these costs.

On a wider issue of fees if costs are awarded at appeal for a decision taken in accordance with a recommendation of an alternative provider they should be charged for the award of costs. In order to be an alternative provider they should have to have the finances available to cover such eventualities. The same should apply to high court challenges.

8.3 One of the themes that the Government is seeking is a consistent development process. Registering applications is the fundamental platform in ensuring that there is consistency. If there is not consistency one alternative provider may have a competitive advantage if they do not require information that others do. Providers should adhere to the registration requirements adopted by LPAs.

The contents of para 8.13 demonstrate the complexity of dealing with planning applications. There will be different approaches to negotiation, informal engagement, standards taken to accepting the quality of reports etc between providers. We do not have any adequate proposals that would ensure that there is a level playing field and consistent approach taken between providers. We are however clear that there must be a consistent approach.

We outlined above the issues relating to how consultations are undertaken, particularly if there are different consultation portals that providers would use. LPAs would still have to keep the planning register and all documents would need to be with the LPA to make decisions. Whist it may be possible for providers to undertaken consultation and for documents to be sent to the LPA there will be difficulties in consultees and the public to understand who to reply to and then to understand when to swap to the LPA's website to look for a decision.

Paragraph 8.14 again is a concern to us. Giving a week to make a decision will not allow for the LPA to negotiate if there are issues that they do not agree with. As the decision taker the LPA will no doubt have to take the consequences for those decisions. To be left with a fait-a-complit and no time to alter the decision will lead to many decisions being refused and additional costs for the developer and LPA in appeals and follow on work. It is also likely that applicants will have to resubmit proposals to overcome deficiencies as an alternative to a lengthy appeal process. This appears to us to be an unreasonable expectation on LPAs and one that would undermine the emphasis of the changes to speed up processing.

8.4 No comments

8.5 We have made comments on the issue of shared information in our previous comments.

8.6 Competition may benefit people. It could equally create confusion for the public, reduce participation in making decisions, remove the ability of the LPA to influence the quality

of decisions, increase the financial burden on the public purse by creating costs without being able to recoup these from private developers and disenfranchise elected Councillors by removing them from participating in making decisions.

The proposals as set out are ill thought out and show a lack of understanding of the development process and of the issues that are important to the public. Unless there is a seamless process for commenting and for members of the public to track applications there will be a significantly detrimental impact on the development management process.

9.1 Putting financial details in reports would not be a difficult process where that information can be derived.

We are however concerned with the basis for doing this. The National Planning Practice Guide is not policy. It is guidance on the interpretation of policy. Making reference to financial considerations in this does not place financial considerations as a material planning consideration.

As detailed at 9.3 of the consultation financial considerations are often not material to the planning merits of an application. It would be a strange position to be in where financial considerations are set down in reports but as they are not material then they cannot be taken on board. The question would then follow of what the point of including the information would be?

If however national planning policy is changed to make financial considerations material to planning applications then this would require the financial impacts of every development to be considered.

We would suggest that there is a need to change planning policy but to closely specify what material considerations can be taken on board.

12.3 We are increasingly finding that the cuts that other consultees have had has resulted in comments being returned in increasingly longer periods. Setting targets alone will help but they should have adequate resources to be able to provide the level of service they have previously provided.