

<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL &amp; REGULATORY SERVICES</b>
<b>TO:</b>	<b>Executive</b>
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## **Planning Reform Working Paper: Planning Committees**

### **PURPOSE OF REPORT**

To inform the Executive of the proposed changes and for the Executive to agree any response to the consultation

### **RECOMMENDATIONS**

- (1) That the Executive agree the response as set out in Appendix 1.

### **REASONS FOR RECOMMENDATIONS**

- (1) In order that Pendle has an input into how planning and planning committees will function in the future

## **BACKGROUND**

- 1 The Government has committed to a number of proposed changes to the planning system in England. A number have been announced such as the recent reforms to the National Planning Policy Framework, fee increases for some planning applications and the retention of extension of time agreements. Others are still being worked on, in particular the reform of the development plan process which is anticipated to be announced some time mid-2025.

- 2 There will also be changes to how planning is undertaken across regions with Strategic Planning Authorities to be created with overarching policy development as part of the development agenda. There will also be other initiatives that are being considered such as looking at how Planning Committees operate.
- 3 The format of the consultation is different to what we have experienced with the last Government. Working papers which do not have specific response forms are emerging and the potential reforms of Planning Committees is one of these. Inputs can be made at any time to help shape the development of the proposals.
- 4 This report outlines the changes that are proposed and seeks the views of the Executive to feed back to Government.

### **Outline of the Working Paper**

- 5 The Government is considering a national model of delegation with the intention of facilitating faster delivery of homes. This would be alongside smaller targeted planning committees which would look at strategic developments. There would be mandatory training for all planning committee members. These would be delivered through new legislation.
- 6 The consultation recognises that 96% of decisions nationally are made via delegation (Pendle has a delegation rate of 77.45%) but the report indicates that the type of delegation varies significantly across the country.
- 7 Of concern in the consultation is that schemes are not clear on what applications will and will not go to Committee. The concerns extend to consideration of planning applications that are seen as being compliant with the Local Plan.
- 8 Other concerns are the overturning at appeal of decisions that are made contrary to officer advice and at the level of knowledge of some members on the principles of planning law. The paper outlines a lack of transparency about decisions and cites developments that are allowed with an award of costs.
- 9 The paper sets out objectives of ensuring more decisions are taken by professional officers to allow Committees to focus on contentious applications. The overall objectives are:
  - a. encourage developers to submit good quality applications which are compliant with plan policies;
  - b. allow planning committees to focus their resources on complex or contentious development where local democratic oversight is required and a balanced planning judgement is made;
  - c. ensure planning committee members get the training and support they need to fulfil their duties effectively; and

d. empower planning professionals to make sound planning decisions on those cases aligned with the development plan.

- 10 In order to achieve the objectives three overarching proposals are set out:
- a national scheme of delegation – bringing clarity and consistency to everyone about which applications get decided by officers and which by committees.
  - dedicated committees for strategic development – allowing a dedicated and small group of councillors to dedicate energy to the most significant projects.
  - training for committee members – requiring that councillors undertake appropriate training before they can form part of a planning committee.
- 11 The paper asks a series of questions which should form the basis of any comments. These are based upon the general propositions the paper sets out. It is recognised in the responses set out at Appendix 1 that delegation is a fundamental issue for Pendle Members and that the scheme of delegation is a fundamental part of the planning process here in Pendle. The suggested responses recognise this but also recognises that it is highly likely that there will be legislative changes which will force change.

### **National Scheme of delegation**

- 12 Three options are set out for a general scheme of delegation.
- Delegation where a development complies with the development plan.
  - Delegation except where there is a departure from the development plan.
  - Delegation as a default with a list of exceptions.

### **Dedicated Committees for Strategic Development**

- 13 These would be established for strategic planning applications that would form a scale of development that would be strategically significant and would in turn be complex.
- 14 What scale of development and what is strategic would-be issues that the Local Authority would need to decide and set criteria for.

### **Mandatory Training for Planning**

- 15 Inconsistency of approaches across the country are identified with the level of knowledge and ability to deal with applications varying. Some Councils train their members whilst others do not. Licensing is given as an example of where training is mandatory.
- 16 Planning has become more and more complex with a knowledge of material considerations and what the law and policy says about balancing them

being essential knowledge in order to make informed and robust decisions. Planning officers have to be professionally qualified and undergo continuous professional development. Councillors making decisions should have a good working knowledge of policy and key relevant legislation and training should be compulsory for all Committee Members.

17 Council on 19/12/2024 resolved to incorporate a number of points in the response to Government. These include the proposals:

- Fundamentally undermining accountability and disrespect the planning process.
- Being undemocratic and not representing the views of residents

18 The views of Council have been incorporated into the suggested response.

## **IMPLICATIONS**

**Policy:** There will not be any direct policy implications.

**Financial:** Any financial implications would emerge should legislation be enacted that compels changes to how planning committees operate.

**Legal:** None directly from this report.

**Risk Management:** None directly from this report.

**Health and Safety:** None directly from this report.

**Sustainability:** None directly from this report.

**Community Safety:** None directly from this report.

**Equality and Diversity:** None directly from this report.

## APPENDICES

### LIST OF BACKGROUND PAPERS

All background papers are contained in links within the report:

[Major overhaul of planning committees to get Britain building - GOV.UK](#)

## Appendix 1

### **Do you think this package of reforms would help to improve decision making by planning committees?**

The reforms have some good points in them such as the requirement for mandatory training of participants in planning committees. They however demonstrate the complexity of the system and the difficulty of trying to shoe horn in a mechanistic way of deciding what applications should or should not go to Committee. Levels of delegation do correlate to speed of processing planning applications but in themselves are not the sole reason why applications sometimes take time to determine.

Whilst we make observations on the issues involved these are made based on the changes being forced on Councils. Pendle has excellent planning performance whilst at the same time operating a democratic, inclusive and open Committee structure where residents can fully participate in the determination of applications that affect their everyday life. With robust processes both effective decision making and inclusive democratic decision making can be achieved.

The proposed changes are an anathema to democracy, undermine political accountability and will result in the public having no respect for the planning process.

Planning applications are the subject to an increasing level of complexity. Technical details on drainage systems, section 106 agreements, biodiversity net gain, highway technical reports etc are complex. We would strongly criticise how BNG has been rolled out for example and the significant lack of testing and understanding of this that has led and still leads to confusion amongst practitioners. This is compounded by there being nowhere near the capacity of professionals nor money to deal with BNG inevitably gives LPAs challenges.

Planning applications are often received with inadequate technical information. Our very clear experience is that it is not decision making and Committees that delay applications but the quality and content of applications and in particular the quality of technical reports. If these cannot be improved at the outset of applications then reforming schemes of delegation, and thus requiring speedier decisions, will either result in more refusals for inadequate content of applications or will make little difference to the speed of determination.

We welcome the changes to fees and to the funding for more planning staff. This is not enough to offset the major impacts underfunding has had but it will start to

address under resourcing. Lack of staff is also a fundamental issue in how to improve speed and quality of determining applications.

The examples given on the three ways of potentially altering schemes of delegation illustrate well what schemes of delegation will need to deal with. Planning is all about making judgements. Judgements about whether an application does or does not comply with the development plan. Take case study 2 on Box 2 as an example. There is an exception test in policy that would mean it is in line with the development plan but all the examples say it does not comply with policy. It shows that planning judgement has to happen even with the worked example given.

Applications of most kinds will be a matter of judgement on conformity. Take for example design. All major applications will have design components and one party may differ in indicating whether the application does or does not comply with the development plan. That matter may only be determined after an appeal which will make the final decision on the conformity with the development plan. An alternative way of dealing with such applications would be to consider applications that are in general conformity or conformity with strategic policies.

Other ways of dealing with delegation could be based on levels of objection to a scheme and not whether or not it complies with the development plan. The bar would need to be set high with that though otherwise it could be the subject of manipulation.

Local Councillors are elected to make decisions on applications. Whilst we recognise that the level of delegation needs to be higher than allowing minor applications to be called in without good planning reasons there needs to be flexibility to allow locally elected Councillors to call in controversial applications.

Any scheme should have within it a requirement for applications to be called in in writing giving clear planning reasons. Chief Planning Officers should have the sole role of deciding whether the application should be brought to committee. Unless there is a clear route for determining what does and does not go to Committee this will itself become a resource hungry process.

**Do you have views on which of the options we have set out in regard to national schemes of delegation would be most effective? Are there any aspects which could be improved?**

Our overall view is as set out in our response to the first question. As set out they are too mechanistic and do not take into account that planning decisions as to the conformity with the development plan are often subject to discretion.

The issue of discretion will be important as how decisions are taken could be subject to judicial challenge as lying within or outside of the scheme of delegation.

**We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?**

Of the three options the third one is the most appropriate where it lets Councils determine a list of development types that would be automatically called to Committee with the others being delegated.

**Are there advantages in giving further consideration to a model based on objections?**

A model based on objections would also need to be subject to criteria on scale such as objections to major planning applications. We have experienced applications where AI has been used to generate a number of objections and so levels of objection alone is potentially open to manipulation.

**Do you agree that targeted planning committees for strategic development could facilitate better decision making?**

The form of committee is not the key element in how major schemes are dealt with. The most essential two issues are getting high quality informed reports to Committee in a timely manner and for the members to be technically trained and competent to make decisions based on the planning merits of the application.

**Do you have a view on the size of these targeted committees?**

No

**How should we define strategic developments?**

These should be defined in development plans and be developments that affect areas outside of a Council Area. If they are included in a Local Plan they should have specific policies and expectations about what should be delivered.

**Do you think the approach to mandatory training is the right one?**

Yes. There should also be a minimum standard that should be delivered by those carrying out the training including principles in development management and overarching planning policy.