

Planning and Growth

Purpose of report

For information and further discussion at the Board meeting.

Summary

This paper outlines a proposed approach to take forward LGA lobbying work on planning which seeks to demonstrate that planning is not the barrier to achieving significant housing growth, and set out why recent proposals from Government on planning are misguided and set out the LGA position on the planning and housing supply debate.

A draft of the proposed paper will be tabled at the meeting for discussion.

Recommendations

That the Board:

1. Agree the proposed approach set out at **paragraph 3**.
2. Comment on the emerging draft document which will be circulated at the meeting.
3. Discuss and agree the proposals for improving the statutory consultee processes as highlighted at **paragraph 4**.

Action

As directed by the Board.

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Context

1. The proposed measures on local planning announced in the Autumn Statement in December demonstrate a continued perception at national policy level that planning is a barrier to achieving significant housing growth. The LGA has argued consistently against this perception and gained considerable coverage of our work on numbers of unimplemented permissions, record levels of permissions granted and councils' progress with plan-making. We have also been working with the development industry and councils to support and promote fast and efficient planning services. This has included joint work on improving pre-application services, publication of best practice case studies and developing proposals for how statutory consultee process could be improved.
2. This paper outlines a proposed approach to take forward the LGA's lobbying on planning by bringing together key facts and figures to provide evidence that planning is not the problem and clearly sets out the LGA position on the planning and housing supply debate. An emerging draft of the proposed paper will be tabled at the meeting for discussion.

Proposed approach

3. The proposal is to produce a short, accessible document that can be promoted widely and used in discussions with Government and others. It will:
 - 3.1 Include facts and figures that demonstrate that planning isn't the problem and that giving local areas a greater say in planning is working to support growth. This will include evidence that demonstrates that:
 - 3.1.1 Councils are using planning to proactively support growth.
 - 3.1.2 Major planning reforms do not significantly increase housebuilding.
 - 3.1.3 Housebuilding numbers are driven by other factors including the economy, access homebuyers and housebuilders have to finance and house prices.
 - 3.2 Challenge the assumptions behind recent proposals for further changes to local planning. This will include proposals on the government's proposals on planning conditions, making local plans statutory and thresholds for S106 agreements.
 - 3.3 Set out the LGA position on the housing and planning debates that need to be taking place, including:
 - 3.3.1 Improving pre-application dialogue
 - 3.3.2 Reform to planning application fees
 - 3.3.3 Dialogue with the development industry about planning conditions
 - 3.3.4 Removing current restraints on councils' ability to invest in housing
 - 3.3.5 Improvements to statutory consultee processes
 - 3.3.6 Providing good support to councils on local plan-making – the important role of the Planning Advisory Service (PAS)
 - 3.3.7 Making the Duty to Cooperate work.

4. As agreed as part of the Board's work programme, officers, in discussion with lead members have developed draft proposals for how the Statutory Consultee process could be improved. A confidential draft of these proposals is attached at **Appendix A**. Members are asked to comment on and agree these proposals which could then be publicised and shared with Ministers.

Financial Implications

5. Activity set out within this report can be delivered within existing budgets.

Appendix A

Improving statutory consultee processes

Introduction:

The planning system is a key lever for economic growth and regeneration whilst promoting social and environmental well-being. Councils are working positively to promote growth through the planning system including working in partnership with the private sector and government agencies to bring forward new development with minimum delay and bureaucracy whilst ensuring it meets local needs.

In order to support this endeavour councils and developers are working to identify ways in which planning processes and tools can be streamlined and proportionate to risk.

Government agencies as statutory consultees have an important part to play in ensuring planning supports the delivery of development that best meets the needs of the local area.

In response to a series of reviews and to reductions in budgets, a number of the statutory consultee agencies are already looking at how they can ensure their engagement is risk based, proportionate and timely. We would like to build on this progress to ensure a consistent and coherent approach to streamlining the planning process.

We have developed 10 proposals for improving the statutory consultee process:

Early engagement

1. **Statutory consultees should focus on engagement at plan-making stage.** This will allow significant issues with strategic sites to be identified at the outset so that all parties are aware of what further assessment and engagement is required and some sites can be screened out of further requirements. That will provide certainty and clarity to developers, reduce unnecessary consultation and save resources for all parties.
2. **Statutory consultees should make greater use of standing advice.** Early screening at plan-making stage will enable statutory consultees to do this. The provision of effective standing advice can support quick progression of planning applications by reducing the number of consultations required. The Environment Agency has increased its use of Standing Advice on Development and flood risk¹ for low risk applications, allowing it to focus efforts on higher risk developments.
3. **Statutory consultees should offer effective pre-application engagement discussion and advice proportionate to proposed development and the needs of applicants.** Early engagement between statutory consultees, developers, councils and other partners through pre-application services allows issues to be resolved before applications are submitted, increasing the quality of schemes, reducing conflict and securing community acceptance for applications. This should be part of a coherent and joined up local pre-application offer. This can assist in bringing forward development more quickly and add value to all partners saving time and money.

¹ <http://www.environment-agency.gov.uk/research/planning/82584.aspx>

A timely and proportionate approach

4. **Statutory consultees should provide notification to applicants within 5 working days if further information is needed in order to provide a substantive response.** In order to adhere to the 21-day statutory time period for responses, statutory consultees frequently issue holding objections, sometimes as late as day 21. This leads to delay and uncertainty about when a substantive response will be received.
5. **Councils should have powers to ensure that statutory consultees respond to consultations on planning applications within 21 days (where no agreement has been reached with the council to extend).** This would provide an increased incentive for adherence to the time limit and remove uncertainty and delay in the planning system.
6. **Veto powers should be removed from statutory agencies.** The use of veto powers by national agencies can block or stall development. Removing these powers would encourage a collaborative approach with councils where problems arise, rather than the use of a blunt veto power that can cause significant delays to planning applications or stop them in their tracks. Statutory agencies should also ensure that any conditions required for development are proportionate and specified at an early stage. Early engagement as outlined in 1-3 should support this endeavour.

Joining-up and streamlining

7. **Statutory consultees across different government departments should move towards a single point of engagement – a “one-stop-shop” model.** Navigating numerous government agencies to find the information required is complex and time-consuming for councils and developers. A single channel of engagement or single point where information of the statutory consultee ‘offer’ could be accessed would simplify and speed up the process. Government should support the provision of appropriate systems to enable this and appropriate departments should ensure their agencies are engaged.
8. **Statutory consultees should promote and make greater use of e-consultation.** This would provide a standardised, simplified, consistent service for councils and other applicants and be provided as part of the “one-stop-shop” proposal above. Government should support the provision of appropriate systems to enable this.
9. Building on the single point of engagement, **statutory consultees should consolidate planning functions across organisations.** This was recognised by the recent triennial review of the Environment Agency and Natural England and would provide a coherent, single conversation offer on planning advice and support provision of a seamless planning service to councils and developers.
10. **Statutory consultees should join up planning functions with other regulatory, licensing and permitting functions** they undertake. This should provide a seamless offer to councils and developers with processes that can run concurrently to speed up decision making and consent/permit giving. This would reduce regulatory burden and simplify the process.