

Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

30th January 2025

Response submitted via email only to: planningcommittees@communities.gov.uk

Dear Sir/Madam,

Re: Planning Reform Working Paper: Planning Committees

Introduction

Thank you for releasing the ‘Planning Committees,’ Working Paper which we understand to be part of an on-going engagement with stakeholders on changes to the planning system. The Land Planning and Development Federation (LPDF) recognises the need for reform to the current operation of planning committees to ensure a consistency of approach, faster and improved decision making and increased certainty in the outcome of planning decisions. The Federation also recognise and applaud the government on the speed of change to the planning system being pursued, in direct recognition of the need to make the necessary reforms and get Britain building again.

The general direction of travel displayed by the changes proposed to planning committees is very positive and is supported by the Federation. Local Planning Authorities (LPAs) workloads are significant and their resources are limited, therefore anything that can be done to reduce the impact on LPAs and their committees is to be welcomed.

About the LPDF

The LPDF seeks to represent the UK’s leading land promoters, home builders and commercial developers.

LPDF members support the housebuilding and commercial development sectors by promoting sites through the planning system, providing “shovel ready” land with a planning permission which can facilitate the delivery of infrastructure and serviced land parcels.

The LPDF seeks to actively engage with government on planning, housing and commercial development policy and to educate the wider public on the social, environmental and economic benefits of development through an evidenced based approach.

The LPDF encourages its members to deliver well designed, high quality, sustainable places which deliver a mix of housing types and tenures, commercial spaces and community uses that have a positive social, environmental, and economic impact.

Our key values include:

- Working in a positive and cooperative way with central and local government and key stakeholders, to deliver a planning system capable of supplying the homes and employment space we need.



- Promoting research and an evidence-led approach to policy development.
- Increasing the supply of new homes to meet demand and make home ownership a realistic possibility for all those who aspire to it.
- Ensuring that we build the affordable homes of all types and tenures that this country so desperately needs.
- Delivering new employment space to meet demand from businesses and support economic growth.
- Championing the impact of increased housing delivery on reducing intergenerational unfairness.
- Creating well designed, high quality and sustainable places to live and work.
- Educating and informing about the social, environmental and economic benefits of development.
- Supporting diversity of delivery in the market and championing SME developers.
- Promoting diversity and inclusivity within the sector.

Questions

(a). Do you think this package of reforms would help to improve decision making by planning committees?

Yes, the LPDF believe that the proposed changes to the national scheme of delegation will have a significant positive impact that would improve decision making. It will be important that careful consideration is given to the options set out in this working paper and that the approach chosen provides sufficient clarity and weight to ensure that it works in practice and that planning applications which are appropriate to be determined by officers, meet the criteria set out in the national scheme of delegation and result in delegated decisions being made.

The LPDF strongly support the comments made within paragraph 2 of the working paper about the need for skilled planning officers to be given the appropriate amount of trust and empowerment, through these reforms, to undertake their role. The local plan should be the heart of the democratic process, during which land allocations are made and local policies are set out, and detailed scrutiny over these takes place. The processing and determination of planning applications should then be a technical exercise to be undertaken by professional officers.

The LPDF note and agree with many of the points raised in paragraph 3 of the working paper regarding the issues with how planning committees currently operate. These are issues which are raised by our members on a regular basis and we believe it is critical that these are addressed to help improve the functionality of the planning system.

Similarly paragraphs 5 and 6 of the working paper set out valid and laudable objectives, providing the overall rationale for these proposed reforms. The LPDF strongly support the need for the proposed reforms to the national scheme of delegation and hope that the reforms brought forward will provide the positive changes needed. If these reforms are done in the right way, the Federation believes that this process will lead to a reduction in workload for professional officers, elected members and all those who help service the planning committees, thus having a positive impact on limited LPA resources.

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



In general, it is important that whichever option is progressed, that it is standardised and that it follows a consistent approach so the development industry will know whether a scheme will be determined by a delegated decision or if it will be required to go to planning committee. Whilst having a national scheme of delegation is supported, an underlying issue that will need to be addressed is the way in which alignment or compliance with the local plan will be judged.

Option 1- Delegation where an application complies with development plan

With regards to Option 1, the LPDF are concerned about how you define the term “comply”. Many schemes will generally comply with many policies but not with every element of every policy in the local plan. Often, a suite of policies are relevant and it is possible that not all of them are fully, or partially complied with. It is therefore a matter of planning judgement to weigh these matters in the balance to reach an overall decision.

If the term “comply” is not very clearly defined then this could lead to an inconsistency in its application and could allow Councillors to call-in applications which only deviate from the Local Plan by a very small margin. The definition of compliance with the Local Plan defined by government would need to be very clear and unambiguous to ensure the effective application of the national scheme of delegation. Relying on planning judgement within a national scheme of delegation would seem to go counter to the government’s overall objectives for this scheme. Paragraph 13 of the consultation document quite rightly recognises the complex nature that decisions on compliance will have, so this is unlikely to be an easy fix.

A second comment regarding Option 1 relates to who would make the decision over whether an application complies with the Local Plan or not? The LPDF believe that if this remains a part of the scheme, this decision needs to be undertaken by a professional planning officer, following clear guidance to ensure a consistent approach is taken nationally.

Option 2 – Delegation as default with exceptions for departures from the development plan

The LPDF do not support this approach as it would be likely to lead to wide variations in approach across different LPAs and therefore would not deliver the consistency of approach which is sought by these proposals. This option would not act to reduce complexity, if anything it would increase complexity along with uncertainty for the applicants.

Whilst this option has some merit, it relies heavily on the competencies of the professional officer and a high level of trust on behalf of the planning committee members. Although there are some examples of this working in practice, sadly this is not a universal picture and often one or both of these criteria are missing. The definition of “specific circumstances” would not necessarily help as this would vary between LPAs and in some cases even within an LPA.

Option 3 – Delegation as default with a prescriptive list of exceptions

The LPDF recognise that this is the most prescriptive approach set out within the options, but that this option, due to its rigid nature, offers the greatest opportunity for the government to provide consistency in decision making and reduce complexity in the operation of the national scheme of delegation. This approach aligns with the current approach taken by many LPAs across the country. Fundamental to the success of this option would be ensuring the list of exceptions is correct.

The LPDF are of the view that the most effective schemes of delegation currently in operation are those, that similarly to Option 3, delegate decisions to officers as a default but with a prescriptive list of exemptions.



With regards to the proposed list of exceptions set out in the working paper, the LPDF strongly object to the inclusion of 20(vii) which proposes to include a threshold for the number of objections a scheme has received. Whilst objections are important and need consideration during the determination of an application, the volume of these should not be used to determine whether an application is suitable for a delegated decision or more appropriate to be decided by a planning committee. The same objection, made multiple times does not make it more valid or relevant, it will either be a material consideration or not.

(c). 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?

The LPDF believe that a hybrid option is likely to be the most appropriate approach, as this is the most pragmatic and most likely to deliver the government's key objectives. Where the principle of development has been established, through an allocation in a local plan or an outline application, then it should be assumed that officers can make the decision as the policies and allocations in the plan will have been subject to extensive consultation and democratic input during the plan preparation process. In addition to this, there could also be a default position whereby all householder applications are determined by delegated decision.

The LPDF are supportive on an approach whereby applications below a certain size should be determined via delegated decisions. However, the Federation consider that this threshold should be set higher in order for this to support SME builders and enable more schemes to be determined via delegated decisions. The Federation believe that this threshold should be set at 50 dwellings or above.

Similarly, the LPDF would be supportive of reserved matters applications being delegated unless there was an exceptional circumstances that demonstrated the need for this to go to planning committee. This would be for the planning officer to demonstrate through their report. Reserved matters applications should just be dealing with the details, as the principle of development will have been set through the outline approval.

Whatever the exact details of a hybrid option, all schemes of delegation require a large degree of trust between members and officers.

(d). Are there advantages in giving further consideration to a model based on objections?

No, the LPDF would strongly object to a model based on objections. As mentioned with reference to the criteria list set out in Option 3, using a threshold of objections in this manner is inappropriate and should not form any part of a national scheme of delegation. A good point does not get stronger purely by repetition. Objections which set out true material considerations will be considered through the determination of the application, either by professional planning officers or at a planning committee. This approach also has the potential to generate a greater number of objections from communities so that the threshold for consideration by Committee can be met.

(e). Do you agree that targeted planning committees for strategic development could facilitate better decision making?

No, the LPDF do not believe that there is a need for targeted planning committees for strategic development. If the system in place is truly plan led, and LPA's are getting plans in place (which is a key aim of this government), then the strategic decisions will have already been taken at the Local Plan level and therefore there wouldn't be a need for an additional targeted planning committee.



For areas without an up-to-date Local Plan, if a planning committee is well trained and has the right applications to consider, there should be no need for an additional committee to be established. The disadvantage of having a strategic committee is that it would risk excluding ward members and also professional planning officer could lose the opportunity of upskilling to deal with such applications, as they would tend to be dealt with by one or two senior planners within an LPA.

In addition, if the national scheme of delegation brought forward works as it should, then potentially there would be no need for even strategic sites to go to planning committee provided they are allocated within the Local Plan and meet the required design codes etc.

(f). Do you have a view on the size of these targeted committees?

Given the views expressed in response to Question (e) the LPDF have no comments in response to this question.

(g). How should we define strategic developments?

Given the views expressed in response to Question (e) the LPDF have no comments in response to this question.

(h). Do you think the approach to mandatory training is the right one?

Yes, the LPDF agree and strongly support the need for mandatory training for planning committee members. This should be a certified course and one that could be delivered in house as well as by external providers. This training should be substantive, undertaken on a regular basis and accredited in some way to ensure that all Councillors meet a minimum level of understanding.

Conclusions

The LPDF welcomes the opportunity to comment on the 'Planning Committees: Working Paper'. The way the development management system and specifically planning committees have been functioning over recent years has caused a lot of difficulties for our members and resulted in unnecessary barriers to the delivery of housing and commercial growth. If the government are to achieve their aim of delivering 1.5 million new homes within this parliament, then the LPDF believe an appropriate national scheme of delegation will be an important step in the right direction.

It is fundamental that the details of this a scheme are right, ensuring that it will work in practice in all LPAs across the country. Clarity, simplicity and consistency are key to the success of this. As mentioned above LPAs workloads are significant and their resources are limited, therefore anything that can be done to reduce the impact on LPAs and all those officers and elected members servicing planning committees is to be welcomed.

We hope that this response to the current consultation is helpful and if you wish to discuss these matters in any further detail, the LPDF would be only happy to assist.

