

NPF Meeting 19th September 2005
NATIONAL PLANNING FORUM: *Inspiring Planning*
Planning Timetable Agreement
(Second draft: July 7th 2005)

What's the problem?

1 Some local planning authorities are refusing applications for planning permission as they near the deadline of 13 weeks (for major applications), rather than see their statistics suffer and their Planning Delivery Grant reduce. Although the problem is not large in numbers of applications, it is a perverse outcome of the incentivisation process. Some authorities which follow due process are penalised for taking 'too long'. These applications are often significant major schemes important to the regeneration and sustainable development of localities. It has also led to additional pressure on PINS as cases tend then to become appeals.

2 Developers have always wanted LPA's to work more quickly, but above all they want approvals. Targets have concentrated minds, not least by incentivising all parties to engage more seriously in pre-application discussions, but applications for large housing developments, waste installations or schemes on brownfield land with complex remediation issues are never going to be easy to process within the time limits. This is compounded by S.106 Agreements which are now almost always involved. Even Beacon Councils with dedicated teams working collaboratively with developers find the present regime difficult to manage.

3 Any remedy to the problem must keep pressure (and incentive) on the LPA to process applications swiftly, on applicants to supply additional details in timely fashion and above all for both parties to engage in meaningful and early pre-application discussions. Front loading cannot be over-stressed.

Service Delivery Contracts

4 It has been suggested that applicants should be able to sign a 'Delivery Contact' with the LPA and pay an additional fee to secure delivery of a decision within an agreed timescale. Some applicants may consider this a price well worth paying. However there are pitfalls to the fee approach:

- Third parties (including the media) may well perceive this as the applicant 'buying' planning permission and that the decision to approve is a foregone conclusion;
- Some councillors may think likewise and could find explaining to their electorate that this is not the case a difficult task;
- The bulk of applicants who are not paying the additional fee may feel their application will be in the slow lane;
- Applicants paying the fee will expect the service to lead to a consent and if they receive a refusal could then complain that the planning service has failed them.

5 Some have suggested that the present target of 13 weeks should remain and that all the negotiation should be front loaded into the pre-apps stage. Whilst it is vital

that full and extensive pre-apps take place on major applications, it is unrealistic to expect that all the issues can be settled before the application is registered. Third parties might complain that the time available for formal representations and community involvement is unrealistically short relative to the scale of the development and that the proposals have varied from those tabled at pre-app stage (a common occurrence).

A possible solution:-*Planning Timetable Agreement (PTA)*

6 Firstly, the name-it is about agreement to a timetable, nothing more. The PTA would be a public document and would run to one page (a standard template) signed by the applicant and the LPA with a site plan and description of the proposed development. It could be advertised as part of the 'weekly list'. Attached to the single page would be a project plan (standard software exists for generating critical path bar charts) setting out key dates for each party to adhere to in order that the process can be predictable and smooth. This should include procedures and dates for community involvement, in accordance with the LPA's Statement of Community Involvement which should ensure that proper procedures are in place for pre-application consultations to be carried out with the community and presentation to councillors, informal consultations with agencies and preparation of specialist studies. No money changes hands. This overcomes most of the objections listed above, indeed it can be said to increase transparency of what is currently regarded by some as a murky process.

7 The issue of the targets remains however. Some argue that all targets should be abandoned. This is probably a non-starter and may even be resisted by LPA's who may fear Planning Delivery Grant would disappear with the targets. Hard working staff would see their stock fall to the level of the poorest performing authorities and performance would fall all round. This is not good for planning, local authorities or applicants. However, this does not address the case that more time is needed from the time of registration to deal with many complex applications and their attendant S106 Agreements than the 13 weeks allowed. It could be that the PTA (or an addenda to it) would set a date for determination. This would need to be counter-signed by the GO regional office and would then become the target for monitoring purposes (and PDG). The reasons why an extension is deemed necessary would be outlined and this would be a public document. Third parties are likely to welcome an extended period for formal decision making. *A PTA would only be available to applicants who are or have participated in pre-application discussions and it would be an incentive for them to do so.* It would not affect the date for determination set out in the Act or Regulations so the applicant could still appeal against non determination within present limits. This is a vital backstop.

8 Because relatively few applications would be involved monitoring need not be a mammoth task. It may be that PTA's could be piloted in one region? It may be that they are only available to LPA's who already have a high 'score'? There are bound to be some who will see this as rowing back from the progress in timeliness that has been painfully secured. There are others who will see this as welcome recognition

that one size doesn't fit all and that permission within 15 weeks is better than a refusal and possible appeal two weeks before. Returning to costs, most of these applications would be subject to S106 Agreements and there is nothing to stop the LPA from seeking to recover its reasonable costs through that route, for processing the application in line with the PTA.

Graeme Bell, Secretary NPF

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