

Planning Portal: The Killian Pretty Review

The review will carry out a detailed review, from start to finish, of the process for seeking planning permission. It will look at case studies for a range of different sectors including, housing, business and the renewables industry.

The aim is to identify reasons for delay in deciding planning applications, and make recommendations for dealing with these and reducing unnecessary burdens for all parties involved in the process.

The review has been jointly commissioned by Communities and Local Government and Business, Enterprise and Regulatory Reform Departments.

It will be carried out by Joanna Killian, Chief Executive of Essex County Council and David Pretty, who recently retired as Group Chief Executive of Barratt Developments PLC.

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cc: Daniel Bech (RTW Town Forum), Peter York (Kent Federation of Amenity Societies)

Having read the Review and attended the conference at GOSE on behalf of the Kent Federation of Amenity Societies please find below my comments on the Review and response to the questions.

Killian Pretty Review (KPR) Comments

1. Orientation of Review

KPR is required by its terms of reference to address the concerns of applicants and those operating the planning application system. It tends to exclude the interests and experience of community organisations, and few of these appear in the list of those consulted to date. The questions asked are in many cases not directly relevant to, or within the knowledge of a community organisation. The focus of the conference was on the mechanics of the system rather than the slightly broader context of concern to us.

2. Loss of Democratic Control

KPR focuses on speed of decision and the mechanics of the system. It sees planning being required to deliver an increasing range of policy objectives, and the increased complexity making participation more difficult. It recognises that this tends to push control of the system towards legalistic and risk-averse handling by professional officers and away from decision by elected members. This is made worse by the tendency to exclude members from pre-application discussions, through misapplication of Nolan. The loss of democratic control makes authorities more passive and therefore more negative, with less incentive to take initiatives.

3. Servant of Development Industry

KPR records that faster handling of applications increases the proportion of approvals. The Kate Barker Report held the planning system responsible for restricting the supply of housing and other development. We agree with the importance of delivering housing and employment, but we do not agree that faster approvals for applicants are all-important. There was general agreement at the conference that time taken from validation to decision was an arbitrary measure and counter-productive in terms of results. Thus we believe the general objective of a `faster and more responsive` process should be qualified by reference to the quality of decisions and responsiveness to local interests; otherwise `planning` becomes seen as the servant of the development industry.

4. **Lack of Community Input**

KPR diagnoses a conflict between speed, increased policy complexity, and control by elected members. It is rightly concerned about the level of delegation to officers in planning decisions, the exclusion of elected members from pre-application discussions and the lack of member input to plan-making. Community organisations are not mentioned in the Review, but all the more in default of democratic control by elected members the role of community organisations is crucial in representing local opinion. Failing to give a voice to community organisations gives rise to the situation where only those instinctively opposed to development make themselves heard.

5. **Focus on Large Applications**

In line with the focus on development output, KPR seems to be pre-occupied with large applications, which constitute less than 4% of the total. It refers to the cost of the amount of detail required by these, the time taken and the uncertainty of outcomes. In fact these problems are probably much less acute for large developments and large developers, usually bringing forward a stream of applications, working with land-banks and in-house management, than for smaller ones and householders. This bias reinforces the impression that there is an unspoken objective of facilitating consent for major development.

6. **Human Resource Limitations**

KPR attributes failures by planning authorities to a shortage of skilled front-line staff. They do not connect this with the expansion in private sector consultancy and a shift in the resources available to developers who can afford to retain specialists. The increased complexity of the system and the shortage of those qualified to negotiate it are also problems for community organisations. The pressure on authorities to perform means many duly validated applications are seriously inadequate and misleading to the public.

7. **Shaping the Environment**

KPR rightly sees the planning application system as dysfunctional. The basic dilemma is whether the system is required for maximum development output or for effective democratic control. We believe there are definite limits to the plan-led process such that many decisions still require a `political` in-put to compare and evaluate policies and priorities, and this would remain if elected members had a greater role in plan-making. Achieving this in-put requires either or both greatly increased involvement of elected members in decisions and supporting the role of community organisations. The current Communities White Paper seems to recognise that communities need to take more responsibility for their environment, and this may mean uncertainty and expense to a developer.

Planning Portal: Killian Pretty Review : A Call for Solutions

Joanna Killian and David Pretty have published "A Call for Solutions" document and welcome all those with an interest in improving the planning application process, for all its users, to respond to the questions they pose by **5 September 2008**.

Questions and Answers

*Q1 How much scope is there for introducing a more proportionate and tiered way of dealing with development proposals of different scale and complexity?
In particular, what are the merits of developing an intermediate level of approach, between permitted development and full planning permission?
What are the main barriers to the introduction of such an approach, and how could they be overcome? How could increased complexity be avoided?*

A. We would oppose any expansion of permitted development, which could increase handling difficulties as well as create more conflicts on the ground. However there must be room to differentiate applications more clearly, both as to the detail required and the decision process. Any such step would require clearer more consistent advice to applicants at the outset.

Q2 How can local planning authorities be encouraged to take up the opportunities offered by Local Development Orders to free up development from the need to obtain planning permission in local areas?

A. We would oppose any relaxation of control of the principle of development (there would be a somewhat better case for relaxation of control of detail).

Q3 Different types of planning application require different skills. How can local planning authorities respond to the continuing skills and resources challenges efficiently? What scope is there for solutions such as sharing of resources/skills between local planning authorities?

A. Agreed. We suspect authorities could simplify their own work by for example fuller consultation with applicants in the early stages, and `tiering` applications as described. Sharing professional staff between authorities would appear to further dilute local democratic control.

Q4 How can we ensure that all users of the system have access to the simple, customer-oriented information and guidance they need about how the process operates and what they need to do to put in an application that will satisfy the local authority?

A. Clear, simple leaflets related to the specific type of application. Reducing the formal requirements for an application to those really needed. The use of a 47-step validation checklist is inappropriate for nearly all applications. Early informed advice is essential to ensure applicants follow the optimum path.

Q5 What measures can be taken to improve the quality of applications made by developers, agents and applicants?

A. See Q4 above. Authorities must be more willing to reject inadequate applications, possibly arising from dependence on oral understandings with planning officer.

Q6 How can the information required to support planning applications be made more proportionate, while at the same time maintaining a necessary degree of flexibility to accommodate specific circumstances? What are the key areas where changes to the scale and nature of information requirements need to be made, and how might those changes be delivered?

A. No standard answer. This seems to require planning officers to abandon the check-list, cover-everything-in-case approach in favour of dialogue with applicants.

Q7 What are the likely implications for the processing of applications of all sizes, from householder changes to proposals of strategic importance, of moving from a development control to a development management approach and how might they best be addressed?

A. A welcome move in principle though still rather unclear what it means. It appears to place even more demands on the planning officer to interpret and balance different interests and policy objectives. Are these human resources likely to be available?

Q8 How might the current approach to targets be improved to help deliver the right outcome (decision) most efficiently? How might the use of Planning Performance Agreements be further encouraged?

A. We doubt whether targets based on time taken between validation and decision have benefits which outweigh the disadvantages. Possibly one reason why authorities are reluctant to embrace PPAs is that initiating one implies approval of the application at the outset.

Q9 How can the involvement of statutory and non-statutory consultees in the planning application process be improved?

A. Consultees should be required to respond within the defined time-limit or be ignored; consultees raising basic issues should be required to attend meetings with applicant and case officer.

Q10 What do you consider to be best practice in the involvement of elected members in the planning application process? How could best practice be further encouraged?

A. Elected members should be encouraged to take part in pre-application discussions in the presence of case officers; they should be trained for this role and their participation recorded. With any case raising issues of policy or public concern the decision should be taken by an applications sub-committee of members.

Q11 How might community engagement in the planning application process be made more effective? What role is there for different forms of engagement, such as dispute resolution and stakeholder dialogue approaches, e.g. 'Enquiry by Design', in the planning application process? How might any changes needed be implemented?

A. Improvements in the presentation and advertising of applications, differentiating the more significant/larger (eg. on-line). Stakeholder dialogue such as Enquiry by Design seems to presume a prior decision in principle to permit the development – ie. they are suited to agreement of details rather than to the initial outline consent.

Q12 How can the effectiveness of pre application discussions be improved in a way which improves the overall speed and quality of the process from start to finish?

A. We don't agree that increased speed is compatible with more effective pre-application discussions or improving quality of outputs.

Q13 What would be the pros and cons of a change to allow local planning authorities to choose whether to advertise applications in a local newspaper? Are there other changes to the publicity process for applications which should be considered?

A. Newspaper advertising is often ineffective but local authorities should be able with an active press office to ensure local paper coverage of more significant applications. The obligation to advertise could be removed as long as authorities are required to make proposals known in other ways – eg. notification of neighbours is still very patchy, and relations with community organisations variable.

Q14 What experiences have you had of electronic submission of applications? What more, if anything, could be done to further encourage the use of e-planning in practice? Are there other process improvements which could yield significant benefits for the efficient handling of applications?

A. No direct experience.

Q15 How can the process of negotiation of planning obligations be further improved?

A. No direct experience.

Q16 How could the concerns about conditions be addressed? How can the discharge, enforcement and monitoring of conditions be improved?

A. No direct experience.

Q17 What other measures do you consider could improve the speed and responsiveness of the planning application process?

A. See above answers 11-13 for our reservations about the link between speed and responsiveness. We would like to feel `responsiveness` refers to the local community and not merely to the applicant.