

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	18 APRIL 2024	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS, HEAD OF PLANNING AND STRATEGIC HOUSING Steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	ACCELERATED PLANNING SYSTEM CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That Committee agree the responses to the questions set out in Appendix 1 to be submitted as the Council's response to the consultation.

2.0 Purpose of Report

2.1 To agree the Council's response to the government consultation into Accelerating the Planning System. The link is given below.

<https://www.gov.uk/government/consultations/an-accelerated-planning-system-consultation/an-accelerated-planning-system>

2.2 This consultation seeks views on proposals to:

i) Introduce a new Accelerated Planning Service for major commercial applications with a decision time in 10 weeks and fee refunds if this is not met.

ii) Change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments, which links to a proposed new performance measure for local planning authorities - speed of decision-making against statutory time limits.

iii) Expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals.

iv) Implement section 73B for applications to vary planning permissions and the treatment of overlapping permissions.

3.0 Background

- 3.1 The government has been focussed on introducing several measures to speed up the decision-making process on planning applications. For several months, it has been clear from Chief Planning Officer letters and Ministerial Statements that the Government were looking carefully at the 'Extension of Time' process with a view to significantly amending this or potentially abolishing it for certain applications. On 19 December 2023, it was announced by Michael Gove that the government would limit the use of extension agreements to prevent local planning authorities using them to mask underperformance.
- 3.2 When excluding extension of time agreements, in the last two years to September 2023, only nine per cent of local authorities determined 70 per cent or more of non-major applications within the statutory eight-week period. On major applications only one per cent of local authorities determined at least 60 per cent of planning applications within the statutory 13-week period.
- 3.3. According to the Department for Levelling Up, Housing and Communities, 43.2% of all planning decisions in 2022 involved either a planning performance agreement, extension of time, or other performance agreement. In 2013, 0.4% of decisions involved a performance agreement.
- 3.4 Since January 2023 several measures have been introduced by this Council to ensure decisions are issued whenever possible within the statutory timescale which is 8 weeks for most applications. These measures include changes to the system of validating planning applications, switching to area teams, using fee increase money to make previously temporary posts permanent, improving retention of staff by moving to a system of career grades with two members of the team already enrolled on university courses, amending internal processes to ensure case officers have access to managers and relevant internal advice at weekly catch up meetings, provide opportunities for existing staff to undertake overtime, and reducing officer case load by having separate arrangements to address the backlog of applications including use of a planning consultancy. These measures are already having a beneficial impact on the service and the up-to-date figures to the end of March 2024 will be available prior to the EDS committee meeting.
- 3.5 There are already targets included in the Council Plan to determine applications within timescales with no extension of time. These targets are 60% of applications determined in time in quarter 1 of 2024, 70% in quarter 2 (which if met will bring the SDDC Planning Department into the top 9% of Council's based on this metric), and 80% in quarter 3 onwards.

4.0 Detail

- 4.1 It is recommended that the Council supports the ending of Extensions of Time for non-major applications. There are also aspects of the consultation that lead to a more efficient appeal system and the use of section 73 applications to vary permissions are useful and should remain and potentially be expanded.
- 4.2 The fundamental concern is the unrealistic aim that major planning applications can be determined in 10 weeks. This will be impossible with the high number of consultees responses needed, almost inevitably needing amendments from the

scheme as initially submitted, and very often the need for a S106 agreement. This measure will fail on the government's stated ambition to accelerate the planning system as instead of achieving this, it will leave Council's no option other than to refuse permission and to slow down the delivery of sustainable development as the applicant will either need to resubmit the application addressing the issues raised or appeal. Both will take longer than an agreed extension of time within the initial application lifecycle to address issues raised and to secure the necessary infrastructure via a S106 agreement.

5.0 Financial Implications

5.1 None directly arising from this report, but once the proposals are introduced there may be opportunities for additional income.

6.0 Corporate Implications

6.1 Employment Implications

None directly arising from this report.

6.2 Legal Implications

None directly arising from this report.

6.3 Council Plan Implications

None directly arising from this report.

6.4 Risk Impact

None directly arising from this report.

7.0 Community Impact

7.1 Consultation

None.

7.2 Equality and Diversity Impact

None directly arising from this report.

7.3 Social Value Impact

None directly arising from this report.

7.4 Environmental Sustainability

None directly arising from this report.

8.0 Conclusions

8.1 That the Committee agrees the response in Appendix 1 to be submitted as the Council's response to this consultation.

9.0 Background Papers

9.1 None.

10.0 Appendices

Appendix 1 – SDDC response