

Boosting the Supply of Planning Permissions: An Agenda for Action

A Written Ministerial Statement to Encompass

1. Emphasise the economic importance of the sector in addressing the housing crisis and aiding post pandemic recovery ensuring that it is a material benefit of development to be weighed positively in the planning balance;
2. Amend Paragraph 11d of the NPPF to strengthen the Presumption in Favour of Sustainable Development;
3. Remove the 3 year land supply concession encapsulated within Paragraph 14c of the NPPF to areas with Neighbourhood Plans, returning to a 5 year land supply test;
4. Amend Paragraph 33 and Footnote 37 of the NPPF to ensure that all Local Planning Authorities independently review their Local Plans every 5 years;
5. Redefining 'very special circumstances' such that release from Green Belt is considered acceptable if the Local Planning Authority has a less than 3 year housing land supply, has failed to meet its Housing Delivery Test and does not have a submitted Regulation 19 Local Plan by 31 December 2021. Reinforce that there will be continuing monitoring of Local Plan examination progress such that protection will be removed if the Plan is not adopted within 15 months of submission;

Planning Guidance

1. Set deadlines to be met for the registration of planning applications, with performance monitored as per application determination periods. Registration / validation checklists should be seeking evidence proportionate to the scale of the application;
2. Ensure that Local Planning Authorities do not try to implement and extend the impact of the Environment Bill before it has itself been passed;
3. That statutory consultees who do not respond within the required period should be considered to have provided a 'deemed' approval for the application and any response that misses the response deadline should be incapable of inclusion in the consideration of the planning application.

Accountability

1. That Local Planning Authorities produce evidence that all planning department income is spent only on the activities of that department ie it is ring fenced. Consideration should be given to boosting budgets to ensure service delivery;
2. That Natural England review urgently the impact of their policies on Phosphates and Nitrates which are severely impacting the development industry notwithstanding it is not the principal cause of the issues highlighted. In the post-Brexit environment it should be for the UK Government to set its approach to resolving this issue;
3. Ensure that all Planning Committee Members are appropriately qualified to minimise poor decision making. In particular, the incidence of allocated sites being refused at Planning Committee needs to be reduced. This wastes valuable PINS resources and should not be necessary. Qualification needs to extend beyond half day / full day training and needs to be intensive followed by CPD. Grants to provide this should be provided on an ongoing basis with co-operation with the likes of the RTPi and Planning Bar whose input into the course content and management should be sought. Members of Planning Committee that propose and second a motion for refusal against Officers recommendation should be expected to attend the Appeal (should one take place).

Incentivisation

1. That Applicants should pay a fee upon submission of an Appeal, proportionate to the application fee (for instance 50%), which would be refunded by the Local Planning Authority in the event that the Appeal were allowed. This would help deter frivolous Appeals, aiding PINS work flows. Refund planning application fees to all successful Appellants, to incentivise positive decision making by local planning authorities;
2. Link New Homes Bonus receipts to the time taken to agree s106 Agreements, setting a maximum period post resolution to grant for their finalisation;
3. Provide incentives for those achieving shorter determination periods and for the issuing of consents (ie including completion of s106 Agreements);
4. Incentivise minimisation of planning conditions and have strict policy of deemed approval for their discharge.

Planning Inspectorate (PINS)

1. Review workloads, identifying where a return to pre-pandemic working practices could achieve shortened timescales. Why are the Rosewell timescales not being achieved? Too many Inquiries are being 'downgraded' to hearings and the timescales for their consideration are now, frankly in the context of the housing crisis, unacceptable.

Plan Making

1. Ensure that Local Plan's brought forward prior to 31 December 2023 include sufficient Reserve or Safeguarded Sites such that in the event of non-delivery or slow delivery of an allocated site immediate releases could be made to ensure delivery of the requisite annual housing requirement;
2. Immediately review the operation of the Duty to Co-operate to ensure that the delivery of the housing numbers (as determined by the Standard Method, see below) at a sub-regional level (perhaps Housing Market Area) is not compromised. Inspectors should chair housing 'conferences' to agree the basis of distribution and their findings should be binding.

Review

1. Review the impact of the recently announced First Homes measures, within 6 months of implementation, especially those that may limit its wider adoption such as the price cap (£250,000) and the need for a viability assessment to include a small proportion of market housing to qualify as an Exceptions Site;
2. Review the impact on delivery of the revised Standard Methodology by the end of 2021 and re-assess as appropriate taking account of affordability, existing stock levels and market demands for type of housing. This would also aid 'levelling up';
3. Conduct a national Green Belt review to determine 'value' against set criteria recognising the necessity to release land to meet the need.