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Submitted to Accelerated Planning System Consultation
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Respondent details

About You

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Please state whether you are responding as an individual or on behalf of the organisation stated above

Organisation

Please indicate in what capacity you are responding to this consultation (please only select one)

Community / residents organisation

If other, please specify :

Accelerated Planning Service

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

Don't know

Text box for general comments. Please note that there is further opportunity to comment on the details of the proposal in the questions that follow:

Yes if implemented sensibly, on a modest scale and for applications with few complications. Otherwise it could make things worse in the processing of all planning applications due to its diversion of resources in local authorities many of which are having problems establishing a full complement of planning staff.

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

Yes

Text box for comments:

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

No

If yes, what do you consider would be an appropriate accelerated time limit?:

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes

Text box for comments:

Question 5. Do you agree that the Accelerated Planning Service should:

Question 5. Do you agree that the Accelerated Planning Service should: a) have an accelerated 10 week statutory time limit for the determination of eligible applications. If no, please confirm what you consider would be an appropriate accelerated time limit? b) encourage pre-app engagement c) encourage notification of statutory consultees before the application is made - a) have an accelerated 10-week statutory time limit for the determination of eligible applications. If not, please confirm in the text box below what you consider would be an appropriate accelerated time limit:
Don't know

Question 5. Do you agree that the Accelerated Planning Service should: a) have an accelerated 10 week statutory time limit for the determination of eligible applications. If no, please confirm what you consider would be an appropriate accelerated time limit? b) encourage pre-app engagement c) encourage notification of statutory consultees before the application is made - b) encourage pre-application engagement:
Yes

Question 5. Do you agree that the Accelerated Planning Service should: a) have an accelerated 10 week statutory time limit for the determination of eligible applications. If no, please confirm what you consider would be an appropriate accelerated time limit? b) encourage pre-app engagement c) encourage notification of statutory consultees before the application is made - c) encourage notification of statutory consultees before the application is made:
Yes

If you do not agree with the 10-week time limit, please confirm what you consider would be an appropriate accelerated time limit:

Most of these schemes will have been many months, and most likely years in the making. Reducing the limit from the current 13 weeks to 10 weeks is almost irrelevant, and is proposed only because these applications are currently taking 6 months and more to process.

Meaningful pre-application engagement with the local community should be strongly encouraged

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Don't know

If yes, please specify what percentage uplift you consider appropriate, with evidence if possible:

Question 7. Do you consider that the refund of the planning fee should be:

b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks

Please give your reasons:

The quality of the planning application is of the essence. Much time is currently lost by LPAs trying to turn unacceptable schemes into ones that can just about scrape through the Planning Committee. All this will have to take place before the planning application is submitted. There will be no time for improving poor applications. LPAs will have to reject non-compliant applications speedily. Applicants will also have to raise their game if the accelerated system is to work, particularly with local communities, stakeholders and Statutory Consultees.

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

Please explain:

The application should include clear information on what could be of concern to each Statutory Consultee and have evidence that there has been discussion with the relevant ones.

The appropriate Statutory Consultees should respond to the application within the statutory time frame set for them of 21 days and raise any issues promptly with the local authority involved.

Question 9. Do you consider that the Accelerated Planning Service could be extended to:

Do you consider that the Accelerated Planning Service could be extended to: a. major infrastructure development b. major residential development c. any other development? - a. major infrastructure development:

No

Do you consider that the Accelerated Planning Service could be extended to: a. major infrastructure development b. major residential development c. any other development? - b. major residential development:

No

Do you consider that the Accelerated Planning Service could be extended to: a. major infrastructure development b. major residential development c. any other development? - c. any other development (Please specify what in the text box below):

Yes

If yes to any of the above, what do you consider would be an appropriate accelerated time limit? Please also use this text box to specify any other types of development the Accelerated Planning Service could be extended to.:

Office to residential conversions

Question 10. Do you prefer:

a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)

Text box for comments:

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided in order to opt in to a discretionary Accelerated Planning Service?

Text box for comments:

There should be an estimate of when the development would commence and what would constitute a meaningful start so that the local authority could reach a legal agreement with the applicant on those matters.

Planning performance and extension of time agreements

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

No

Text box for comments:

In our experience the main cause of delay is that almost all planning applications for major developments run materially counter to adopted local plan policies in one or more respects. This approach could lead to applications being rejected that could otherwise be massaged through the system.

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

Don't know

If not, please specify what you consider the performance thresholds should be:

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

d) don't know

Please give your reasons:

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

Yes

Text box for comments:

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

Yes

Text box for comments:

The position of London boroughs needs clarifying

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

Don't know

Text box for comments:

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

Yes

Text box for comments:

some London boroughs already have fast track systems for Householder applications

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?:

Simplified Process for Planning Written Representation Appeals

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes

Text box for comments:

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route?

Yes

If not, which types of appeals should be excluded from the simplified written representation appeal route? :

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

No

Please specify:

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

Yes

Please give your reasons:

Yes, but Q24 could provide the necessary backstop

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes

Text box for comments:

There will be occasions where material evidence comes to light between the original application and the appeal

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Don't know

Text box for comments:

Probably "yes"

Varying and Overlapping Planning Permissions

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes

Text box for comments:

Question 27. Do you have any further comments on the scope of the guidance?

Text box for comments:

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes

If not, please explain why you disagree:

Yes. However, if the basic design or access will change, a summary statement should be provided.

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

Yes

If not, please explain why you disagree and set out an alternative approach :

Question 30. Do you agree with the proposal for a three band application fee structure for section 73 and 73B applications?

Yes

Text box for comments:

Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?:

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

Yes

Text box for comments:

Yes, but the Government has not yet clarified how the new CIL will operate, particularly where there is a Mayoral CIL in addition to the CIL of the LPA, as in London.

Question 33. Can you provide evidence about the use of the 'drop in' permissions and the extent the Hillside judgment has affected development?

Text box for evidence:

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

Text box for suggestions:

Question 35. If the section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?

Text box for suggestions:

Public Sector Equality Duty

Question 36. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

Text box for comments:

No