



Response of London Forum of Amenity and Civic Societies to the Technical Consultation on Reforming Planning Committees

Question 1: Do you agree with the principle of having a two-tier structure for the national scheme of delegation?

No. What is proposed is far too rigid and absolute. The proposals amount to, and will be seen as, an attack on local democracy. We welcome recent statements that the Government wishes to encourage more engagement from residents in the development of local plans, though it has said nothing about how that might be achieved. Such engagement is challenging, and recent efforts have had very limited success. The net effect of the proposal will be to reduce effective engagement in areas where it is currently most common. If a resident approaches a councillor about an individual planning application in Tier A, s/he will have to respond that s/he cannot help in any way. Trust in local government and local democracy will be significantly damaged.

The proposal is also contrary to the requirement in the first paragraph of the consultation – “what to build and where should be shaped by local communities and reflect the views of local residents.” That means that any planning application, no matter how small, that could adversely affect the setting of its location or harm to strategic views, conservation areas or the setting of listed buildings, or causes many objections by residents, should be considered in public by a planning committee. That is because they are “contentious”, as in paragraph 4. b) of the consultation, or they may not be “aligned with the development plan” as in paragraph 4. d).

The proposal is also contrary to the statement made by Baroness Taylor in the House of Lords that “We have provided no current guidance to local authorities on their decision-making processes; within the governance models provided for in legislation, the precise nature of each council’s constitutional arrangements is for that council to decide.” Dictating that Tier A applications “**must** be delegated in **all** cases” amounts to a total ban on the powers of planning committees to determine certain kinds of applications, leaving no room for any exceptions either by type of case or by local circumstances. This is an extreme position based on the belief that there cannot and will not be any such cases. It is not clear whether this is intended to be a legal or a policy matter. If the former, this “ban” represents a major departure from the way the planning system operates. If the latter, then a local authority should, if justified by local circumstances, be able to retain its power, on a case-by-case basis, to require that individual applications should be determined by its planning committee.

There may be cases where the option of treating “minor developments” or applications that are “technical matters” in the proposed Tier A which should, after consideration by the chief planning officer and the chairman of the planning committee, be treated as Tier B applications. Whilst it would be possible to list criteria for recovery, that should not be subject to detailed direction from the government but rather should be in the local authority’s scheme of delegation.

Current practice:

In practice, apart from the first three types of applications, the remaining seven will already be delegated in most if not all schemes of delegation. But we object strongly to the proposal that these applications “must be delegated in all cases”, since it amounts to forbidding local planning committees from considering any such applications regardless of the circumstances.

Question 2: Do you agree the following application types should fall within Tier A?

- applications for planning permission for:
- Householder development
- Minor commercial development
- Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

No. While we accept that the list contains the types of applications that are in most current schemes of delegation, we object to the mandatory nature of the proposed treatment of **all** Tier A applications listed above.

There is a difference between applications for planning permission, which have a legal requirement to be advertised and have specified consultation periods, and those for which there are no advertisement or consultation requirements.

It is shameful that there is no mention of conservation areas in the Government's proposals. Especially in areas where there is a high coverage of conservation areas and a large number of listed buildings, the duty to conserve or enhance the character or appearance of the conservation area or to preserve or enhance the character or setting of a listed building, will be a matter of judgement, and need to be determined

Just as there are exceptions to relaxing planning controls, such as for Article 2(3) land, such as National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites and conservation areas, certain types of Tier A applications may cause harm and raise controversy locally, may need to be decided in public by a planning committee.

A further complication can be the development pressures in areas of high land values where development proposals and developers challenge the policies. These developments may be controversial and the decisions need to have regard to local acceptability of the scheme. Yet again, these are just the kind of cases where the decision may well need to be decided by a planning committee.

Finally, it is unacceptable to require that all applications for lawful development certificates should be determined solely by officers. Where a planning application *should* have been made, as in the Government's guidance on the subject, the applications may need consideration by the LPA's planning committee.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

No.

Question 4: Are there further types of application which should fall within Tier A?

No.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Yes. This could be by having the flexibility that is proposed for Tier B applications for the type of cases that are agreed by the LPA's chief planning officer and the chairman of the planning committee to be decided by that committee. This would enable the special circumstances, the character of the area and local controversy to be reflected in decisions to recover jurisdiction for the planning committee to decide. Thus there may well be cases that might otherwise have been classified as Tier A, where the planning committee should retain jurisdiction, including

- where the application raises an economic, social or environmental issue of significance to the local area
- where the application raises a significant planning matter having regard to the development plan

Examples of controversial applications include:

- Potential harm to strategic views, conservation areas or the setting of listed buildings
- Basements
- Multi-storey upward extensions
- Applications requiring a Fire Strategy
- Large digital internally-illuminated advertisement hoardings
- Cases where the applicant's assessment of viability of the current use is being challenged, such as change of use of a pub.
- Controversial uses, such as betting shops, fast food shops and gaming centres

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Yes. This happens already, where a proposed decision is "on balance" rather than clearcut, or where the case is seen as controversial and the chief planning officer proposes that the decision should be made by the planning committee.

We note that the English Devolution Bill proposes a new form of effective neighbourhood governance to empower ward councillors to take a greater leadership role in driving forward the priorities of their communities. If that is to be the case, councillors' representations on behalf of residents should also trigger the gateway test.

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- Householder applications
- Minor commercial applications
- Minor residential development applications

No. While many/most of these applications will be Tier A, some may, because of special/local circumstances, need to be determined by the planning committee where they are controversial. There must be some flexibility for cases to be considered by planning committees.

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

Yes – this is essential, for propriety reasons such decisions should be made in public.

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Yes.

Question 8: Are there further types of application which should fall within Tier B?

Applications where the recommendation is to grant consent contrary to the development plan.

Question 9: Do you consider that special control applications should be included in Tier A or Tier B?

Such applications are typically handled in accordance with existing schemes of delegation, which take account of local circumstances. That is how they should be handled in the future.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

See our answer to Question 9.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

See our answer to Question 9.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

We have reservations about the proposed power to set requirements for the size and composition of planning committees. There may be some cases where committees are too large, but a one-size fits-all requirement would be inappropriate. Committees should be constituted to reflect local circumstances.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

See our answer to Question 12.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

See our answer to Question 12.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

We strongly support the proposed mandatory training requirement for members of planning committees. But we strongly oppose over-centralised control by MHCLG. Local or regional training and certification that takes account of local circumstances, as for example by London Councils, would be far preferable.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

Any review should be based on evidence as to the nature and scale of problematic performance among local authorities.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

No Unless there is evidence to support it. See our answer to Question 16.

Question 18: 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.

The proposals amount to, and will be seen as, an attack on local democracy. We welcome recent statements that the Government wishes to encourage more engagement from residents in the development of local plans, though it has said nothing about how that might be achieved. Such engagement is challenging, and recent efforts have had very limited success. The net effect of the current proposals will be to reduce effective engagement in areas where it is currently most common. If a resident approaches a councillor about an individual planning application in Tier A, s/he will have to respond that s/he cannot help in any way. Trust in local government and local democracy will be significantly damaged.

Question 19: Is there anything that could be done to mitigate any impact identified?

Only by abandoning the central control and dirigiste features of these proposals.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

There is potential for damage to all five principles, especially prevention and the precautionary principle.

Dr Michael Jubb
Chair, London Forum
July 2025