

# Planning Reform Working Paper – Planning Committees

## **Question 1) Do you think this package of reforms would help to improve decision making by planning committees?**

No. A model scheme of delegation is not going to improve decision making, although it can help some councils provide clarity on the decision-making route. For example, in South Oxfordshire, our scheme of delegation sets out the decision-making route when the application is submitted, which is helpful to applicants and residents. However, some fundamental factors have been overlooked in the working paper and there seems to be little recognition that most councils already have a good scheme of delegation. MHCLG statistics confirm in Q3 2024, that 96% of planning decisions in England were delegated. With only 4% of decisions made by planning committee, the package of reforms appears excessive. In the same Q3, 97% of decisions were delegated in South Oxfordshire. We consider this demonstrates that the planning committee works well and does not reflect the type of committee that government is targeting with these reforms. We believe that the blanket reforms suggested could have a perverse impact on this council, with more applications going to planning committee.

We believe there are better ways to improve decision making. It is also important that most councils allow the local elected member the right to call any planning application to a planning committee. This reflects the democratic system we work within.

South Oxfordshire limit the type of applications that can be called to committee, such as lawful development certificates, which is a legal balance of probability based on the facts, and prior approvals / notifications which are time limited. Condition discharge could also be included.

Having two levels of planning committee (Strategic and regular) will not help with consistency, efficiency and costs and reflect how most councils' work.

Support for certified training for planning committee members is key and can help demonstrate the council have a competent trained planning committee. South Oxfordshire require planning committee members to attend mandatory training as set out in the council's Constitution. This is provided on a regular basis by officers and organisations like the Planning Advisory Service.

### **Improvements to help decision making**

What we do need is to measure the performance of a planning committee, both speed and quality (consistent with government guidance on improving planning performance).

Speed; measured by the number of application deferrals, which is not a productive use of time for all parties, and/ or the number of applications determined per planning committee meeting (average per hour)

Quality; measured by the percentage of officer recommendations overturned then lost at appeal with costs awarded. This measure shows unreasonable behaviour and is a clear test that the planning committee is failing in its responsibilities.

However, there is nothing inappropriate for the planning committee to balance the merits of a proposal against the development plan differently to the officer recommendation, providing it can be reasonably justified on planning grounds. So, at appeal no costs are awarded, indicating that there was a reasonable planning case to argue.

Good governance is key for officers or councils as applicants and whether their applications should be considered by the planning committee. However, not all types of applications are warranted to go to committee. e.g. an officer who works in the health and safety team makes an application for a house extension, there are no objections. Although there may be a perception that as the officer works for the council, they will get permission, the facts would be clear that there is no opportunity to influence the officer recommendation (recognising that there should always be two officers involved in determining an application under delegated authority; one to consider and recommend, the other to review and determine). Thus, it would not be a good use of the planning committee's time to consider an application in these circumstances. However, if the applicant were an officer in the planning team, or could influence the recommendation, then that should go to the planning committee to ensure transparency and integrity. Likewise, small scale council applications are not unreasonable to be dealt with under delegated authority. Our council takes this sensible approach, and there has not been any complaints or challenges to the approach taken.

If government intend to pursue a model scheme of delegation, then binary criteria is key to allow up front understanding of the decision-making approach.

Putting a single elected member as the decision maker will put unacceptable pressure on an individual which could make a planning application decision political or divisive.

Planning application decision making needs to be apolitical.

An opportunity should always be given to senior officers not to use the delegated power, likewise, thought needs to be given to member call in of an application to the planning committee with planning reasons (mentioned above).

New legislation would be required if Chairs are to make decisions, as under the Local Government Act 1972, the delegation is only to officers.

**Question 2) Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?**

The council operates an efficient planning committee that if it overturns an officer's recommendation it has legitimate and robust planning reasons for its decision.

A variation of Options 2 and 3 is the most appropriate approach and the clearest based on a set of binary criteria, i.e. everything is delegated to officers except.....and use application type e.g. major applications, or major applications over a size criteria, e.g. providing a net gain of 'X'+ houses or 'Y'+ square meters floor space to be an exception (so generally major applications would go to the planning committee).

Unfortunately, the suggested models (Option 2 and 3) confuse the criteria with judgements. If para. 15.a. was defined as 'advertised as a departure' from the development plan, then this is clear objective criteria, as opposed to making a judgement. Likewise, under option 3, para.20. a. ii, iv, v..... and para.20. b. is based on whether a scheme is compliant with the development plan or the amount of planning harm which is a professional balanced judgement and is rarely black and

white. The relevant test is whether the application accords with the development plan as a whole, which is a judgement. This judgement is taken at the recommendation stage, towards the end of the application process. Thus, this is not a good basis for criteria. Keep it simple.

The concerns set out at para. 17.a. are unfounded. South Oxfordshire use a similar approach, and we deliver 97% delegated decisions. (Q3 2024 South Oxfordshire - 329 delegated decisions out of 340 decisions). Likewise, para. 17.b. is unfounded, where either the senior officer does not use the delegated authority, or members can call in the application to planning committee.

All requests that an application should go to the planning committee need to be based on written planning reasons, not the number of objections for the clear reasons set out in the working paper. It is the identified planning harm that is the influencing factor to determine the application, not whether one or sixty objections have been made.

Using this varied option, focused on application type, would allow applicants/residents to understand at the point of application submission, the likely route as to who would determine the application.

Option 1 is the worst option as it does not meet the aims of the reform. It is not based on an objective assessment where all parties can see early in the application process, if it is intended for the planning committee.

To base the scheme around whether a scheme is compliant with the development plan (or in line with a design guide?) is a professional balanced judgement and is rarely black and white. The relevant test is whether the application accords with the development plan as a whole, which is a judgement. It cannot be defined as requested, as it is a judgement. This judgement is not made until the end of processing an application, so this model offers little value to applicants/residents about which approach for determination will be taken. Whether the local plan policies are out of date is a judgement on compliance with the NPPF, so using this as criteria is not appropriate. This option will leave the council open to complaints and judicial reviews creating unnecessary work.

It is naive to suggest members will have considered all the planning issues for a scheme on an allocated site at the plan making stage. Until an application is submitted with the details, whether under a Full or Reserved Matter application, members, officers and residents will not know. The plan making stage and allocation only looks at the principle of development.

It is inappropriate to have a scheme of delegation that muddles the processing of an application with the assessment of an application (e.g. whether it should be delegated versus compliance with development plan).

**Question 3) We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?**

The national scheme of delegation should be objective, simple and allow councils to amend parts of it to reflect local circumstances. So, councils could use size thresholds as mentioned above or exclude some application types, which South Oxfordshire do, as mentioned above.

**Question 4) Are there advantages in giving further consideration to a model based on objections?**

No, for the reasons set out in the paper. In addition, whether it is one or hundred objections, it is immaterial to the assessment of an application. The application is determined on its planning merits and accordance with the development plan. It is not determined on a popularity vote.

**Question 5) Do you agree that targeted planning committees for strategic development could facilitate better decision making?**

No. To have two types of planning committee will become divisive and potentially inconsistent. It should be one planning committee to consider all types of applications which are not delegated. All members are given the same certificated training.

**Question 6) Do you have a view on the size of these targeted committees?**

N/A – do not agree with targeted committees.

**Question 7) How should we define strategic developments?**

Each council will need to define a strategic development as it is relative to the character of their area. South Oxfordshire suggest 200 houses plus, which is consistent with our plan making threshold for strategic allocations.

**Question 8) Do you think the approach to mandatory training is the right one?**

Yes, with a test to demonstrate the competency of the committee member. Although South Oxfordshire provide an annual program of training for planning committee and all members, the suggestion of mandatory training set nationally is welcomed. We would also support an official, nationwide training provider.