



Briefing Note

Modernising Planning Committees

To: Regulatory Committee

Date: January 2025

From: Development Services Manager

Ref: Committee reforms

1.0 Purpose

- 1.1 To inform member of the Government Paper in relation to modernising planning committees.
- 1.2 The Government have stated their commitment to getting Britain Building. A number of working papers will be produced on difference aspects of planning reform. This paper deals with planning committees in particular.

2.0 Summary

- 2.1 The published paper seeks views on models for a national scheme of delegation looking at three options which are designed to facilitate faster delivery of homes. The Government is also seeking views on the creation of smaller strategic committees and the introduction of mandatory training for committee members.
- 2.2 The reforms discussed in the paper would all require changes to primary legislation through the Planning and Infrastructure Bill. The paper sets out a number of questions to inform discussions within the sector before deciding if any proposals are taken forward.

Introduction

- 2.3 The paper confirms the Governments commitment to ensuring every area has an up-to-date local plan which has been developed through resident engagement. It is acknowledged that planning committees have an integral role in providing a local democratic oversight of planning decisions but that the committees need to operate as affectively as possible focusing on applications requiring member input and not revisiting the same decisions. The paper also confirms that the Government wishes to make sure that *skilled planning officers in local authorities are given the appropriate amount of trust and empowerment.*
- 2.4 It is acknowledged within the paper that the number and types of applications considered by committees varies widely between local planning authorities. Some committees make decisions not in accordance with material planning considerations and some committees revisit developments which have already been considered.
- 2.5 The paper sets out a number of issues that the Government wishes to address

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a. First, many local schemes of delegation do not provide full clarity on whether or not an application will go to committee, which can cause uncertainty for developers.

b. Second, too much time is spent considering applications which are compliant with the local plan or applications for post-permission matters, especially where the development would be on an allocated site and where there are clear policy requirements for the site in the local plan. This delays decisions on schemes which have already been considered through the local plans process, wasting the time of councillors, applicants and delaying good outcomes for places and for communities.

c. Third, in some of these instances the development is rejected against officer advice only to be overturned on appeal, delaying appropriate development and wasting taxpayers' money.

d. Fourth, there can be insufficient understanding among all committee members of planning principles and law, inhibiting their ability to make decisions in line with these principles and law, in turn making these decisions more vulnerable to being overturned on appeal.

e. Fifth, there is a lack of transparency of committee decisions and their consequences – especially if a committee refuses an application and there is a successful appeal with costs awarded against the local planning authority.

- 2.6 Examples are provided of schemes where the proposed development was on an allocated site and accorded with the Development Plan however the application was refused by committee contrary to officer recommendations and the subsequent appeal was upheld. One of the examples included in the paper is shown below:

Residential development on allocated greenfield site in Northern England. The site was allocated in the Local Plan for residential use. In Autumn 2022 an application for planning permission was submitted for a development of approx. 100 dwellings on the site. Planning officers recommended to the planning committee that the application be approved in Autumn 2023. The planning committee decided to refuse it. An appeal was made by the applicant and the Inspector, in Summer 2024, agreed the appeal should be upheld and granted permission. (Northern Borough Council).

Objectives

- 2.7 The Government states that they want to:

a. encourage developers to submit good quality applications which are compliant with plan policies;

b. allow planning committees to focus their resources on complex or contentious development where local democratic oversight is required and a balanced planning judgement is made;

c. ensure planning committee members get the training and support they need to fulfil their duties effectively; and

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d. empower planning professionals to make sound planning decisions on those cases aligned with the development plan

National Scheme of delegation

2.8 The paper states the intention to establish a *national scheme of delegation which will provide a standardised, consistent approach to delegation of decisions in all local planning authorities, recognising where sites have already had democratic approval through the local plan process.*

2.9 *Option 1 – Delegation where an application complies with development plan*

This would result in the delegation of decisions to officers were the application complies with the development plan. The site allocation would have been considered within the Local Plan and residents would have been consulted therefore allowing professional officers to make decisions on applications which comply with the plan.

Planning committees would not need to consider all applications which did not comply these could be delegated to officers if the local authority for that area wished.

This approach would apply to reserved matters and condition discharge in that if they were compliant with the development plan they would be delegated to officers.

2.10 *Option 2 – Delegation as default with exceptions for departures from the development plan*

The second option would be that all applications be delegated to officers unless specific circumstances apply. This could mean that all applications must be delegated to officers unless:

a. the application is a departure from the development plan and is recommended by officers for approval; or

b. the application has been submitted by the local planning authority, its members or officers.

2.11 *Option 3 – Delegation as default with a prescriptive list of exceptions*

Under this model the national scheme of delegation would set out a prescriptive list of applications types to be determined by committee.

As an illustration, the list of circumstances where a committee could consider an application could include the following circumstances.

a. All applications for planning permission must be delegated to officers unless the application is:

i. for major residential or commercial development not on an allocated site;

ii. for an allocated site and the proposals depart from the policy in the local or neighbourhood plan for that site;

iii. for land on the Green Belt which engages the exceptional circumstances test in the NPPF;

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- iv. for development subject to Environmental Impact Assessment or which is likely to have a significant impact on a habitats site;*
- v. for development that would cause substantial harm to a designated heritage asset and there could be exceptional reasons for its approval;*
- vi. submitted by a local planning authority, its members or officers; or*
- vii. subject to over a specified number of objections.*

b. All applications for other planning consents and approvals must be delegated to officers unless, for applications for listed building consent, the application was for works which would cause substantial harm to a listed building and there could be exceptional reasons for its approval.

In relation to the objection threshold the paper notes that while there are some attractions to this application its risks incentivising organised opposition to development to meet the threshold set. The paper states that the Government is less inclined to pursue this but keen to consider views.

2.12 Hybrid approach

It may be that a blend of the three approached outline above be taken forward which:

a. first, applications which comply with development plan would be delegated, as per option one;

b. second, all reserved matters applications would be delegated, reflecting the fact that the principle of permission had been achieved and so giving greater certainty for post-permission matters; and

c. third, all applications for residential development below a certain size would be delegated, for instance using the non-major development threshold of ten units for residential development and 1,000 square meters for non-residential – recognising that consideration would need to be given to the operation of a threshold that works for all areas across the country.

Dedicated committees for strategic development

2.13 Strategic development can include large scale development proposals, Area Action Plans and proposals for urban extensions. These development opportunities can be in key locations with significant new housing, jobs and infrastructure.

2.14 Such strategic sites are often secured from the outline permission with ongoing consenting for the substance matters as development progresses. *This type of strategic development, which will impact on the long-term future of a location, will always be considered by elected members, and not subject to the general approach being proposed for a national scheme of delegation. Such strategic development requires longer term engagement by committee members and can involve consideration of many technical planning matters.*

2.15 Such committees would take ownership of strategic development and would smaller sitting alongside the main committee. There are two specific considerations:

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a. The appropriate size of these committees. We think there are considerable benefits in having a small committee of knowledgeable members who can have informed discussions about the strategic development, while recognising that as a committee there will need to be political balance reflecting the overall composition of the local authority. Several strategic development committees have seven to nine members, but we are keen to explore whether three to five members would give adequate scope for careful consideration of all matters.

b. What constitutes strategic development in an area. One approach could be for the local planning authority to decide what is a strategic development having regard to statutory guidance from the Secretary of State. Another approach could be to define strategic development in regulations based on development thresholds – for example, 500 units for residential development or 50,000 square meters for non-residential.

- 2.16 It is not anticipated that all planning authorities would require strategic committees and where they are required views are sought on whether these committees should include independent expert members in addition to the elected members.

Mandatory training for planning committee members

- 2.17 The paper recognises that planning is complex area looking at regulations, case law and policy requirements. The paper states that *unfortunately, there are still too many decisions being made where the planning justification is weak, and the decision is overturned on appeal, creating delays and uncertainty.*
- 2.18 While many local authorities train members the paper states that the approach is inconsistent and varies throughout the country. The Government are therefore considering mandatory training for planning committee. This could be through a certified training course before members could sit on planning committees.

We envisage the training would cover at least the key principles of planning including, but not limited to, planning legislation, the role of the development plan and national planning policy, the planning application process, enforcement, and the code of conduct for planning committees. We are also keen to explore whether the training should be further extended to more in-depth planning matters and the effective operation of a planning committee.

- 2.19 It is envisaged that the training and certification would principally be online and the Government would procure a provider to prepare any training programme.

Other areas for further work

- 2.20 The Government has made it clear that greater transparency on decision making is necessary. Authorities, through the planning statistics returns, will be asked to provide dates on decision making in relation to planning committees and where refusals have been made against officer recommendations. The Planning Inspectorate will also be asked to provide data where such applications have been overturned at appeal and costs awarded.

Questions within the paper

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2.21 The paper concludes by stating views are welcome on the options set out and in particular on the following questions:

a. Do you think this package of reforms would help to improve decision making by planning committees?

b. 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?

c. 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?

d. Are there advantages in giving further consideration to a model based on objections?

e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?

f. Do you have a view on the size of these targeted committees?

g. How should we define strategic developments?

h. Do you think the approach to mandatory training is the right one?

3.0 Conclusions/recommendations

3.1 To note the information and suggested changes contained within the report. The working paper seeks views from a range of planning, housing and local experts before finalising proposals for planning committees. This will be followed by a formal public consultation on these detailed proposals to coincide the Planning and Infrastructure Bills introduction in 2025

3.2 Members can provide any comments on the working paper via email directly to the Development Services Manager (Claire.griffiths@redcar-cleveland.gov.uk) and the Head of Planning and Development (Adrian.miller@redcar-cleveland.gov.uk) by 31/01/2025.

4.0 Further information sources

Appendix 1 Planning Reform Working Paper Modernising Planning Committees

[Planning Reform Working Paper - Planning Committees](#)