

## Government Response to the Killian Pretty Review



**BERR**

Department for Business  
Enterprise & Regulatory Reform

## Government Response to the Killian Pretty Review

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## Summary of actions

The Government welcomes the Killian Pretty Review Final Report<sup>1</sup> which provides a strong foundation for the next stage of planning reform. In response to the recommendations we propose an ambitious, but deliverable, programme of measures to create a planning application process which is more proportionate, that operates more efficiently and effectively and is more easily understood by all involved.

The need to achieve these objectives has never been more pressing than now, with the current challenging economic climate. The measures we propose will improve the application process from start to finish, but an early priority will be work to reduce the need for planning permission for some small scale developments by businesses and public services and streamline information requirements for applicants.

The need for action is urgent and we have already:

- established a programme office within Communities and Local Government to take forward a wide range of actions
- created a stakeholder Sounding Board to develop and test emerging proposals with representatives of key bodies in the planning process
- discussed with stakeholders how they propose to help take forward some of the recommendations, for example the Local Government Association propose to issue updated guidance which will help clarify councillor engagement in the planning application process, and the British Property Federation are working on guidance to encourage developers to use Planning Performance Agreements
- worked with PAS to identify a number of actions to support implementation, including:
  - commissioning a project to help increase the use of Local Development Orders by local authorities
  - ten regional events on integrating a development management approach into the planning service
  - developing guidance on development management
- commissioned research to look at how we might streamline the process for minor changes to planning permissions
- delivered the e-Consultation Service (Hub). The Planning Portal is now working with local planning authorities and consultees to drive take up
- strengthened the arrangements for co-ordination between the bodies who help build skills and capacity in the planning sector.

<sup>1</sup> Pretty, D and Killian, J. (2008) *The Killian Pretty Review. Planning applications: A faster and more responsive system Final Report*. Communities and Local Government. London.

In addition, by Summer 2009 we propose to:

- consult on:
  - draft proposals to extend permitted development rights for businesses and public services – which will make it easier for them to make some small scale alterations or extensions to buildings
  - a possible simplified process for some minor commercial development, such as new shop fronts
  - draft proposals to streamline information requirements for applicants
  - possible changes to give local authorities greater flexibility to determine how best to notify the public about planning applications
- identify options for an improved approach to minor amendments to planning permission<sup>2</sup>
- publish an action plan to develop new national policy on Development Management, together with a staged programme to deliver simplified and consolidated secondary legislation
- report on progress in developing proposals to take forward the other agreed recommendations, in particular in relation to changing the performance framework, engaging statutory consultees and improving the use and discharge of planning conditions, with consultation on the latter two issues in the Autumn.

In Winter 2009 we will provide a further update on our progress in taking forward the agreed recommendations, against the mile stones set in the progress report published in Summer 2009.

<sup>2</sup> Timing of subsequent stages will depend on whether primary legislation is required.

## Overview

The Government welcomes the Killian Pretty report as an important contribution to improving the operation of development management at all stages, from the point of view of those who use and engage with the system, as well as those who operate it.

The Town and Country Planning system is rightly revered for the safeguards that it provides, to ensure that development is sustainable and that the rights of individuals affected are upheld. But it is also imperative that the level of regulation imposed through the planning system is proportionate, that the system operates efficiently and effectively and that its operation is easily understood by all involved. These objectives have never been more important than now, with the current challenging economic climate. We need to lay the groundwork now, so that, as economic growth recovers, the planning system facilitates rather than inhibits sustainable growth.

While the Killian Pretty report is directed primarily at government and many of its recommendations can only be implemented through Government action, success will only be achieved with the active co-operation and involvement of other key stakeholders, such as the local government sector, the planning profession and the business/developer community. To help facilitate this we have formed a Stakeholder Sounding Board to work with us in taking forward the action points and to discuss the recommendations which are directed at other stakeholders. Indeed some actions are already planned by other key stakeholders which will help address these matters. For example, the Local Government Association are proposing to update the guidance document, *Probity in Planning*, to offer advice to elected members and officers on their roles in the planning process in light of current planning regulations.

We have grouped our actions in response to the recommendations into five main themes:

- reducing the number of small scale developments that require full planning permission
- making the planning application process more efficient and effective for all involved
- improving the quality of information available to users of the planning application system
- improving local authority capacity and performance in the process
- streamlining the national planning policy framework

Action is required in all these important areas, but it will take some time to address all the matters where improvements are suggested. The Government therefore intends to take a phased approach, with immediate priority given to some key areas which will help deliver a more proportionate and effective process for a wide range of users of the system. The aim is to consult in the Summer of 2009 on a first tranche of proposals for improvement and deliver a progress report on other proposals.

**This document outlines the proposed approach for these high priority proposals, as well as giving a formal response to each of the recommendations in the accompanying Annex A.**

### **Reducing the number of small scale developments that require full planning permission**

As the Minister for Housing and Planning made clear at the launch of the Killian Pretty Review Final Report, a key priority is to extend further the permitted development rights for business and public services. Recent changes are already benefiting householders, who are saving time and money by avoiding complex planning applications for small changes like a loft extension. We want to extend these benefits to shops, businesses, schools and hospitals so it is easier for them to make minor alterations or build small extensions.

We are developing detailed proposals for changes of permitted development drawing upon the research contained in the White Young Green report, published alongside the Killian Pretty Final Report, to allow more minor extensions and developments at business, commercial and institutional sites and buildings, without the need for a specific planning application. We will also evaluate the proposals for an intermediate process for those minor developments which are not given full permitted development rights. We will consult on proposals, drawing on the White Young Green Report<sup>3</sup>, in Summer 2009. Subject to the consideration of public consultation responses, this will then lead to formal introduction of new regulations in April 2010.

### **Making the planning application process more efficient and effective for all involved**

The Killian Pretty report identified opportunities for improvement at every stage of the planning application process, for the benefit of both users and operators of the system. Many of their recommendations build on work already in progress. The Government is determined to pursue these issues rigorously and in particular to ensure that the best use is made of information technology to maximise efficiencies and make the system easier to use.

We agree with Killian Pretty that the **pre application stage** is critically important. We want to strengthen the prospects for early and effective engagement, by encouraging the wider use of Planning Performance Agreements, using a simpler approach where appropriate. In addition, in developing a new national policy on development management we propose to set out more clearly our expectations about the pre application stage in greater detail. We note and welcome the initiative being taken by British Property Federation to encourage greater use of Planning Performance Agreements through the provision of further advice to developers.

<sup>3</sup> While Young Green (2008) *Non Householder Minor Development Consents Review: Final Report*. Communities and Local Government. London

We will consult in summer 2009 on the Killian Pretty recommendation to give greater flexibility to local planning authorities to determine the best methods of **notifying the public about planning applications**, allowing them to decide whether to use local newspapers.

When the Government introduced **new information requirements** for the validation of planning applications, in April 2008, it undertook to review their operation and make any further changes that seemed necessary. We want to make sure that the information required to support an application is both really needed to make a decision and is proportionate to the likely impact of the development.

The research the Government jointly commissioned with the Killian Pretty Review into information requirements<sup>4</sup> revealed that improvements are needed to make information requirements more reasonable and proportionate, which would reduce the burden on local authorities and applicants alike. We are keen to take forward further improvements and will publish proposals for consultation, drawing upon the research findings, in Summer 2009.

As part of the review of **statutory consultees** and in consultation with the sector, we will test the criteria for designating statutory consultees and clarify the duties conferred by such status, including an expectation that sufficient resources be made available to discharge this function effectively. We expect to bring forward draft proposals for consultation in Autumn 2009. Communities and Local Government will also meet representatives of the sector annually to discuss performance issues and disseminate good practice.

We will encourage statutory consultees to work with local planning authorities, to ensure that they receive only those applications on which they need to be consulted. The continued roll-out of the E-consultation hub will help by speeding up the process and reducing costs. A live user test in Summer 2008 suggested that e-enabling the process shortened the process by four days per case and the Planning Portal will continue on the roll out programme as a matter of priority.

We agree that further steps should be taken to improve **engagement** in the planning process by the wider community and local government elected members. **Empowerment Funding** for local planning authorities was announced in the Empowerment white paper (*Communities in Control: Real people real power*) and will be allocated through the Housing Planning and Delivery Grant. We will continue to work with the local government sector to ensure that elected members have clear and unequivocal advice on how they can inform themselves and engage in discussion about development proposals and in this context we welcome the proposal by the Local Government Association to update their guidance document, *Probity in Planning*.

<sup>4</sup> Arup/Addison & Associates (2008) *Review of information requirements for the validation of planning applications*. Communities and Local Government/The Killian Pretty Review. London

The Government considers that the key tests in circular 11/95 for attaching **conditions to planning permissions** remain valid, although the guidance on model conditions does need updating. In addition, there is a case for examining current practice in how conditions are used and discharged. We will undertake a comprehensive review of this area, building on the Killian Pretty conclusions and will publish proposals for consultation on an update of the planning conditions circular in Autumn 2009.

The Government accepts that developers may find it helpful to agree **minor material variations** to extant planning permissions, but will need to work with stakeholders to investigate whether there is a way to deliver a genuinely streamlined process that is practicable, fair and transparent to all parties. Such a move could require primary legislation, for which an opportunity would need to be found. The Government will aim to reach conclusions on the options available and the next steps to address this matter by Summer 2009.

### **Improving the quality of information available to users of the planning application system**

The Government supports the need to provide clear, easily **accessible information** to potential users of the system. This can most conveniently be done via the internet, but information must be clear and easily accessible. We are reviewing the work already being done by the Planning Advisory Service (PAS) and the Planning Portal to provide better information to those who want to establish whether planning permission is required for their proposed development. In the light of the findings of this review, we will develop an action programme jointly with PAS/Portal to provide further support for local planning authorities in addressing this important issue.

### **Improving local authority capacity and performance in the process**

Clearly we accept the need to continue to work alongside local authorities and professional bodies to address the shortage of **resources and skills** in council planning departments. As the Government made clear in its response to the Select Committee, published on 3 November 2008, it will continue to work closely with local government, the professions, the private sector and academia to implement a programme of actions to address labour shortages and skills in planning.

The Government accepts the need to revise the current approach to **targets**. We will work closely with key stakeholders to identify and test options for measuring performance in a more holistic way. Our aim is to have a new approach in place in time for the next revision of the local authority performance framework, which will take effect from April 2011. We will also explore opportunities to provide **financial incentives** to local authorities as part of a forthcoming review of Housing and Planning Delivery Grant.

## Streamlining the national planning policy framework

The Government has already made a commitment to produce a more strategic and clearly focused **national planning policy framework**. The Killian Pretty report reinforces the arguments for a review.

It also calls in particular for a clear planning policy statement on Development Management together with simplification and consolidation of the related legislative framework for consideration of planning applications (which is mainly set out in the General Development Procedure Order).

In the Summer we will publish an action plan setting out how we propose to achieve this challenging objective, using a staged approach, with early priority given to pre application and statutory consultation stages in the process.

# Annex A

## Annex setting out the Government's response to each recommendation in Killian Pretty Final Report

Rec	Recommendation	Government Response
1(a)	<p><b>Government should take the following steps to reduce the number of minor applications that require full planning permission:</b></p> <p>Substantially increasing the number of small scale, commercial developments and other minor non residential developments that are treated as permitted development. Based on the detailed work undertaken, we would expect this measure to reduce the number of such proposals, such as small scale extensions and alterations to business premises, by about 18 per cent, although Government should also consult on the scope for extending permitted development further, for example, in relation to plant and equipment, and allowing opportunities for small scale renewable facilities on non domestic buildings and land</p>	<p>The Minister for Housing and Planning signalled at the launch of the Killian Pretty Final Report that this recommendation will be taken forward. We will consult on proposals, drawing on the White Young Green Report, in Summer 2009. Subject to the consideration of public consultation responses, this will then lead to formal introduction of new regulations in April 2010.</p>
1(b)	<p>ensuring that permitted development rights for new development are not restricted by condition at the time of the grant of planning permission, other than in exceptional circumstances</p>	<p>This recommendation accords with existing Government guidance set in Circular 11/95 Planning Conditions. We will review this issue further in the context of our actions to take forward Killian Pretty Recommendation 6 on improving the process of identifying and discharging planning conditions.</p>
1(c)	<p>providing additional support for local authorities to increase permitted development opportunities locally, through the use of pilot Local Development Orders for areas, such as large hospital or university sites, where greater flexibility regarding small scale development may be appropriate</p>	<p>We agree the use of Local Development Orders should be encouraged. The Planning Advisory Service (PAS) has launched a project which will improve understanding of how Local Development Orders (LDO) can be formulated and implemented and seek to identify a small number of pilot local authorities who will develop LDOs with assistance from PAS.</p>

Rec	Recommendation	Government Response
1(d)	<p>revising and expanding the prior approval process so as to provide a proportionate intermediate approach for appropriate forms of non residential development. Based on the detailed work undertaken, we would expect this measure to mean that nearly 20 per cent of minor commercial and other minor non residential developments, such as replacement shop fronts and automated teller machines, would be subject to this expedited process.</p>	<p>Alongside the permitted development proposals [Rec 1a] we will evaluate options for developing an expanded intermediate approach to some minor non residential development. We will consult on this matter in Summer 2009.</p>
2	<p><b>Government should make the information requirements for all planning applications clearer, simpler and more proportionate, removing unnecessary requirements, particularly for small scale householder and minor development by:</b></p> <ul style="list-style-type: none"> <li>• removing the detailed requirements for the content of a Design and Access Statement from statutory regulation</li> <li>• revising national guidance on the validation of planning applications to emphasise that local planning authorities must not ask for more information than they need (for example detailed plans should only be provided where they are necessary</li> <li>• consulting on the removal of the mandatory requirement to sign an Agricultural Holdings Certificate for most applications</li> </ul>	<p>The Minister for Housing and Planning signalled at the launch of the Killian Pretty Final Report that the Government was keen to take forward measures to cut down unnecessary information requirements. We will consult on proposals, drawing on the work published in the Arup/Addison Associates Report in Summer 2009. Subject to the consideration of public consultation responses, this will then lead to formal introduction of new regulations in April 2010.</p>

Rec	Recommendation	Government Response
	<ul style="list-style-type: none"> <li>• abandoning any attempt to define local lists nationally, by: revising national guidance to:                             <ul style="list-style-type: none"> <li>– set out a clear expectation that councils should publish clear and simple local lists covering most types of development</li> <li>– acknowledge that lists cannot cover every type of development and that, where major or unusual development is proposed, pre-application discussions about the type and scale of information required should be the norm</li> <li>– clearly acknowledge the discretion councils have to decide what information is necessary to determine an application, and stress the responsibility incumbent on councils to ensure that their information requirements are clear, justified and proportionate</li> </ul> </li> <li>• setting out revised and improved guidance to councils on any national policy requirements that need to be considered in developing local lists; and</li> <li>• establishing an effective process of auditing the local lists to ensure that they are clear, justified and proportionate.</li> </ul> <p>In addition: local planning authorities should not be required to consider documents of excessive length in support of applications. Government, working closely with representatives of local government and those who submit large scale applications, should identify how clear limits on the size of documents could be achieved.</p>	

Rec	Recommendation	Government Response
3(a) & 3(b)	<p><b>Government, local planning authorities and others should take the following steps to improve the quality of advice available for all users of the planning system:</b></p> <ul style="list-style-type: none"> <li>• Government and local planning authorities should review the information they make available to the public on planning matters, having regard the findings of the research we have undertaken, to ensure that they provide the advice that applicants need in a readily accessible form</li> <li>• the Planning Portal should assist in this review process by identifying and publicising existing exemplary good practice by local planning authorities</li> <li>• Communities and Local Government should improve the accessibility of its website on planning matters and ensure effective links are maintained between it and the Planning Portal site</li> </ul>	<p>The Planning Portal has just completed a survey of electronic planning capability at local authorities. The findings will be used to share and encourage best practice using the Portal's existing Marketing and Communication channels.</p> <p>In addition, Communities and Local Government and the Planning Portal will consider whether links between websites can be improved.</p>
3(c)	<p>The Planning Portal and Planning Advisory Service should work together to support and encourage local planning authorities to develop a high quality internet based information system which allows members of the public to establish accurately and quickly whether or not planning permission is required for small scale householder and commercial development.</p>	<p>We will undertake a review, with the Planning Portal and PAS, of the opportunities available and practicality of improving the quality of information available for those seeking to know if planning permission is required. Subject to the findings of this work, which will be reported by Summer 2009, we will develop an action programme for the Planning Portal and PAS to work with local planning authorities in 2009-10 to provide better information to those seeking information about the need for planning permission.</p>

Rec	Recommendation	Government Response
4(a)	<p><b>Government, local planning authorities and others should take the following steps to substantially improve the critically important pre-application stage of the application process, in order to improve the quality of the application and to avoid problems and delays at later stages:</b></p> <ul style="list-style-type: none"> <li>• Government should strengthen and clarify national policy and guidance, so as to set out clearly its key expectations from applicants, statutory consultees and local planning authorities in the pre-application process</li> <li>• this policy and guidance should be based on the presumption that, for major developments, there will be formal pre-application discussions involving, where appropriate, all relevant parties, including elected members, statutory consultees and representatives of the local community</li> <li>• Government should further encourage the use of Planning Performance Agreements (PPAs) for major developments by making it clear that a proportionate approach to PPAs is acceptable. Thus for smaller and less complex schemes, a much simpler approach to a PPA, centred around an agreed timetable, may be all that is required</li> <li>• each local planning authority should publish a statement or Code of Good Practice, clearly setting out the range of guidance and opportunities that it offers for pre-application advice, what is required or expected from potential applicants and detailed information on what will be delivered where there is a charging regime.</li> </ul>	<p>The Government agrees that pre-application discussions are critically important and benefit both developers and local planning authorities in ensuring a better mutual understanding of objectives and constraints that exists, especially for major proposals. In the light of the recommendations it will take a number of steps to strengthen the prospects for early and effective engagement at the pre application stage, including:</p> <ul style="list-style-type: none"> <li>• setting out its key expectations for pre application engagement in new national policy on development management, including for each local planning authority to have a clear statement on the provision of opportunities for pre application advice, including their approach to charging (see also Recommendation 17)</li> <li>• making it clear in the new national policy that for the large scale developments early engagement with third parties is vitally important;</li> <li>• taking steps to further encourage the use of PPAs for major applications, with clear recognition that a simple project plan based approach may be sufficient for less complex schemes. In this regard it welcomes the work initiated by BPF to develop some further guidance to encourage the use of PPAs by developers</li> <li>• encouraging local government to develop and share best practice.</li> </ul>

Rec	Recommendation	Government Response
4(b)	Appropriate professional bodies and stakeholders should jointly develop guidance for those councils which charge for pre-application advice, so as to introduce a more measured and consistent approach to charging across the country	This is for others to address, but we support the principle that local government and other key stakeholders work together to develop best practice and to encourage a more consistent and proportionate approach to charging for pre application discussions.
4(c)	Government should introduce a new performance framework, replacing the existing time targets, in which the availability and quality of pre-application advice is measured, and good performance by local planning authorities rewarded (see also Recommendation 15)	We agree in principle that local authority performance in providing pre application advice should taken into account in a new performance framework and will consider how best to address this point in taking forward Recommendation 15.
5(a)	<p><b>Government should continue to invest in facilitating and encouraging improvements in the processing of applications by local planning authorities through:</b></p> <ul style="list-style-type: none"> <li>• The Planning Portal taking forward its programme of work to allow greater consultation electronically on planning applications, rather than by paper; and</li> </ul>	The Planning Portal will, as a priority, drive take-up of the e-Consultation Hub in support of Ministerial commitments. Take up is slow at the moment and the Portal is looking at ways to improve this. The Portal is aiming to achieve 100 LPAs live on the Hub by the end of August 2009.
5(b)	<ul style="list-style-type: none"> <li>• working with the pilot local authorities who participated to ensure wide dissemination of the findings of the National Process Improvement Project on the application process, due to be published shortly, which identifies the opportunities for financial savings and the improved customer experience and satisfaction that are possible with a business process improvement approach; and encouragement to local planning authorities to take them up through experience sharing networks.</li> </ul>	The government agrees that business process improvement techniques can play an important part in the modernisation of Planning and will look to use this work to raise standards in conjunction with Local Government support agencies. An initial programme of dissemination was held in December 2008 and Communities and Local Government is discussing with PAS how best to take the findings forward more widely by encouraging all LPAs to adopt business process improvement reviews and establishing local mentoring and benchmarking networks.

Rec	Recommendation	Government Response
6	<p><b>Government should comprehensively improve the approach to planning conditions to ensure that conditions are only imposed if justified, and that the processes for discharging conditions are made clearer and faster by:</b></p> <ul style="list-style-type: none"> <li>• Comprehensively updating national policy on conditions, including stronger guidance on the need to ensure conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects (the 6 tests)</li> <li>• for major applications, requiring local planning authorities to provide applicants with draft conditions at least 10 days before a decision is expected and to consider responses from applicants before conditions are imposed</li> <li>• requiring local planning authorities to produce a structured decision notice, which groups the different types of condition into those that must be: discharged before commencement; discharged before occupation; or require action or monitoring after completion</li> <li>• requiring local planning authorities to place a copy of the decision notice and all conditions on their websites within two working days of formal planning permission being issued</li> </ul>	<p>The Government agrees that improvement of the planning condition stage in the process is required. It will undertake a comprehensive review of this issue, building on the work and recommendations made by Killian Pretty, and will publish proposals for consultation on an updated planning circular in Autumn 2009.</p>

Rec	Recommendation	Government Response
	<ul style="list-style-type: none"><li>• develop workable proposals for speeding up the discharge of conditions involving, for example:<ul style="list-style-type: none"><li>– the use of approved contractors to assist local planning authorities to discharge and monitor conditions</li><li>– the potential for a default approval of a condition, if not decided within a fixed time period</li><li>– a fast track appeal process for matters only concerned with the discharge of conditions.</li></ul></li></ul>	

Rec	Recommendation	Government Response
7	<p><b>To reduce the time taken to agree planning obligations (section 106 agreements), Government should produce proposals for scaling back the use of planning obligations in the context of the introduction of the new Community Infrastructure Levy (CIL) and for further improving the process leading to an agreement, by:</b></p> <ul style="list-style-type: none"> <li>• rewriting Government guidance to clarify the relationship between CIL and planning obligations, including scaling back the use of section 106; the use of planning (including Grampian) conditions and section 106 agreements; and contract validity and complexity issues</li> <li>• local planning authorities should ensure good pre-application information is available, consisting of published standard agreements and clauses, transparent formulae, unambiguous Local Development Framework policies and effective pre-application discussion</li> <li>• applicants should submit draft Heads of Terms for any section 106 agreement at the same time as the application is submitted</li> </ul>	<p>The Government aims to produce proposals to restrict the use of planning obligations following the introduction of CIL. Any scaling-back of planning obligations will not affect planning obligation agreements which have already been signed or which are signed at any time up to the time when the scaling-back occurs: in short, this change would not be retrospective in effect. The Government will also consider any necessary changes that might be required to guidance or policy concerning planning obligations following the introduction of CIL. Any new guidance provided would seek to be more strategic in nature, clearer and more focussed on the objectives of the policy (see response to Recommendation 16).</p> <p>In addition, Government is undertaking a new work programme to maximise the effectiveness of planning obligations negotiations – including cutting down delay and cost in the process. This includes:</p> <p>(i) work with the Law Society to <b>update our model agreement for planning obligations</b></p>

Rec	Recommendation	Government Response
	<ul style="list-style-type: none"> <li>section 106 agreements should use standard agreements, clauses and formulae wherever possible.</li> </ul>	<p>(ii) facilitating the development of <b>regional s106 practitioners groups</b> to assist in sharing of knowledge and best practice among local authority practitioners</p> <p>(iii) working with the Homes and Communities Agency to explore the development of a <b>toolkit for use by local planning authorities to predict the number of affordable housing units that can be supported through s106</b> in a local authority or housing market area</p> <p>(iv) setting up a new <b>research project to study the use and value of planning obligations in 2007-08</b></p>
8	<p><b>Government should take steps to allow a more proportionate approach to minor material changes in development proposals after permission has been granted, by:</b></p> <ul style="list-style-type: none"> <li>amending primary legislation, if required, so as to allow discretion for a local planning authority to vary an existing permission where it considers that the variation is not a significant material change. This change should be supported by guidance for applicants and local planning authorities as to what does (and does not) constitute a minor amendment</li> <li>a simple and quick process, using the Standard Application Form, to deal only with minor amendments.</li> </ul>	<p>The Government accepts the thrust of this recommendation, but we will need to work with stakeholders to investigate whether there is a way to deliver a genuinely streamlined process in a way that is practicable, fair and transparent to all parties. The Government will aim to reach conclusions on the options available and the next steps to address this matter by Summer 2009.</p>

Rec	Recommendation	Government Response
9(a)	<p><b>Government should clarify and improve the process for consulting on applications so that it is clearer which organisations need to be consulted, when they must be consulted and why, what response is required, and how the response should be taken into account in the decision by the local planning authority, by:</b></p> <ul style="list-style-type: none"> <li>• using the opportunity of a planned review of consultation arrangements to carry out a fundamental review of all of the arrangements for statutory and non-statutory consultation</li> <li>• including all consultees identified at national level in a single unified list of statutory consultees</li> <li>• drawing up a coherent, consistent set of criteria which organisations would need to satisfy to become a nationally defined statutory consultee in the planning process</li> <li>• introducing an expectation that, where an application is received which is fully in line with the Local Development Framework, on which they have already been consulted, planning authorities should only consult statutory consultees on those details that have not already been subject to consultation</li> <li>• setting out a clear re-statement of the roles of local planning authority and consultee in the planning application process and, in particular, the primacy of the local planning authority in determining the application</li> </ul>	<p>We agree that improvements in the arrangements for engagement by statutory consultees are both necessary and desirable. In particular, we agree that it should be made clearer which organisations need to be consulted, why and what response is required. There are elements of the recommendations which need further consideration, in particular, the proposal about consultation in relation to proposals that accord with the development plan and as a first step we will undertake an initial round of engagement with key bodies before developing detailed proposals for consultation. We would expect to bring forward draft proposals for public consultation in Autumn 2009.</p> <p>In addition, Communities and Local Government will meet representatives of the statutory consultees annually to discuss performance issue and disseminate good practice.</p>

Rec	Recommendation	Government Response
	<ul style="list-style-type: none"> <li>• allowing nationally defined statutory consultees greater flexibility to indicate the strength of any concerns when providing advice to the local planning authority</li> <li>• requiring nationally defined statutory consultees to report, not only on the timeliness of their responses, but also on the nature of their advice, by publishing annual returns on their websites</li> <li>• requiring nationally defined statutory consultees to provide better guidance to local planning authorities, including clear criteria and thresholds on when they must be consulted</li> <li>• requiring that, for developments where they would be consulted at application stage, nationally defined statutory consultees ensure they make the resources available to engage in meaningful pre-application discussions; and</li> </ul>	
9(b)	<ul style="list-style-type: none"> <li>• in the forthcoming review of the award of costs circular, clarifying the situation over the award of costs against statutory consultees to penalise unreasonable behaviour on the part of a statutory consultee.</li> </ul>	<p>A revised circular on the award of costs in planning appeals has recently been consulted upon which clarifies the circumstances in which an award of costs might be made against statutory consultees. The updated circular is due to come into force on 6 April 2009, alongside the commencement of powers to extend the award of cost regime to appeals dealt with by written representations.</p> <p>In the context of the wider review of engagement by statutory consultees proposed in response to Recommendation 9a, we will consider whether further strengthening of the cost regime is appropriate.</p>

Rec	Recommendation	Government Response
10 (a)	<p><b>That the input of elected council members into the planning application process needs to be better targeted on those developments which will make the greatest contribution to the future development of this area.</b></p> <p><b>To achieve this:</b></p> <ul style="list-style-type: none"> <li>• local planning authorities should strongly encourage all new councillors to attend training on the role of elected members as decision makers in the planning application process, complemented by continuing regular training, including refresher courses for more experienced councillors</li> <li>• the councillor with strategic responsibility for planning should be encouraged to be a member of the planning committee, to provide improved consistency between planning policy and planning decisions</li> <li>• local planning authorities should review and update their local schemes of delegation, so that the resources of planning committees are focused on applications of major importance or wider significance, and that a minimum delegation rate to officers of at least 90 per cent is achieved at all councils before the end of 2009.</li> </ul>	<p>This recommendation is directed at local government, however we would welcome and support steps taken by local government to strengthen the relevance and take up of councillor training, ensure consistency between planning policy and planning application decisions and maximise delegation rates of decisions to officers.</p>

Rec	Recommendation	Government Response
10(b)	<ul style="list-style-type: none"> <li>local government stakeholders in ethical conduct and planning, such as the Local Government Association, the Standards Board for England, ACSeS and the IDeA should produce clear and authoritative guidance and support to elected members to encourage them to be more actively involved in the pre-application stage of the more significant developments, without prejudicing their decisions or compromising the council. Such guidance and a Model Members' Planning Code should be supported by a single point of contact for case-specific advice.</li> </ul>	<p>We agree that Councillors should involve themselves in discussions with local authority officers, developers, constituents and others about planning cases, provided they observe the advice set out in <i>Positive Engagement</i>, a simple guide produced by a number of organisations that have a shared interest in maximising the effectiveness of councillor involvement in planning. Further advice and encouragement for involving Councillors early in planning casework is also set out in Chapter 4, "Early Member Involvement" of the 2007 Communities and Local Government publication <i>Councillor Involvement in Planning Decisions</i>.</p> <p>The Local Government Association also recognises the importance of providing training and guidance to elected members to enable them to engage appropriately and effectively throughout the planning process, including the pre-application stage. To this end, the LGA is updating the guidance document, <i>Probity in Planning</i>, to offer advice to elected members and officers on their roles in the planning process in light of current planning regulations. We understand that an updated version of <i>Probity in Planning</i> will be published in March 2009.</p>

Rec	Recommendation	Government Response
11(a)	<p><b>That to help improve the effectiveness of community engagement:</b></p> <ul style="list-style-type: none"> <li>• applicants for major developments should discuss with the council at an early point in pre-application discussions how best to engage with the local community</li> <li>• applicants should report the outcomes from the engagement, so that the community and the authority can easily understand what has been undertaken and how it has influenced the scheme</li> </ul>	<p>See Government response to Recommendation 4 – improving the pre application stage.</p>
11(b)	<ul style="list-style-type: none"> <li>• Government should ensure that the additional resources for community engagement in planning identified in the recent Empowerment White Paper are used, in part, to help improve community engagement in the planning application process; and</li> </ul>	<p>Empowerment Funding for local planning authorities, was announced in the Empowerment white paper (<i>Communities in Control: Real people real power</i>) and will be allocated through the Housing Planning and Delivery Grant. In response to this recommendation, qualifying authorities and subsequent demonstration areas will be encouraged to consider using the additional funding to aid and improve community engagement in the planning application process, particularly at the pre application stage.</p>
11(c)	<ul style="list-style-type: none"> <li>• local authorities should be given greater autonomy and flexibility to determine the best approaches to use in order to notify the public about planning applications, thus allowing them to decide whether to use local newspapers.</li> </ul>	<p>The Government will consult on this issue in the Summer 2009.</p>

Rec	Recommendation	Government Response
12	<p><b>That greater use of alternative dispute resolution approaches should be encouraged at all stages of the planning application process where this can deliver the right decisions in a less adversarial and more cost efficient way.</b></p> <p><b>To achieve this:</b></p> <ul style="list-style-type: none"> <li>• local authorities and applicants should explore opportunities for applying alternative dispute resolution approaches throughout the process; and</li> <li>• Communities and Local Government and PINS should carry out a more detailed investigation into the use of formal mediation as a less adversarial and speedy alternative to appeal, to establish whether the potential time and cost savings would justify the costs of introducing such a scheme.</li> </ul>	<p>Part of this recommendation is directed at others. On the issue of mediation during appeals, and following the introduction of a range of improvements to the appeals system in spring 2009, the Planning Inspectorate will work with Communities and Local Government and others on investigating the role of mediation in reducing the need for planning and enforcement appeals and / or reducing the time and effort involved in determining such appeals.</p>
13 (a)	<p><b>Local planning authorities and other bodies should provide greater encouragement and recognition to those agents who prepare good quality applications on behalf of their clients, in order to drive up the standard of applications submitted.</b></p> <p><b>This could be encouraged by:</b></p> <ul style="list-style-type: none"> <li>• RTPI, RICS and RIBA identifying opportunities to encourage good practice for large scale applications</li> </ul>	<p>The Government will discuss with the professional bodies how they might further encourage good practice in the preparation of large scale applications.</p>

Rec	Recommendation	Government Response
13(b)	<ul style="list-style-type: none"> <li>the introduction of an “accredited agents” scheme by local planning authorities for householder and other minor development schemes. Early indications from a pilot study suggest such schemes can encourage higher quality applications, which in turn lead to faster decision times and more efficient use of local authority resources.</li> </ul>	<p>Implementation of this recommendation rests with local planning authorities. For its part, the Government, through the Planning Portal, will identify opportunities to support local authorities to take forward an accredited agents scheme.</p>
14(a)	<p><b>Government should continue to seek ways, alongside and working with local planning authorities and the professional bodies, to address the shortage of resources and skills in council planning departments.</b></p> <p><b>In particular we would strongly:</b></p> <ul style="list-style-type: none"> <li>urge the Government, to take forward the programmes and actions set out in its response to the Select Committee on labour shortages and skills in planning, working closely with other key stakeholders in local government, the profession, academia and the private sector</li> </ul>	<p>As the Government clear made in its response to the Select Committee, which was published on 3 November 2008, it will work closely with local government, the professions, other organisations, the private sector and academia to take forward the programme of actions outlined in its response to address labour shortages and skills in planning. Implementation of measures has commenced and will continue throughout 2009-10.</p>
14(b)	<ul style="list-style-type: none"> <li>commend our other recommendations which will, overall, free-up resource within local authorities that can then be applied to providing the better quality service all users of the planning system require; encourage local authorities to make better use of existing resource through ensuring the best possible use of support staff, including technicians, and through fully exploiting opportunities for joint working with other councils and the private sector; and</li> </ul>	

Rec	Recommendation	Government Response
14(c)	<ul style="list-style-type: none"> <li>urge professional bodies to ensure they provide strong support to help ensure up-to-date and appropriate skills bases across planning.</li> </ul>	<p>In line with our response to Recommendation 14(a/b) the Government will work with the professional bodies, other relevant organisations (e.g. Planning Officers Society) and local government to help improve skills across planning.</p>
15(a)	<p><b>Government should replace the current approach to targets, which is based simply on the time taken between the submission of, and a decision on, an application by a new, broader and more flexible approach to measuring the whole application process.</b></p> <p><b>In particular, we recommend that:</b></p> <ul style="list-style-type: none"> <li>the current National Indicator 157, which is based on the 8/13 week time targets, is replaced with a new “Satisfaction with the planning application service” indicator. The indicator would be based on the results of customer satisfaction surveys of applicants for all scales of</li> <li>application. The surveys would consider a range of relevant factors, including the quality of service experienced by the applicant and the timescale for determining the application</li> </ul>	<p>The Government accepts the need to revise the current approach to targets. We will work closely with key stakeholders in identifying and testing options for measuring performance in a more holistic way. Our aim is to have a new approach in place in time for the next revision of the LA performance framework, which will take effect from April 2011.</p>
15(b)	<ul style="list-style-type: none"> <li>alongside the introduction of a new indicator, the Government explores the opportunities to provide financial incentives to the authorities that perform well and deliver high levels of satisfaction (either by allowing them to charge higher planning application fees or through changes to the Housing and Planning Delivery Grant).</li> </ul>	<p>The Government agrees that any revised performance indicator should be incentivised through HPDG. We will also review HPDG in the interim and consult on changes. In addition we are also reviewing planning fees on which we will consult.</p>

Rec	Recommendation	Government Response
16(a)	<p><b>Government should avoid further expansion of national objectives to be delivered through the planning system and remove duplication with other regulatory regimes, by:</b></p> <ul style="list-style-type: none"> <li>• using the planning policy review announced in the Planning white paper to remove objectives which duplicate other controls</li> </ul>	<p>The findings of the Killian Pretty Review reinforce the need to review national planning policy and guidance.</p> <p>The objective of the review announced in the Planning White Paper is to streamline the planning policy framework so that:</p> <ol style="list-style-type: none"> <li>1. there is a significant reduction in the volume of policy and guidance</li> </ol>
16(b)	<ul style="list-style-type: none"> <li>• ensuring that no additional policy objectives are delivered through the planning system, unless there is a strong and compelling case to do so</li> <li>• publishing a set of challenging criteria against which it will test any additional policy objectives proposed to be delivered through the planning system.</li> <li>• the Better Regulation Executive (BRE) should thoroughly challenge impact assessments which involve the imposition of any new burden on the planning system, ensuring that they include an assessment of the impact of the additional burden on the whole of the planning system</li> <li>• the BRE should work with local planning authorities to ensure that the assessments of the implementation and enforcement burden are realistic</li> <li>• Government departments should fully fund the additional burdens imposed; and</li> <li>• a similarly challenging approach should be taken in regard to the addition of new objectives and information requirements in development plans.</li> </ul>	<ol style="list-style-type: none"> <li>2. decision making is devolved to the local level, where appropriate</li> <li>3. the evidence base for plan making and decision taking is proportionate</li> <li>4. planning provides a positive framework; and</li> <li>5. planning is only used where it is an appropriate lever for delivery</li> </ol> <p>We would aim to achieve recommendation 16a by removing policy that is delivered through other regulatory regimes. We recognise that in certain circumstances it is helpful to provide advice on how the various regulatory regimes interact with planning, but this would not be a matter for policy documents.</p> <p>Killian Pretty Recommendation 16b mirrors objective 5 of the review announced in the Planning White Paper (see above) that we only add to the planning framework where planning is an effective tool for delivery. We will consider further the recommendation to publish a set of criteria.</p> <p>Where it is assessed that planning is an appropriate lever for delivery, and this adds a new burden – we agree that, in line with existing Government policy, any new burden on local government should be funded by the relevant Department.</p>

Rec	Recommendation	Government Response
		<p>The Better Regulation Executive (BRE) fully supports the Killian Pretty recommendations to streamline and simplify the planning system. The BRE rigorously challenges impact assessments to ensure that they are evidence-based and will continually do so to minimise the imposition of new burdens on the planning system. The BRE will work with Local Planning Authorities through Communities and Local Government to ensure that implementation assessments are realistic and encourages early engagement.</p>
16(c)	<ul style="list-style-type: none"> <li>a similarly challenging approach should taken in regard to the addition of new objectives and information requirements in development plans.</li> </ul>	<p>Agreed: Planning Policy Statement 1 states clearly that in preparing plans, planning authorities should not impose disproportionate costs, in terms of environmental and social impacts, or by unnecessarily constraining otherwise beneficial economic and social development.</p>

Rec	Recommendation	Government Response
17(a)	<p><b>Government should substantially overhaul and simplify both the national planning policy framework and the secondary legislation for the processing of planning applications to provide a clearer framework for a more positive approach to development management and to reduce unnecessary complexity and burdens for all parties engaged in the process.</b></p> <p>To achieve this there should be:</p> <ul style="list-style-type: none"> <li>• transformation of the national policy framework into one that is focused on the needs of the user, specifically by organising it around the processes of plan making and decision taking, rather than around broad policy objectives</li> <li>• clarity about whether any element of the policy framework is a national development control policy and whether or not there is scope for any regional or local flexibility</li> <li>• clarity and proportionality about any element of the policy framework which imposes a requirement on an applicant to provide a supplementary impact assessment or further information</li> </ul>	<p>Agreed: A key aim of the review of national planning policy is to communicate policies better and to produce a framework that is focussed on the needs of the user. We agree that organising the framework around the processes of plan making and decision taking will help practitioners in implementing the framework. We will use this model in structuring streamlined Planning Policy Statements (PPS).</p> <p>Streamlined PPSs will more clearly express the national development control policies that apply to the consideration of planning applications. They will also clearly state where there is flexibility to take account of regional and / or local circumstances.</p> <p>Streamlined PPSs will more clearly set out the evidence expected to support planning applications. Evidence will be the minimum level necessary to enable the decision taker to be able to make a robust decision.</p> <p>We will use the consultation on the first streamlined PPS to identify ways in which we can improve further the way in which we communicate policy. We are aiming to publish the first streamlined PPS later this year.</p> <p>When there is a need to change policy on a particular matter, we will take the opportunity to streamline the relevant PPS at the same time.</p>

Rec	Recommendation	Government Response
17(b)	<ul style="list-style-type: none"> <li>consolidation and simplification of the existing legislative framework for processing applications, principally the General Development Procedure Order (GDPO), which removes unnecessary prescription and detail</li> </ul>	<p>We accept that consolidation and simplification of the legislation and policy framework for the planning application procedure would be helpful. A fundamental review would however take considerable time and financial resources and therefore we would propose to take a staged approach with early focus being on those elements of the process of greatest concern – namely statutory consultees (see also Recommendation 8). In Summer 2009 we will set out a programme for consolidation of the GDPO and for development of a planning policy statement on Development Management.</p>
17(c)	<ul style="list-style-type: none"> <li>as part of the new national policy framework, a clear statement by Communities and Local Government about the key principles underpinning a move from development control to a development management approach; and</li> </ul>	<p>We will include a clear statement of the key principles underpinning development management as part of the review of national planning policy. Timing for this work will be addressed in the programme to be published in Summer 2009</p>

Rec	Recommendation	Government Response
17(d)	<ul style="list-style-type: none"> <li>a recognition by Communities and Local Government, that as a second priority, after completion of the key Development Plan Documents required by Government to be in place by March 2011, local planning authorities should ensure that there is effective, helpful and clear plan-based guidance for those proposing householder and minor development.</li> </ul>	<p>Our current priorities for local plans are getting core strategies in place which set out the long term vision for places and the key strategic planning policies and Development Plan Documents with significant housing land allocations. These are being rewarded by Housing and Planning Delivery Grant. Beyond that, local authorities need to consider what further Development Plan Documents are required to deliver the core strategy. Local authorities should always provide clear, helpful and effective guidance on householder and minor developments without being unnecessarily restrictive or producing a plethora of detailed policies. We would urge them to use the most effective vehicle to provide this guidance which depends on circumstances and place, e.g. through Development Plan Documents, Supplementary Planning Documents, or more informal guidance.</p>

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