



**Report to:** Planning Committee

**Date:** 9 March 2010

**Subject:** Ongoing Government Review of the Planning Process following the Killian Pretty Report

**Report of:** Interim Executive Director Environmental Services

**Contact officer:** Penny McGinty 01942 404255

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**Purpose / summary:** To provide members with information about the recommendations made in the Killian Pretty Review of the planning process and resulting actions taken and proposed by government

**Alternative options considered and reason for selecting the one recommended:** The only alternative is not to report this information to members. It is important that Planning Committee members are aware of the ongoing review of the Development Control process

**Recommendation / decision:** That the report is noted  
The decision will be made as a result of this report and will be published within 48 hours

**Risks / Implications:**

Financial: The purpose of the review is to make the planning process more efficient for all involved and therefore could result in savings for the council. Any additional costs arising from the proposed changes will be met from existing budgets

Staffing: None

Policy: None

Equal Opportunities - Has a Diversity Impact Assessment been conducted? N/A

Wards affected: All

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? **Yes**

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

**For Cabinet reports only :**

Categorisation of the report:	<b>x</b>		<b>x</b>
Discussion leading to a decision		Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

**Tracking/Process:**

	Consultation	Ward Members	Partners
Committee	Overview & Scrutiny	Cabinet	Council
09.03.10			

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Title of document	Which meeting did it go to?	Date of meeting	Copy available from?
Killian Pretty Review – Planning Applications a Faster and More Responsive System. Published 24 November 2008	N/A	N/A	<a href="http://www.planningportal.gov.uk/uploads/kpr/kpr_final-report.pdf">http://www.planningportal.gov.uk/uploads/kpr/kpr_final-report.pdf</a>
Taking Forward the Government's response to the Killian Pretty Review: Progress Report Published 30 July 2009	N/A	N/A	<a href="http://www.communities.gov.uk/publications/planningandbuilding/killianprettyprogress">http://www.communities.gov.uk/publications/planningandbuilding/killianprettyprogress</a>
Taking forward the Government's response to the Killian Pretty Review: Second Progress Report Published 21 December 2009	N/A	N/A	<a href="http://www.communities.gov.uk/publications/planningandbuilding/killianprettysecond">http://www.communities.gov.uk/publications/planningandbuilding/killianprettysecond</a>

Proper Officer Gillian Bishop

Date 18.02.10

## **1.0 Background:**

1.1 In 2008, the Government set up a review of the planning process. The review was jointly commissioned by Communities and Local Government and Business, Enterprise and Regulatory Reform Departments. It was carried out by Joanna Killian, Chief Executive of Essex County Council and David Pretty, who had retired as Group Chief Executive of Barratt Developments PLC. It has become known as the Killian Pretty Review. This report sets out the background to the recommendations made in the Killian Pretty Review and actions the Government has taken and intends to take as a result of the review.

## **2.0 Proposals:**

2.1 The Killian Pretty Review is a national review of the planning process which was undertaken to identify opportunities for improving the planning application process for all involved.

2.2 The review identified 5 points of concern, namely:

- a) Proportionality – in particular, that the requirements and processes in relation to many smaller scale developments were not proportionate or reasonable in relation to the scale of development or its impact;
- b) Process – some stages in the process were particularly problematic, namely, the pre-application stage and discharging of conditions following the grant of planning permission;
- c) Engagement – that the involvement of some key parties, in particular elected members and some statutory and non statutory consultees, was not working effectively;
- d) Culture – in particular, that the current target regime is having some harmful, unintended, effects on behaviours and outcomes; and
- e) Complexity – in particular, the national policy framework and the complexity of the legislation governing the consideration of applications.

2.3 The final report was published in November 2008 and included a number of recommendations that the Government should make to improve the planning system. In total there are 17 recommendations. These cover the following areas:

- To make the process simpler for small scale, low impact developments and to free up resources to deal better with the larger developments which will make the biggest contribution to the future development of the area.
- To address measures to make the process work better, with particular focus on improving the pre-application stage to address issues prior to submission of applications.
- To address three key areas where engagement with third parties needs to be improved, namely in relation to statutory and non-statutory consultees, elected members, and the wider community.
- An aim to achieve higher quality applications and to provide for efficient and effective handling of planning applications.
- An aim to reduce the complexity of the planning application process by simplifying national planning policy and the legislative framework.

More details of the recommendations are set out in the attached appendix.

- 2.4 The Government's response to the Killian Pretty Review Final Report was published on 5 March 2009. A first progress report was published on 30 July 2009 and a second progress report on 21 December 2009.
- 2.5 The Government has already introduced a number of changes to planning procedures, is piloting other changes and is consulting on further prospective changes. These include:
- A procedure for simplified applications to extend unexpired planning permissions and non-material alterations to planning permissions was introduced in October 2009
  - Changes are to be made to publicity arrangements for planning applications,
  - Changes will be introduced in April 2010 with regard to reducing the number of minor non-domestic applications, by amending permitted development rights for non-domestic properties
  - Changes will be introduced in April 2010 requiring authorities to review their Local Validation Lists with a view to streamlining information requirements for planning applications
  - Changes will be introduced in April 2010 to introduce the use of the Community Infrastructure Levy which will result in the scaling back of the use of planning obligations
  - Consultations are being carried out until 19 March 2010 on Development Management, improving the use and discharge of planning conditions, and improving consultation arrangements
  - Pilot studies are underway looking at Local Development Orders, business process improvement reviews, alternative dispute resolution, and recognition for agents who make good quality submissions.
- 2.6 Of particular interest is a consultation on a potential National Policy Statement to set out what is meant by Development Management which was issued on 21 December 2009 with a closing date of 19 March 2010. Details are explained below.

## **2.7 What is Development Management?**

- 2.8 Historically, Local Planning Authority teams that deal with the processing of planning applications have been called Development Control. This refers to a reactive approach to application submission and enforcing planning contraventions. Development Management is a more positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority (LPA), working closely with those proposing developments and other stakeholders.
- 2.9 Local Planning Authorities have previously used a plan based approach which allocate land for specific uses, and contain detailed policies for controlling development. Under the new Local Development Framework, LPAs work with communities and stakeholders to produce a strategic vision with objectives for the future of an area over a period of time.
- 2.10 Achieving the Government's objectives for development management will require local development management services to be more proactive and delivery focused, whilst being better aligned with other local authority strategic functions, including plan-making.

2.11 The use of Development Management as opposed to Development Control should encourage better pre-application discussions with developers and the local communities, ensuring that developments comply with the policies set out in the Local Development Framework prior to their submission.

2.12 Wigan Council has always worked in a pro-active way with developers to encourage investment within the Borough. We are moving towards a clearer Development Management approach as work on the Local Development Framework progresses.

### **3.0 Alternative options considered and reason for the recommended option:**

3.1 The only alternative option was not to report this information to members, but it is considered necessary that Planning Committee members are made aware of this review by government.

### **4.0 Conclusions:**

4.1 The Killian Pretty Review is an important review which has led to a number of changes to the planning system so far and more are expected as the response by government to the review progresses.

## **Appendix One**

### **Recommendation One**

To expand the scope of permitted development for non householder development, such as minor extensions and alterations for small shops, offices, day nurseries, leisure facilities, public buildings, schools, universities and hospitals.

Revise and expand the prior approval system to make obtaining planning permission simpler including alterations to shopfronts and installations of automated teller machines (ATMs).

To use Local Development Orders more effectively in order to reduce the restriction of permitted development rights.

### **Recommendation Two**

To reduce the information requirements for validation of new applications, particularly for householder and minor developments, including a revised approach for Design and Access Statements, better guidance on the provision of drawings and changes to the Local Validation Checklists.

### **Recommendation Three**

To improve the quality of advice available to users of the planning system, by encouraging local planning authorities to develop an internet based system which members of the public could use to determine whether planning permission was required for small scale and householder development.

### **Recommendation Four**

To improve the pre-application stage by creating stronger clearer national policies for record keeping and consistency of advice.

To ensure that major developments have a formal pre-application consultation, which would involve all relevant parties including elected members, statutory consultees and members of the local community.

Greater encouragement of the use of Planning Performance Agreements for major applications

### **Recommendation Five**

To continue improvements to the processing of planning applications.

### **Recommendation Six**

To improve the approach to imposing planning conditions by amending schemes at pre-application stage in order to reduce the number of conditions imposed.

### **Recommendation Seven**

To improve the negotiation and agreement of planning obligations in order to reduce delays currently involved in processing applications due to the Section 106 process.

### **Recommendation Eight**

To allow for alterations to an approved application where a scheme may need to be amended with a material alteration where no impact would be made on third parties, for example alterations to the location of a building on a plot by a small distance without the need to reapply for planning permission.

### **Recommendation Nine**

To amend the requirements for consultations to ensure that consultations are only made where necessary, clearer guidance on the requirements for consultations is provided by the consultee and where applications are received fully in accordance with the Local Development Framework on which consultees have previously commented, only the revised details shall be subject to consultation.

To ensure that where no response is received within a specified timescale, the decision on the outcome of the application defers back to the local planning authority.

### **Recommendation Ten**

To ensure that elected members are empowered through appropriate training on planning matters, are welcomed to be involved in pre-application discussions and encourage delegated decisions for 90% of applications.

### **Recommendation Eleven**

To improve community engagement in the planning application process and at pre-application stage and to alter the requirements for publishing notices in the press.

### **Recommendation Twelve**

To encourage greater use of alternative dispute resolution by formal mediation to avoid appeals, or to resolve issues during the appeal stage.

### **Recommendation Thirteen**

To improve the standards of applications submitted by developing an accredited agents scheme for householder and minor developments.

### **Recommendation Fourteen**

To address the shortage of planning resources and skills within local planning authorities by making better use of support staff and technicians. The existing planning staff should be maintained and no planning staff should be lost due to the current economic downturn, but should be redistributed to work on the Local Development Framework.

### **Recommendation Fifteen**

To revise the current requirements for applications to be dealt with within specified timescales, to ensure that applications are dealt with appropriately and efficiently with customer satisfaction being a priority. Better performing local planning authorities would be able to charge higher fees or be rewarded by higher planning delivery grants.

### **Recommendation Sixteen**

To use the planning policy review announced in the Planning White Paper to remove objectives which duplicate other controls, and ensure no additional policy objectives are added, unless there is a strong and compelling case to do so when tested against a set of challenging criteria.

### **Recommendation Seventeen**

To overhaul and simplify the national planning policy framework and secondary legislation for the processing of planning applications, to remove unnecessary prescription from the GPDO (General Permitted Development Order), to ensure clear national policy guidance on the new development management approach and to ensure effective, helpful and clear plan-based guidance for householder and minor developments are prepared once key Development Plan Documents are in place.