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May 2024

An accelerated planning system

Consultation response from The Housing Forum

Response submitted by:

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About The Housing Forum

The Housing Forum is the UK's cross-sector, industry-wide organisation that represents the entire housing supply chain. Our growing membership drawn from over 150 organisations across the public and private sectors and includes local authorities, housing associations, housebuilders, architects and manufacturers. All share our determination to drive quality in the design, construction and decarbonisation of UK homes. They have a commitment to partnership working and share in our vision of 'A Quality Home for All'.

In order to achieve this, we have advocate for policy change needed for everyone to live in a good quality, sustainable and affordable home. Our key [Housing Solutions](#) set out how we think this can be achieved.

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Introduction

The Housing Forum's members come from across the whole of the housing sector, and we have strong involvement from both local authority planners and also housing associations and housebuilders who apply for planning permission.

All share our ambition for a Quality Home For All and recognise that the planning system is vital in bringing forward both the quantity and quality of housing needed to, including affordable housing. We know from our membership that there are many talented and passionate planners working in local authorities and in the wider housing sector who share our ambition and want to see the benefits of new housing for their local areas. The planning system, however, is not currently working as well as it should be and we have recently published two reports setting out how it could work better:

- [Streamlining planning to build more homes](#)
- [Planning validation requirements: Moving to a planning statement approach instead of checklists](#)

These set out ideas for streamlining the planning system, ensuring that the right information is requested at the right time and addressing some of the issues around staff recruitment and retention.

The Housing Forum strongly supports the principle of better systems to ensure that the planning system is faster, and that timelines are more predictable for applicants. It is hard for housebuilders to maintain a smooth workflow, or for housing associations to ensure they meet funding deadlines if they do not know whether a planning application will be determined in a few weeks or over a year.

However, **better resourcing of the planning service, and of local authorities more widely is crucial to addressing this** – without better resourcing none of the government's very laudable aspirations for a faster planning service are likely to be achieved.

We are also concerned that if local authorities have a financial incentive to determine some types of planning application efficiently, but not others, that the applications that aren't able to go through the accelerated route may be deprioritised. There is very little detail in the consultation for **how the additional funding received for an accelerated service can be guaranteed to deliver a faster service without resulting in a slower service for other types of application**. Residential applications are not currently included for the Accelerated Planning Service, which is a big concern to the housing sector.

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Response to questions

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

Yes

We agree with the principles of the Accelerated Planning Service, but have concerns that local authorities lack the resources to meet its ambitions, posing a risk that applicants effectively pay to “queue jump”, increasing the times taken to determine other planning applications. This is a particular concern if it focuses only on commercial applications, leaving residential and mixed use applications with reduced resources.

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

No

We can see the logic of trialling the Accelerated Planning Service with Non-EIA major developments, though have concerns that applications for new housing could be de-prioritised. We would prefer to see Accelerated Planning Service to include a focus on residential applications from the start. If this doesn't happen then it is crucial to monitor any adverse impact on the decision making times for applications that fall outside of the accelerated system, and to consider rolling it out to other types of major application as soon as possible.

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

Yes.

If yes, what do you consider would be an appropriate accelerated time limit?

These require more input from statutory bodies and other consultees. Currently timescales allow an extra three weeks for EIA development and we believe this additional time to be appropriate, which would give a total determination period of 13 weeks.

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes

This seems sensible, given the additional complexities of these types of application. We would hope that some might be brought within scope for the Accelerated Planning Service at a later date, once the system is established (apart from retrospective applications, for which we can see no rationale for Accelerated Planning).

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Question 5. Do you agree that the Accelerated Planning Service should:

- a) have an accelerated 10-week statutory time limit for the determination of eligible applications**

No

If not, please confirm what you consider would be an appropriate accelerated time limit

The problem, from the perspective of planning applicants, is not that 13 weeks is too long to wait, but rather that this target is not met. As noted in the consultation document, the average time is 28 weeks and many applicants are left waiting over a year. Setting a lower target, when LPAs are currently failing to meet the current one, seems an odd approach. Processing applications within 13 weeks would be more beneficial than setting a lower target which is also not met.

- b) encourage pre-application engagement**

Yes

The Housing Forum's members from across the public and private sector tell us that pre-application engagement is widely considered by all parties to be extremely beneficial, but we are aware that some local authorities do not offer it because they are under-resourced. There is not point in encouraging applicants to use a service that is unavailable.

- c) encourage notification of statutory consultees before the application is made**

Yes

Notification should be the responsibility of the LPA rather than the applicant, as they will have the up-to-date list of all statutory consultees and their contact details. Applicants should provide their own contact details for statutory consultees to follow up with them directly on any issues of concern, and statutory consultees should be encouraged to do this as soon as they are notified, as it is these discussions that can help to ensure that any issues that might cause a consultee to object to an application can be dealt with in advance of submission.

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Yes

If yes, please specify what percentage uplift you consider appropriate, with evidence if possible.

This seems a broadly appropriate pricing framework. We are unable to suggest the appropriate fee because it is suggested that the price should reflect the cost of providing the service, and are unsure of the nature or extent of costs which are *additional* in providing a faster service.

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Question 7. Do you consider that the refund of the planning fee should be:

c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks

Please give your reasons

The Housing Forum would favour an approach that is less black and white, in order to incentivise LPAs to process applications as fast as possible, including both those that are easier and harder to determine quickly. Having more than one cut-off helps ensure incentives to determine quickly where feasible, but avoids removing all incentives to determine applications quickly if and when it becomes clear that this first deadline will be missed. We are concerned about creating financial incentives for LPAs to refuse planning applications, in order to meet deadlines.

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service? Please explain

There are several ways in which statutory consultees can best support the Accelerated Planning Service. These should not be separated out from their support to the wider planning service, including applications not going through the accelerated route.

- Statutory consultees should engage on applications in the pre-application stage and there needs to be an incentive for them to do so (or costs to them if they fail to do so).
- Wider cuts to local authority budgets have depleted the ability not just of planning departments, but also of the various agencies that are statutory consultees on planning applications. It is hard to see a way to rectify this without better funding for local authorities.
- Statutory consultees should be fully engaged in the process of drawing up Local Plans, and LPAs need strong incentives to ensure that they have an up to date Local Plan at all times.
- We are aware that the government is currently undertaking a 'rapid three-month review' of statutory consultees and would welcome the findings of this in ascertaining whether the list of statutory consultees could be rationalised.
- LPAs are already allowed to determine applications without input from statutory consultees if it is not provided in time, and we note that the CMA's recent review recommended tightening of these requirements. However, our understanding is that LPAs are, understandably, adverse to approving applications in the absence of input from key agencies on issues such as flood prevention, causing delays. This could be helped by clearer guidance for LPAs around which of the statutory consultees must input before an application can be determined, and which ones simply have the right to be consulted, but must do so within agreed timelines if they wish to input.
- Local authorities should be encouraged to consider systems for incentivising statutory consultees to respond within time in order that they are not

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penalised having to refund a fee. It is important that this does not encourage statutory consultees to prioritise only those applications made under the Accelerated Planning Service at the expense of other applications.

- Statutory consultees should also respond quickly when their input is required on a decision on discharging planning conditions.

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Question 9. Do you consider that the Accelerated Planning Service could be extended to:

a. major infrastructure development

Yes

b. major residential development

Yes

This is particularly important to the housing sector, including the affordable housing sector, and to the wider governmental objective of increasing housing supply.

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c. any other development

Yes

The accelerated system could be extended to other major applications, including mixed use applications.

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

We would propose that the system and time limits are kept the same across different types of application, for reasons of simplicity and because there is no major reason to deviate. As discussed above, meeting the timescales is more important than setting what is always a somewhat arbitrary target.

Question 10. Do you prefer:

d. don't know

There are merits to a discretionary system that allows applicants to pay a lower fee if they are less bothered about the timescale for approval, though believe that the majority of applicants are likely to choose to pay for the accelerated service.

We are concerned that a focus on some applications as being a higher priority than others (as will occur, if there are financial penalties associated with failing to meet their deadlines, and a lack of overall resources) will mean a reduced quality of planning services for other applications. This is a concern to our Housing Forum members across the housing sector, regardless of which option is pursued, as all residential applications would currently be placed in the 'non-priority' category.

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

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There are requirements that could be asked of applicants to be eligible for the Accelerated Planning Service, which would help ensure that the timetable for determining the application is realistic. These include:

- Draft S106 and Head of Terms, where relevant, as these can take a long time to agree particularly if the draft is not included with the application.
- A statement of conformity with LPA policies with direct links to evidence, including biodiversity net gain assessments, design and access statements, etc.
- Full ecological reports where it is clear upfront that these will be required.

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Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

Yes

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Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

No

If not, please specify what you consider the performance thresholds should be.

Measuring the proportion determined within a target time limits can be useful, and the 50%/60% figures seem reasonable, given the current low proportion of applications determined within deadlines. We would like to see them raised higher in time. However, basing performance success purely on this yes/no metric encourages LPAs to focus on the easier applications, with no incentive for drive forward those that are more difficult or have experienced delays so are already outside the time limit. An average or median time limit would help create the right incentives to make decisions in a timely manner on every application. This would be a broader performance monitoring metric, and in addition to the statutory time limits (which are needed on a case-by-case basis in order to ascertain whether a refund is due or not)

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria

Please give your reasons

Please see above for reasons why neither of these metrics is sufficient to incentivise good performance across the board.

Extensions to time are often granted in situations where it has emerged that some further information is required from the applicant, which may be (at least arguably) their fault in not submitting it upfront. In these situations, the LPA might well be

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entitled to simply refuse the application on the grounds that the information is missing. It would not be helpful to anyone to encourage them to do this, rather that use an Extension of Time to allow the applicant to produce the information.

In other situations, the delays may be the fault of the LPA alone but planning applicants nevertheless feel they have no option but to accept a request for an Extension of Time because of the discretionary nature of the planning system and fear that a refusal might be given if they were not to agree to the Extension of Time.

The increase in use of Extensions to Time is a result of increasing workload placed on LPAs and insufficient resources. It is a symptom of this problem rather than its cause, so trying to eliminate the use of Extension to Time applications without addressing this underlying cause is likely to fail, or lead to other perverse consequences (such as a higher refusal rate).

Measuring both the number of applications determined within statutory timescales both with and without the inclusion of the Extension of Time (ie Option b) above, would best reflect actual performance, in the light of the difficult dynamic discussed here.

In addition:

- When trialling the Accelerated Planning Service, the proportion of applications refused should be closely monitored, to check whether the pressure to meet a deadline for determination is resulting in a higher refusal rate.
- Extensions of time should name the specific issues they are seeking to address, to ensure that they are being used appropriately.
- Extensions of time should not be permitted in order to allow time for an application to be considered by Planning Committee, if it is not legally required to be considered by Planning Committee. Designated decision powers should be used where possible, to make decision-making quicker. Planning Committees that wish to examine applications that do not require their input should meet frequently enough that this does not cause delays.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

Yes

This would be in line with most other metrics by which local authorities are assessed.

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

Yes

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

No comment

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Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

No comment

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

Repeat use of Extension to Time applications should not be happening routinely simply because of LPAs failing to meet deadlines. However, there may be situations where more than one is needed for different reasons or where the original timescale agreed turns out to be unrealistic for reasons that could not have been foreseen. Banning repeat Extension of Time applications could result in unnecessary refusals or an Extensions of Time being unnecessarily cautious in the length of time agreed.

Extensions of time should name the specific issues they are seeking to address, to ensure that they are being used appropriately. As discussed above, they should not be used in order to allow time for a planning committee to meet if the application does not legally require the approval of a planning committee.

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes

We agree with these in principle, though there also needs to be opportunity for more complex case to be heard at inquiry or appeal.

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded form the simplified written representation appeal route?

No

Some of our members have expressed concern that the simplified appeal process should be optional for major residential applications, because they can be more complex and require more information.

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

Don't know

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

Yes

Please give your reasons.

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We are aware of concerns that third parties will have no opportunity to comment on appeals via the simplified process. This is important if there have been material changes during the process of determining the planning application.

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes

This would seem a useful safeguard for appeals that are more complex.

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes

Question 27. Do you have any further comments on the scope of the guidance?

More detailed guidance on the different routes to amending planning permissions would be helpful, especially given the added complexity of having the new simplified procedure in addition to the current system. This should include more detailed information on the scope of S73B applications and clear definitions of 'variations' and 'substantial'.

Plan number conditions should be retained as they provide certainty for all involved in the planning process.

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes

If not, please explain why you disagree

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

Yes

If not, please explain why you disagree and set out an alternative approach

Question 30. Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?

Yes

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Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

This should reflect the degree of work required by the local authority. We would expect this to be significantly lower than the initial application fee.

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

Yes

Question 33. Can you provide evidence about the use of the ‘drop in’ permissions and the extent the Hillside judgment has affected development?

A drop in permissions has at times been used to determine which parts of different permissions are built, needed in larger phased developments to put together a coherent masterplan that responds to differing circumstances over time. The Hillside judgment has undermined the delivery of new homes, affordable homes and community facilities. It has made it more difficult to make later changes to multiphase developments without effectively resubmitting a new planning application for the whole site. We welcome the Government addressing these difficulties.

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

No comment

Question 35. If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?

We agree with these proposals in principle. A section 73B application could be used where the changes proposed are not ‘substantially different’. However, some multiphase developments have more complex issues that may be considered ‘substantially different.’ This would require a mechanism that allows for change, but which does not require a submission of a new planning application in its entirety.

Question 36. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

If accelerated planning system speeds up the construction of new homes, this would benefit many groups with a protected characteristic including disabled people, women and most BME groups, who are on average disadvantaged in the housing market. Conversely, accelerating other types of planning application without additional resources could mean de-prioritising residential applications, which would have a negative impact on these disadvantaged groups.

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Conclusion

All our members at The Housing Forum recognise that the planning system is crucial in delivering the new homes we need, and that the system at present is too slow.

Better resourcing of the planning service, and of local authorities more widely is crucial to addressing this – without better resourcing none of the government’s very laudable aspirations for a faster planning service are likely to be achieved.

We look forward to working with Government at The Housing Forum to help take forward the ambition of 300,000 new homes a year, and work towards our ambition of a **Quality Home for All**. Our key [Housing Solutions](#) set out how we think this can be achieved.

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