

DELAYS AND BARRIERS EXPERIENCED IN THE PLANNING APPLICATIONS PROCESS

Final Report

June 2022

THE POWER OF BEING UNDERSTOOD
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RSM

DISCLAIMER

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EXECUTIVE SUMMARY

The planning application process is a cornerstone of the planning system. Since 2009/10, an average of 470,000 planning applications are submitted every year in England, with local planning authorities collectively determining around 425,000 per annum over this period.¹ The majority of these applications are for householder extensions, change of use and other types of minor development. But while major applications for substantive residential and commercial development accounted for 13,400 (3%) of the 391,000 applications determined between April 2019 and March 2020, those which were granted planning permission for residential development have provided approval for over 279,000 new homes. Consequently, it is essential that the process for applying for planning permission can facilitate the timely determination of such development by removing unnecessary and unreasonable delays from the system.

While there have been improvements to decision making over the last decade, delays during the planning application process for major applications remain a persistent cause of frustration for many developers.

As part of the preparation of a Planning Green Paper announced as part of the Budget 2019 in March 2019, the Ministry of Housing, Communities, and Local Government (now the Department for Levelling Up, Housing and Communities) wanted to build an evidence base from which it would be possible to identify where the key delays and barriers are experienced as part of the end-to-end applications process. RSM UK were commissioned to provide this research in August 2019, following a competitive tender. Since this research was commissioned, we have now published our Planning for the Future White Paper, which sets out proposals for a wide range of planning reforms, including a more streamlined, proportionate end-to-end applications process. This research has helped inform these proposals.

This research was commissioned with the intention of serving two critical functions:

- to inform the Government planning reform agenda; and
- to contribute to the evaluation of planning reforms introduced in the last ten years.

¹ DLUHC, Live tables on planning applications statistics

The research comprised of undertaking case study fieldwork, looking at 80 planning applications across 15 local planning authority areas. Discussions were held with local planning officers and applicants (where possible) to generate an understanding of how these case studies progressed through the applications process, and where difficulties were experienced which resulted in delays to their determination. The local authorities involved were selected on certain criteria to ensure that they reflected a nationally representative picture. A list of local authorities who were interviewed can be found in Section 2.1. We would like to take this opportunity to thank those participating authorities and the planning applicants for their support in undertaking this work. A full breakdown of these local authorities can be found in Section 2.2 along with the criteria for their selection.

Interviews with local planning officers and applicants took place between September 2019 and January 2020. All research, interviews and data collection were undertaken and completed before March 2020 in advance of the impacts experienced due to the COVID-19 pandemic. This report and its findings therefore do not reflect any barriers and delays that materialised in the applications process as a result of the pandemic.

The research sought to provide data on the various stages of the end-to-end planning applications process. This included the pre-application stage, submission and validation, consultation and determination and the post-decision stage. The research also sought to identify the delays which were most common and those which amounted to the largest quantifiable delays across the sample applications. Overall, 194 quantifiable delays were recorded across the 80 individual case studies. The large majority of case studies (73 of the 80) had at least one delay during the process of validation or determination of the application. Many of the applications had not yet had conditions discharged, so delays at this stage of the planning process were not quantified.

The findings show that the three most common causes of delays were:

- problems with the submission of information, whether insufficient or incorrect (experienced in 31 cases);
- amendments to an application following consultation (26 cases); and
- negotiating and agreeing Section 106 agreements (24 cases).

In terms of the longest average delays, the research also found that:

- discussing and agreeing technical issues with consultees accounted for an average delay of 27.5 weeks on each occasion that it arose;

- initial failure to consult necessary parties led to an average length of delay of 22 weeks; and
- situations when the applicant purposefully chose to delay averaged 20.5 weeks in length.

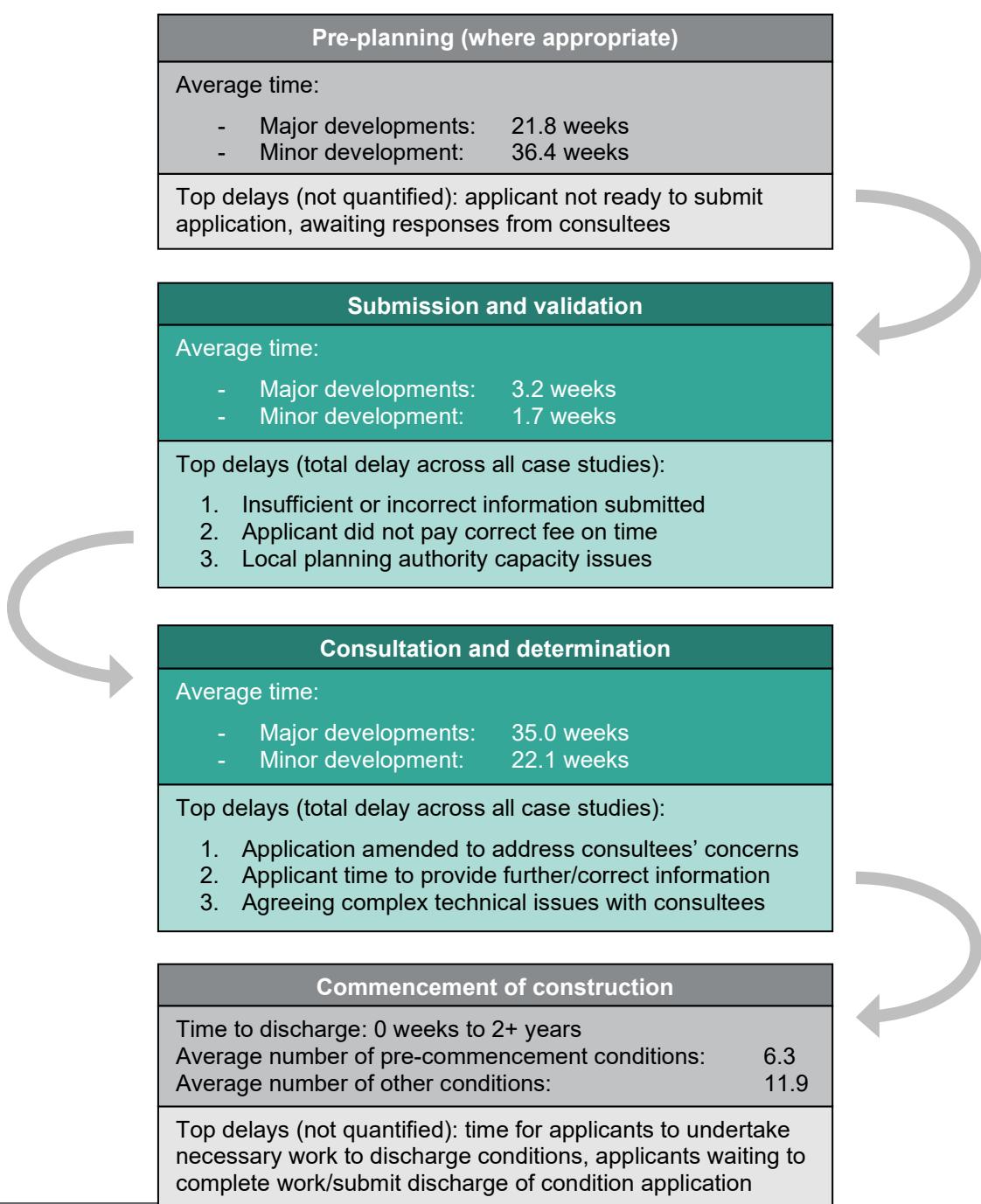
In terms of the findings for the individual stages:

- **Pre-planning stage:** While pre-application engagement may have sped-up the determination of an application, it didn't necessarily speed up the end-to-end applications process. Applicants and local planning authorities, however, were broadly in agreement that it held value, and, in many cases, helped to smooth the decision-making process.
- **Validation and submission:** Validation typically lasted no longer than 2 weeks across the sample case studies. However, validation delays were common, most often caused by the submission of incomplete applications or as a result of local authority resource pressures.
- **Consultation and determination:** The largest delays (in terms of total time) were experienced at this stage. The need for applicants to amend their application following consultation amounted to 440 total weeks in delays across the 80 case studies and agreeing legal terms for Section 106 planning obligations caused delays totalling 438 weeks. These were the two longest cumulative delays encountered across the case study sample.
- **Post-decision matters:** It was difficult to quantify delays experienced at the post-permission stage, owing largely to the fact that many sites had not yet discharged all pre-commencement conditions. The number of conditions and the time taken for a local authority to formally discharge conditions was not considered to be an issue. However, the speed with which applicants sought discharge of conditions was a cause of delays, whether owing the work required in order to meet the conditions, or because they were in no hurry to seek discharge.

One key finding from the research was that the stages of the planning process are often interdependent. More time spent in pre-planning can speed up the time taken to determine an application, though it will not necessarily speed up the overall time taken from the first contact between applicant and LPA to the time when the applicant is able to start work. At the other end of the process, it may be possible to avoid pre-commencement conditions by resolving the issues before an application is determined. Doing so may reduce the time until the applicant is able to start construction, though the time taken to determine the application may itself be longer.

Figure 1 sets out the average time that it took the case studies to progress through each stage of the planning applications process, as well as the delays experienced at those different stages.

Figure 1: Summary process graph: average times and top delays by stage²



² Where quantified, top delays measured by cumulative length of delay across entire case study sample. Time to discharge conditions measured from the point of the grant of planning permission until the approval of discharge of conditions.

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1. INTRODUCTION

1.1 Context

Planning reform has been a critical part of the Government's productivity agenda over the last two decades, in terms of both supporting greater housing delivery and contributing to wider economic growth. While there has been a strong emphasis on improving national planning policy through the development of the National Planning Policy Framework and encouraging up-to-date Local Plans, there have been continued concerns from the development industry – and more generally business – about the slowness and bureaucracy of the end-to-end planning application process under the Town and Country Planning Act 1990.

Since 2008, a number of government-sponsored reviews have specifically explored the effectiveness of the end-to-end planning application process. The 2008 Killian Pretty Review sought ways to implement faster and more responsive planning decision making, while the 2010 Penfold Review made recommendations for improving the processes for non-planning consents.³ These reviews have helped to drive reforms to each stage of the planning process, including:

- a stronger emphasis on pre-application engagement between applicants, local planning authorities and communities;
- improved information and validation requirements;
- streamlined consultation arrangements, especially with statutory consultees;
- a new performance and designation regime targeted at speeding up decision making;
- action to encourage the timelier discharge of planning conditions;
- new permitted development rights and proactive tools such as local development orders; and
- the introduction of the Community Infrastructure Levy (CIL).

More recently the Government has sponsored two independent reviews. In 2017, Sir Oliver Letwin was commissioned to explain the gap between planning permissions granted for new homes and housing completions and make recommendations for closing it. The resultant research focussed exclusively on the very largest sites (approx. 1,500 units and above) in areas of high housing demand, as they tend to be proportionately slower to build out than smaller sites and are typically the focus of concerns of "landbanking" (where developers

³ The Killian Pretty Review: Planning applications – A faster and more responsive system: Final Report (CLG, 2008); The Penfold review of non-planning consents (Department for Business, Innovation & Skills, 2010)

intentionally avoid or delay building on land with planning permission for commercial reasons). The report published concluded that the homogeneity of types and tenures of homes on offer on these large sites limits the rate at which the market will absorb the new homes and was the fundamental driver of slow build-out.⁴ It was recommended that this should be tackled through new planning rules that specify diversity of product and provide some incentives for builders to increase diversity.

Alongside the Letwin report, also published was a review by Bridget Rosewell, looking into how to make the planning appeal inquiries process quicker and better.⁵ The Review concluded that delays were caused by outdated administrative processes and a "culture of deferral", and were exacerbated by changes in national planning policy and guidance, court judgements, and resource pressures in local authorities and within the Planning Inspectorate. The Review made recommendations for improvements to the administration and technical processing of planning appeals within local authorities and the Planning Inspectorate, as well as proposing greater clarity and commitment to agreed timescales. The Planning Inspectorate responded by running a pilot project trialling the improvements that were recommended and developing an overhauled appeal portal to be rolled out.⁶

Despite recent reforms and reviews that touch upon the planning system, concerns are still brought to the Government's attention about the effectiveness of the planning applications process. Consequently, the Government announced as part of the Budget 2019 that it would bring forward a Planning Green Paper to explore opportunities to reform the planning system. In preparation for the Planning Green Paper and to inform future reforms, MHCLG (now DLUHC) wanted to build an evidence base to help identify what the key barriers and delays are within the end-to-end planning applications process and at what stages these are experienced.

1.2 Aims of the study

RSM UK Consulting LLP was commissioned by MHCLG (now DLUHC) in order to conduct case study research fieldwork to investigate the end-to-end planning application process, as well as the experiences of applicants and LPAs across England when engaging with that process. This research involved 80 case studies of planning applications.

The overarching purpose of the report is to:

- contribute to the evidence base for planning reforms; and

⁴ Letwin (2018) *Independent review of build out* (MHCLG)

⁵ Rosewell (2018) *Independent review of planning appeal inquiries* (MHCLG)

⁶ The Planning Inspectorate (2019) *Independent review of planning appeal inquiries – Action plan April 2019 update*.

- help contribute to the evaluation of the development management reforms that have been introduced over the past ten years.

The focus is on identifying:

- the **barriers and pressure points** within the planning application process based on an **end-to-end review** of a sample of applications across England;
- a **typical timescale for each stage of the end-to-end planning process**, the **contribution each stage makes to the overall timescale** and where greater exertion in one stage can have a positive impact on the speed of subsequent stages; and
- the **resources employed at each stage of the process by LPAs and applicants**.

2. METHODS

The case studies comprised:

- a review of published documentation and online information (including data from Glenigan);⁷
- discussions with local planning authority planners; and
- discussions with 39 planning applicants including housebuilders, planning consultants and housing associations involved in each application.

2.1 Selection of local authorities

The case study planning applications were selected across 15 Local Planning Authorities (LPAs), and were broadly representative on key aspects likely to affect the speed of the planning process. The table below sets out the criteria used in the selection of the LPAs.

Table 1: Case study selection criteria

Criteria	Selection	Rationale
Region	At least one in each of the nine English regions and at least two in London.	Ensure comprehensive coverage of areas with different economic and geographical pressures.
Planning activity level	A mixture of high, medium and low levels of planning activity, measured using the number of applications received per thousand households.	Planning activity may affect factors such as the amount of time to process individual applications and demands on authority resources.
Rural/urban nature	The 2011 Rural Urban Classification gives an indication on how rural or urban a local authority is. This was used to classify areas into urban, mixed or rural. ⁸	Rural areas are likely to have more land available to develop, but different challenges relating to National Parks, SSSIs or local opposition to development.
Percentage of permissions granted. ⁹	We have classified areas as those that in 2018/19 accepted "all", "most" or "some" of their applications and ensured that the selection of case studies broadly represents the split between these three categories.	Help explore the factors that lie behind different rates of granting permission. It may be that there are more challenges in granting applications in some areas.
Demographics and income	These are indicators of where communities may be likely to oppose (or support) development. We drew on the 2010 Shelter work on Housing Insight for Communities to identify likely opposition to development and classify it as low, medium or high, selecting at least four case studies from each group.	This was to ensure that we included as case studies areas that may have greater or lesser opposition from local residents to new development.
Housing markets	House prices were used as a proxy for housing demand. A mixture of lower and higher priced areas were included.	This was to ensure that areas with higher and lower levels of need for new housing were included.

⁷ Glenigan is a construction market intelligence firm, contracted by the Department to provide planning data and analysis.

⁸ www.gov.uk/government/collections/rural-urban-classification#2011-census-rural-urban-classification

⁹ www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics, T3

The following table shows the selected LPAs and the data on which they were selected, as described above.

Table 2: Case studies for Accelerated Planning research¹⁰

Local authority	Region	Planning activity level	Rural/Urban nature	Percentage of permissions granted	Demographics and income	House prices*	Case studies
Wigan	North West	Low	Urban	All	Low	Low	6
Suffolk Coastal	East of England	Medium	Rural	Most	Medium	Medium	4
Hounslow	London	Low	Urban	Most	High	High	6
Stockton-on-Tees	North East	Low	Mixed	Most	Low	Low	6
Barrow-in-Furness	North West	Low	Mixed	All	High	Low	4
West Berkshire	South East	High	Mixed	Most	Medium	High	5
Cornwall	South West	Medium	Rural	Most	Low	Medium	6
Birmingham	West Midlands	Low	Urban	Most	Low	Medium	5
Barnsley	Yorkshire & Humber	Low	Urban	Most	Low	Low	5
Cherwell	South East	High	Mixed	Most	Medium	High	5
Bromley	London	Low	Urban	Some	High	High	6
York	Yorkshire & Humber	Low	Mixed	Most	Medium	Medium	5
South Holland	East Midlands	High	Rural	Most	Low	Low	5
Woking	South East	Low	Urban	Most	High	High	6
Lake District National Park	North West	High**	Rural	Most	High***	High	6

Planning activity level is based on applications per thousand households. 'Low' is 0.55 applications per thousand households or less, 'High' is one application per thousand households or more.

¹⁰ * All housing price information collected from most recent ONS data

** Planning activity level for national parks is compared to national park averages.

*** Demographics and income data for National Parks were produced by RSM following similar parameters to the 2010 Shelter work on Housing Insight for Communities.

Data about the percentage of applications granted is taken from live tables on planning application statistics.¹¹ Some means fewer than 50% of permissions were granted, most means more than 50% of permissions were granted.

Income levels are based on the gross disposable household income data published by ONS.¹² Low is below £18,000, Medium is for where the average household income is between £18,000 and £25,000 and High is where the average is greater than £25,000

House prices are based on median house price also taken from ONS¹³. ‘Low’ describes areas where the median house price is less than £200,000 and ‘High’ is used for areas where the median house price is £300,000 or more.

MHCLG (now DLUHC) checked the potential case study areas to ensure that they did not include any which:

- performed considerably above or below the national average for planning applications, in terms of speed and approvals;
- did not have an up-to-date Local Plan; or
- were already involved in other research, in order to avoid over-burdening them.

2.2 Identifying suitable planning applications.

It was agreed with MHCLG (now DLUHC) that the sample of case studies would comprise 80 full planning applications determined between 1 April 2016 and 31 March 2018 in the 15 selected LPAs. This date range was selected in order to allow some time after determination for the discharge of conditions, so that factors causing delays at all points in the planning system could be explored. The aim was for this to result in the most up-to-date picture of the end-to-end process, while taking account of the need to allow time for the discharge of conditions.

The following were excluded from being case studies:

¹¹ www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics

¹² www.ons.gov.uk/economy/regionalaccounts/grossdisposablehouseholdincome

¹³ www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/medianhousepriceformationalandsubnationalgeographiesquarterlyrollingyearpssadataset09

- small minor applications with 1-4 dwellings (residential or mixed-use developments);¹⁴ or a site size under 0.5 hectares or floor area of under 500 square metres (non-residential applications);
- large major applications – for 1,000 or more dwellings (as these have been the subject of other research);¹⁵
- applications for amendments to pre-existing planning permissions where no new dwellings were proposed;
- applications that had gone to appeal (since the issues surrounding appeal were explored recently in the Rosewell review);¹⁶ and
- applications that involved an outline planning application and reserved matters application for the same development (though applications for full planning permission where there was an outline application in place for a larger area were included).

A long list of planning applications within the required date range was assembled for each case study LPA using data from Glenigan. Those not eligible to be case studies due to reasons listed above were then removed as far as information was available, with further checks being undertaken by the LPAs themselves (for instance to filter out any that had recently gone to appeal).

The case studies were intended to provide detailed, qualitative and in-depth material. The selection of case studies was agreed with MHCLG (now DLUHC) to include:

- 80% residential or mixed applications, of which 80% were to be major applications and 20% substantive minor applications.
- 20% non-residential applications, of which half would be major and half 'substantive minor'.¹⁷

Table 6 below shows the profile of the 80 case studies.

¹⁴ Applications were classed as 'residential' for the purposes of this study if they were for planning class C3 ('dwellinghouses') or C4 (houses in multiple occupation). Hotels and institutional accommodation (C1 or C2) were classed as 'non-residential'.

¹⁵ Letwin (2018) *Independent review of build out* (MHCLG)

¹⁶ Rosewell (2018) *Independent review of planning appeal inquiries* (MHCLG)

¹⁷ Substantive minor was defined as 5-9 dwellings or floor area 500+sqm and area 0.5+ hectares

Table 3: Types of application used as case studies

	Type	Number of case studies
Type	Residential major	16
	Residential minor	10
	Non-residential major	7
	Non-residential minor	7
	Mixed major	37
	Mixed minor	3
Greenfield or brownfield	Greenfield	23
	Brownfield	57
In greenbelt	In greenbelt	6
	Not in greenbelt	74
Designated in Local Plan for proposed usage	Designated in Local Plan	22
	Not designated in Local Plan	58
Size (hectares)	0 to 0.5	31
	0.5 to 1	20
	1 to 2	7
	2 to 5	6
	5+	6
	Unknown	9
Total		80

Details of these 80 case studies can be found in Annex A. The case studies were anonymised in the hope that this would allow for an open and honest discussion with local authority planning officers and applicants.

Of the residential major applications, 10 were for 10-50 dwellings (62.5% of major residential applications) and 6 were for more than 50 dwellings (37.5% of major residential applications). Only two of the residential major applications were for more than 100 dwellings, with one application for 124 and the largest for 278 dwellings.

The applications were selected from data collected by Glenigan. In order to produce robust quantitative data, we selected randomly from within the longlist of eligible case studies, ensuring that the quotas listed above were met. A shortlist of 10-12 applications was compiled comprising four to six proposed case studies in each LPA, and up to six reserves. Some proposed case studies were replaced with reserves because the LPA indicated that the case had in fact gone to appeal or failed to meet one of the other criteria for inclusion, or because the local

authority planner involved was not available for interview and nobody else was available to speak about the case.

This report first looks at an overview of the causes of delays. It then considers the causes of delays at each stage of the planning process:

- **Pre-planning** – This is a discretionary stage whereby an applicant can receive advice on how best to take forward their application. LPAs can charge for this service.
- **Validation** – This is when LPAs review the applications submitted and ensure they include the correct documentation, have paid the required fee and are otherwise legal planning applications.
- **Determination** – This is the stage in which LPAs reach a decision on whether or not to grant planning permission. There is a target time for them to do this of eight weeks for minor applications and 13 weeks for major ones, though this can be extended if necessary. Larger or more controversial applications will typically be decided by the planning committee, comprising elected Members of the local authority. Smaller and less controversial applications will more commonly be decided by local planning officers using delegated powers. The threshold at which applications are sent to committee is locally set.
- **Discharge of conditions** – Planning applications are normally made subject to a number of legal conditions, covering issues such as drainage, conservation, reducing the impact on neighbours and use of building materials. Some of these require a further application to be made to discharge the conditions (that is, to confirm that they have been met). Some conditions need to be discharged before construction commences – known as pre-commencement conditions.

2.3 Quantifying the causes of delays

The case study team identified and categorised all the specific quantifiable delays identified by case study interviewees. These were recorded in a database for analysis.

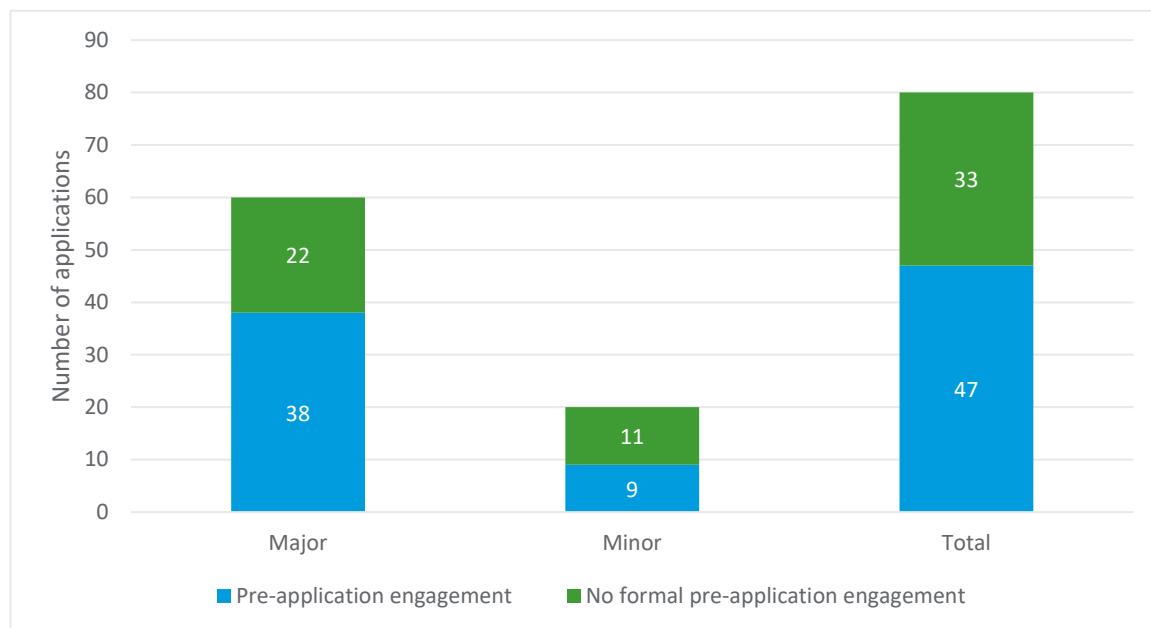
Defining a delay

A delay was defined as something causing things to take longer than they could have done. It is possible for applications to suffer from short delays, but still be determined within the eight- or 13-week deadlines. Multiple delays can occur at the same time. When more than one cause of delay was occurring concurrently, each delay was recorded separately in the database. **This means that the total delay for each planning application may be less than the sum of all recorded delays.**

3. THE PRE-PLANNING PROCESS

Just over half (59%) of the applications had formal pre-planning advice. The figure below shows how this breaks down between the minor and major applications:

Figure 2: Breakdown of pre-application engagement by application type



There were several key reasons why some did not engage in pre-planning.

- Some were repeat applications, or were very similar to a previous application that had already been made and either withdrawn, refused, or granted but not built out. In these cases, the applicant thought they already knew what would be required. This was the case for 21 (or 64%) of the applications that did not use pre-application advice.
- Some were applications that the applicant believed would be straightforward – for instance because the land was already allocated in the Local Plan for the proposed usage.
- A small number were cases where the applicant was anxious to develop the site as quickly as possible (for reasons relating to funding, business needs or an anticipated forthcoming change in planning policy). The applicants were aware that pre-planning might speed up the determination process but believed that the overall end-to-end process would be faster if they were to put in a full planning application as soon as possible.

Not all of these applications turned out to be as simple as the applicants may have initially believed. In several case studies the planning officer and/or the

applicant believed that, with hindsight, the process would have been faster with pre-planning. For instance, in Case Study 80, the planning officer felt that the pre-application process would have helped to speed up the decision, as it would have given the applicant an opportunity to address questions around layout and house type design at an earlier stage. These issues subsequently caused delays. Similarly, in Case Study 36 (which was a resubmission of a similar application) the applicant felt it would with hindsight have been beneficial to have engaged with the local authority at an earlier stage in order to develop a more effective working relationship with the case officer in charge of the application.

Table 4 below reflects the level of engagement by the applicant at the pre-application stage.

Table 4: Pre-application engagement overview

Pre-application Engagement	Average	Median	Range
Number of face-to-face meetings	1.4	1	0 – 6 meetings
Total hours spent on face to face meetings	2.9 hours	2 hours	0 – 20 hours
Number of phone hours	1.1 hours	0.75 hours	0 – 8 hours
Total time for pre-planning process	24.9 weeks	17.0 weeks	2.3 – 148.3 weeks

While the averages shown in the above table appear to be quite low, the range reflects that there was wide variation in the level of engagement by applicants at this stage of the planning process. Of the 47 applications that involved pre-application engagement, 36 (or 77%) involved at least one face-to-face meeting.

Pre-planning advice was considered useful in a number of ways in speeding up the time taken to determine an application:

- In 25 of the 47 case study applications that used pre-planning advice (53%), the applicant amended the design of the dwellings or site layout in response to the issues raised during pre-planning. Such changes often incorporated improved site access or building materials that the LPA thought more appropriate.
- In nine cases (including some of the same ones as above) the applicant amended the actual content of the plans more substantively following pre-planning advice. For example:
 - In Case Study 4 the scale and density of the proposed development was reduced following pre-planning advice.
 - In Case Study 11 the number of dwellings proposed was reduced, after the applicant had been informed about upcoming changes to the affordable housing threshold.

- In Case Study 20 the applicant was informed about how to submit an application involving an offsite affordable housing contribution, to be met in an adjacent site, which they did.
- In Case Study 29, on the advice of the LPA, the applicant removed the retail component of their plans from the application that was eventually received.
- In Case Study 39 the applicant included some employment usage in their application, following advice that this would make it more acceptable to the LPA.
- 12 (or 26%) of the case studies that used pre-planning advice benefitted particularly from involvement of wider stakeholders (such as highways officers, environmental health teams or Historic England) in the pre-application discussions. These were most valuable in cases where there were challenging technical issues to resolve, such as Case Studies 37 and 62.
- In eight case studies the applicants felt that they were better-informed about what information to include with their application as a result of pre-planning advice.
- In a further three case studies the discussions around affordable housing requirements were considered helpful in informing this aspect of the applications, and in several cases, it was felt to have helped foster a good working relationship between the applicant and planner.

There, was, however no quantitative evidence that the use of pre-planning speeded up the decision-making process:

Overall the major applications without pre-planning engagement took an average of 36 weeks to determine, while the major applications that did undergo pre-planning discussions took an average of 35 weeks to determine. This may, however, be because it was the more complex planning applications that made use of pre-planning advice, hence the applicant's decision to ask for pre-application advice. A common reason for not engaging in pre-planning advice was that the application was a resubmission or that a similar application had been made previously. This was the case for 64% of the applications that did not use pre-application advice. These applications also tended to be determined quickly, because a lot of the work required by applicants to ensure they were acceptable had already been undertaken for the previous application (which in some cases had also included pre-application advice).

Pre-planning itself also took time – anything from a few weeks to a year or more. This often depended on the complexity of the application being submitted, as well as the level of detail that the applicants chose to go into at this stage.

There were some situations in which pre-planning advice did not appear to have helped speed up the application. In 11 case studies the planners and/or applicants commented that they thought, with hindsight, that wider stakeholders should have been consulted. The stakeholder most often not consulted, which (with hindsight) should have been, was Highways England and/or the Highways Officer from within the local authority. This was mentioned in seven of the 11 case studies where a lack of consultation with wider stakeholders was cited as having contributed to pre-planning not being as effective as it might. Other examples included:

- In Case Study 1 the applicant felt that the local authority had not been clear about the design they wanted and that they were left trying to "second-guess". The planning officer considered that had the heritage team and AONB unit been involved in the pre-application stage, this first unsuitable application could have been avoided, which would have saved around six months.
- In Case Study 3, the site was near to a wind turbine, giving rise to concerns about noise pollution. The applicant reported that they needed time to undertake noise tests and assessments and to redraw their plans and had been unaware of this issue during the pre-planning stage.
- In Case Study 19, the planner thought that the Environment Agency had held extensive discussions with the applicant; though the applicant stated instead that most of the information they had received came second-hand through the LPA and suspected that the Environment Agency were stretched at the time and were more willing to deal with planners than developers.
- In Case Study 63 the planner felt that it would have helped to have had the council's internal ecologist involved in pre-planning, to help the applicant understand what would be required in terms of an ecology survey to support their application.

In some cases, planners were deterred from suggesting wider involvement because the LPA had a system where these agencies charged for their services during pre-planning and these charges were passed on to applicants. The planners were therefore reluctant to involve them, because of the extra charge that the applicant would incur. Applicants do not generally seem to have been involved in decisions over which stakeholders to involve, as this process was typically led by the planners, who had the necessary contacts and knowledge about who to involve.

Another reason why pre-planning advice sometimes failed to speed up the decision-making process was when applicants decided not to follow the advice given. This was reported in eight of the case study applications. Four of these

applications were subsequently refused (Case Studies 3, 14, 21 and 72). The other four were granted, though in three of these cases (Case Studies 11, 52 and 73) the issues that had been raised during pre-planning went on to cause delays at consultation stage where revised plans needed to be submitted. The other application was eventually granted, despite the initial advice having been rejected (Case Study 40).

Elected Members were rarely involved formally with pre-application discussions, though in a small number of cases the applicant was in discussion with Members, and parish or town councils independently to try to build support for the proposed development.

There were also a significant number of cases where, despite pre-planning advice, the applicant was still unaware of some of the documentation that would be required to support their application. In total, 18 of the 47 applications where pre-planning was sought had delays during validation due to submission of incorrect documents, or missing documents.

Overall, both applicants and planners were positive about the value of the pre-planning process. Often there were still delays later in the planning process, but generally both parties believed that there would have been more issues to resolve had the application not been discussed prior to being submitted.

Only four of the 80 case studies involved use of a Planning Performance Agreement (PPA). These were not widely used by the LPAs where case studies were undertaken at the time of the case study applications (2016-18). The main value of PPAs was felt to be in increasing the certainty over timing (rather than necessarily shortening timescales), which in some cases was particularly important for applicants.

4. SUBMISSION AND VALIDATION

4.1 Submission of planning applications

The table below shows the way in which the case study applications were submitted.

Table 5: Submission of planning applications

Submission process	Type	Number (%) of case studies
Submitted via planning portal	Yes	74 (92.5%)
	No	6 (7.5%)
Submitted by agent	Yes	68 (85%)
	No	12 (15%)
Agent's main business ¹⁸	Architects	32 (40%)
	Planning consultant	31 (39%)
	Construction	1 (1%)
	Estate agent	2 (3%)
	Solicitor	1 (1%)
	Surveyor	2 (3%)

As can be seen, the large majority were submitted by agents and via the planning portal.

4.2 Validation of planning applications

When applications are submitted, LPAs first need to validate them – this involves checking that the application form is correctly filled in, that the correct supporting documents have been provided and that the correct fee has been paid¹⁹. If they find that something is missing, they then contact the applicant to request the missing information (or fee), and the application is not validated until this is received. If an application is correctly submitted, local authorities may backdate its validation date to the date it was submitted, even if they take a week or two to convey this information to the applicant. The targets for determining planning applications start from the validation date.

¹⁸ This was ascertained by an online review of the agent's website and is based on how they describe themselves, rather than any analysis of the detailed nature of their business activities.

¹⁹ Ensuring that the correct fee is paid was undertaken by LPAs at the time that the applications covered in this research were submitted. In the future it will be handled by the Planning Portal, the IT interface by which most applications are submitted.

The figures below shows the length of the validation period by major/minor applications and by type of application.

Figure 3: Length of validation in weeks

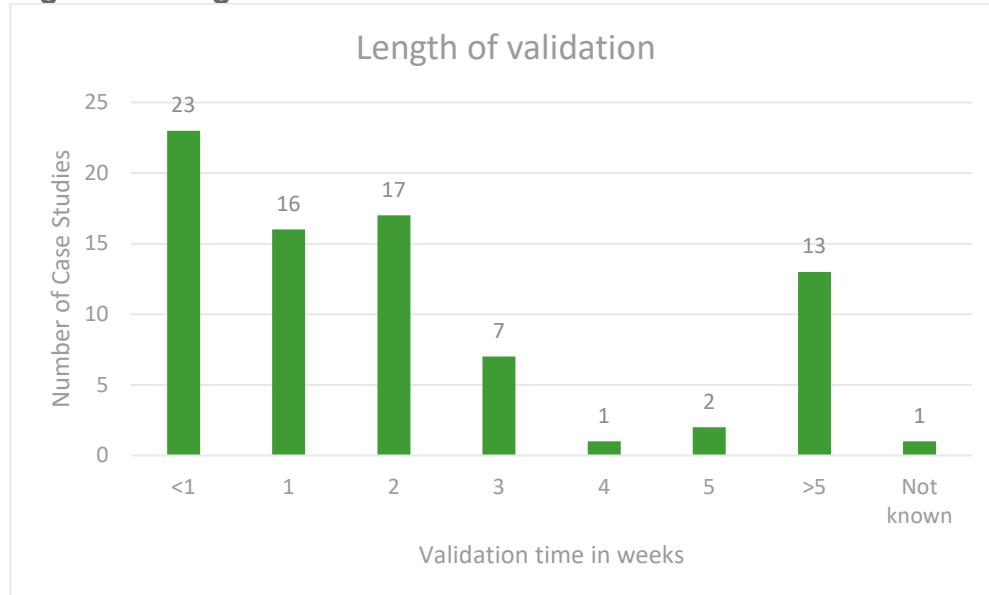
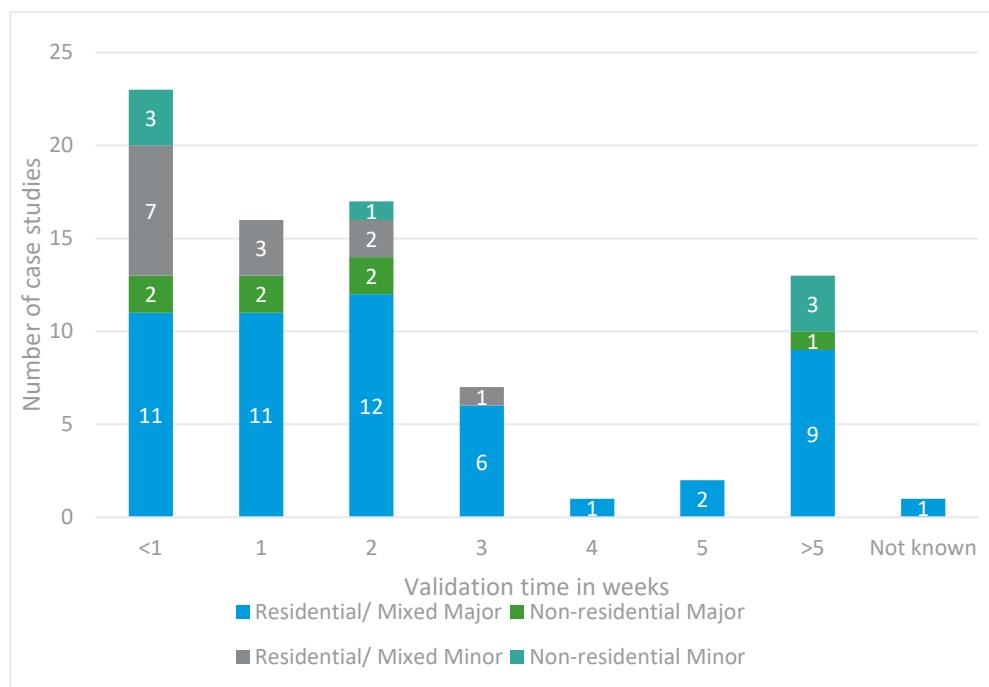


Figure 4: Length of validation by application type



Time taken to validate the application was not known for one of the case studies, as there was no record of when the application was received. The average time for validation was three weeks, though this was heavily skewed by a small

number of applications taking a long time. Over half of the applications were validated within two weeks. The range of the length of time for validation was from zero to 25 weeks. There was also some difference between major and minor applications with major applications taking just over three weeks on average, and minor applications just under two weeks.

The table below shows the main delays during validation:

Table 6: Length of validation in weeks

Cause of delay	Number of delays	Total length (weeks)	Average length (weeks)	Number of apps affected	% apps
Insufficient or incorrect info submitted	31	123	4.0	31	39
Applicant did not pay correct fee on time	8	41	5.1	8	10
LPA capacity issues	15	30	2.0	15	19
Communicated by post	1	1	1.0	1	1

The most common source of delay was applicants (or their agents) not submitting the correct information with the initial application. This occurred in over one third of case studies, contributing an average of 4 weeks of delay each time. LPA staff capacity issues were also an issue in around one in six case studies, contributing an average of two weeks' delay each time.

Not using an agent is associated with a longer period of validation (an average of 38 days, compared with 17 days for those who use an agent), and this appears to be caused at least in part by applicants not being aware of what they need to submit with their application. Conversely, good agents with experience of working with the particular LPA in question were seen as a positive factor in speeding up the planning process, because they knew what would be required. Table 7 provides a breakdown of differences in validation times between types of agents who submitted the applications.

Table 7: Average length of validation (days) by type of agent

Agent type	Total	Median validation time (days)	Average validation time (days)
Architects	32	7	22.3
Planning consultant	31	12	12
Other ²⁰	6	1.5	9

²⁰ Other = solicitor (1), surveyor (2), estate agent (2) and construction (1)

Table 7 indicates that the applications submitted by planning consultants took longer to validate. The average validation time for applications submitted by architects on behalf of the applicant is heavily skewed by a few applications that were very slow to validate (such as Case Study 79 which took 176 days to validate). Comparing the medians also suggests that applications submitted by planning consultants took longer, though this is likely to have been because it was the more complex applications where planning consultants were used.

Of those that took more than five weeks to validate, a common theme was that the applicant initially submitted information that was incorrect in some way and took time to correct this, rather than an LPA capacity issue. Details of all these applications are shown below:

- Case Study 6 had a two-week delay whilst the LPA realised information was missing, followed by a further six weeks for the applicant to produce the missing information.
- Case Study 10 had a seven-week delay caused by the applicant not submitting a full flood risk assessment and then challenging the necessity of this as the drainage system would remain unchanged from its current use. There was some discussion regarding the necessity of this and the LPA made clear that they were not prepared to validate the application without a commitment to a flood risk assessment.
- Case Study 11 took 10 weeks to validate because the applicant submitted insufficient information on the sustainable drainage system on multiple occasions. The planning officer suggested that the agent did not fully appreciate the level of detail required here and the importance of this information for validation.
- Case Study 26 involved an application submitted without a design and access statement, a coal risk assessment, or a landscape scheme which took six weeks to be supplied.
- Case Study 28 was submitted without a planning statement, flood risk assessment or crime impact assessment. When the planning statement was submitted it had incorrect information about the former use of the site. The LPA identified this issue the day after the application was submitted, but the applicant took eight weeks to submit the missing information.
- Case Study 41 was submitted with missing information and drawings, which the LPA officer felt was due to the applicant not having provided adequate staff resourcing for their application. The applicant was also late in paying the fee.
- Case Study 43 was submitted with the correct information but before the LPA had validated it the applicant got in touch to say that they wished to make

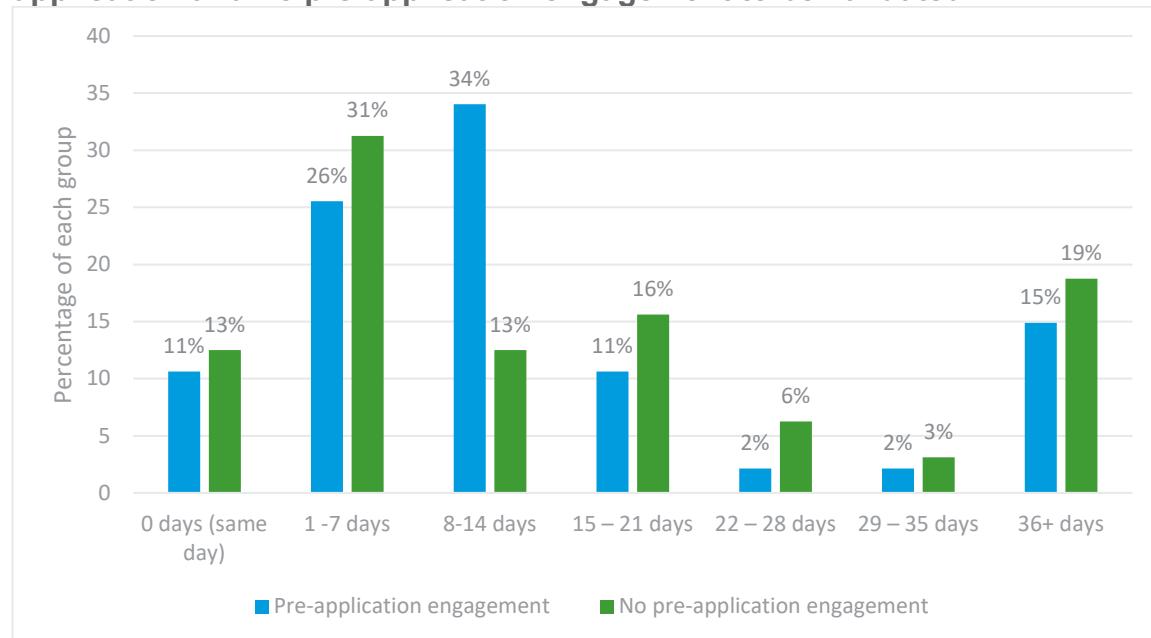
changes to their application changing it from residential to mixed-use and took five months to submit the revised application for validation.

- Case Study 64 was submitted with missing information and inconsistencies in the plans causing a five week delay whilst the applicant provided the information requested. The applicant was also late in paying the application fee.
- Case Study 65 was found to be missing a tree constraints plan, heritage statement and plan showing site levels and sections. The LPA responded within three days, in line with their policies, but the applicant took six weeks to supply the information requested.
- Case Study 68 had a two-month delay due to inaccurate information in some of the plans, no level plans and no S106 head of terms being submitted. It took time to identify all the required information and for the applicant to (re)submit it due to the complexity of the application.
- Case Study 74 took 12 weeks to validate because the application was missing an ecology report, a flood risk assessment and storm water strategy, and a contamination report, which then had to be provided.
- Case Study 78 took 10 weeks to validate. This was due to a drainage strategy not being provided, and the scale on some plans being found to be incorrect. The applicant also indicated on their application form that they did not know all the landowners, so consequently were required to put a notice in the local press stating their intention to submit a planning application on the site in order for the unknown landowner(s) to be made aware of the proposal.
- Case Study 79 validation took 25 weeks because of a dispute about whether one was due in this instance because of multiple previous applications.

The median number of days for applications that did have some pre-application engagement to be validated was 10 days, and for applications with no pre-application engagement the median was 11 days. The median therefore provides no clear conclusions on how pre-planning engagement impacts validation time.

Figure 5 shows that 71% of applications with pre-application engagement were validated within two weeks, compared with 57% of applications with no pre-application engagement within two weeks.

Figure 5: Comparison of the time taken for applications with pre-application and no pre-application engagement to be validated



5. DETERMINING PLANNING APPLICATIONS

5.1 Times to make decisions

Of the 80 case studies included, just over a quarter were determined within the statutory target times of eight- or 13-weeks, with these target timeframes beginning at the point of validation.

Table 8 gives a breakdown of the decision period in terms of the average number of weeks taken to determine the application and the average number of weeks past the target date for determining each application.

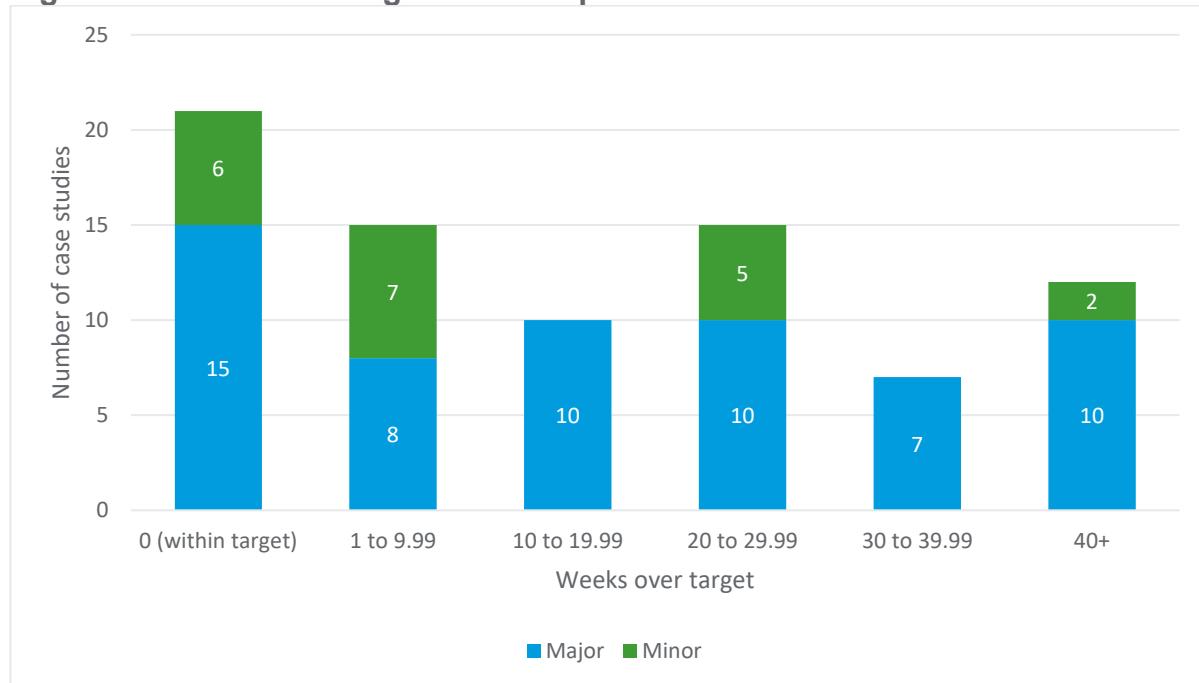
Table 8: Decision period overview

Type of application	Number of case studies	Number determined within target time	Average weeks to determine application	Median weeks to determine application	Range in weeks
Major (target time = 13 weeks)	60	14 (23%)	34.6	27.9	7 - 119
Minor (target time = 8 weeks)	20	6 (30%)	22.1	14.3	5 - 78
All applications	80	20 (25%)	31.4	25.9	5 - 119

As might be expected, major applications take longer to determine, and the distribution of determination times is more heavily skewed than for minor applications – reflecting the small number of major applications that took very long periods to determine.

The figure below gives more specific information on how far over the target determination period the applications ran.

Figure 6: Weeks over target decision period



Figures 7 and 8 below indicate the length of the determination period for all major and minor case studies, with the dotted line indicating the target decision period in each case. These reflect that the majority of case studies took longer than the statutory target period to determine.

Figure 7: Weeks to determine major applications

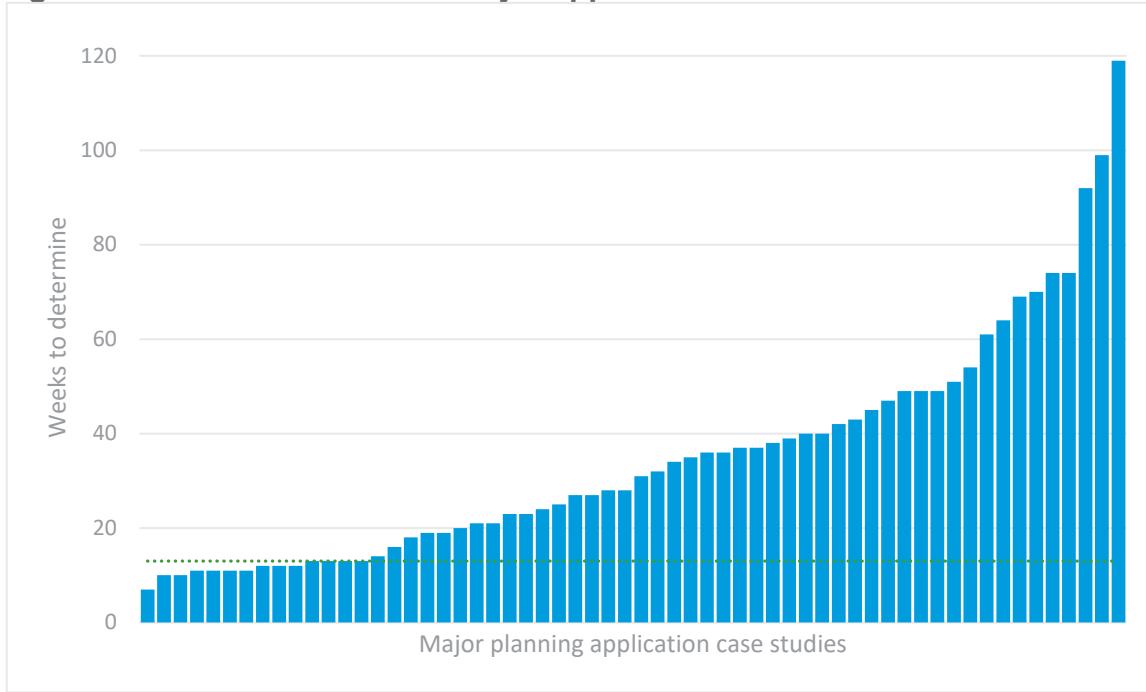
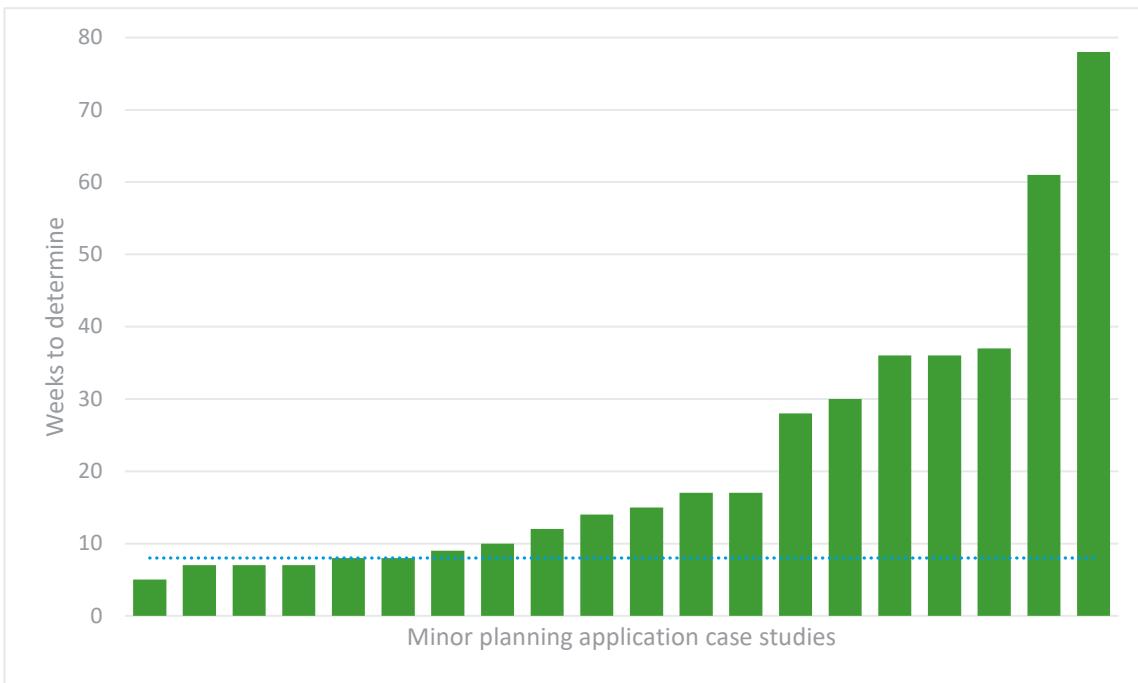


Figure 8: Weeks to determine minor applications



5.2 Causes of delays during determination

The table below shows the main causes of delay during consultation and determination of planning applications.

Table 9: Delays during consultation and decision-making

Cause of delay	Number of delays	Total length (weeks)	Average length (weeks)	Number of apps affected	% apps affected
Application amended to address consultees' concerns	26	440	16.9	26	33
Applicant time to provide further info/ correct info	15	200	13.3	15	19
Agreeing complex technical issues with consultees	6	165	27.5	6	8
Consultees miss deadline (no known reason)	16	103	6.4	16	20
LPA capacity or workload issues delaying determination	10	79	7.9	10	13
Re-consultation on amended plans	8	41	5.1	8	10
Applicant choosing to delay	2	41	20.5	2	3
Application amended to avoid S106 obligations	3	28	9.3	3	4
Interaction with other sites and permissions	2	23	11.5	2	2
Failure to consult necessary parties initially	1	22	22	1	1
LPA slow to realise something else is required	4	19	4.75	4	5
LPA lost documents	1	13	13	1	1
LPA slow in assessing impact	1	12	12	1	1
Applicant trying to build support	1	11	11	1	1
Application sent to Secretary of State	1	4	4	1	1
Application amended for other reasons	1	1	1	1	1
Communicating by post	1	1	1	1	1

5.3 Delays related to the consultation process

The consultation process is a key part of the planning system. Statutory consultees include various government departments, parish councils and departments within local authorities.²¹ Public consultation is also undertaken with neighbouring residents and other non-statutory groups who are likely to have an interest in the proposed development. Consultees are expected to respond within a fixed period (statutory minimum of 21 days), but statutory consultees failing to respond within this timescale was a common reason for (mostly fairly minor) delays. The single largest contributor to delays during the determination

²¹ A full list is given on www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications

process was the time taken for applicants to respond to concerns that consultees raised and amend their applications. Depending on the nature of the amendments, this sometimes gave rise to a need to reconsult with other consultees, taking more time. Although these have been classed as "delays" in this analysis, this process is an intrinsic part of the planning process and not one in which many interviewees thought there was much scope for improvement.

Delays due to consultee input or feedback

Eleven case studies had third parties who were late in responding to consultation, resulting in a total of 103 weeks delay, or an average of 6.4 weeks per application. A 'delay' in this instance is time over and above the 21 days already set aside for consultation. These consultees included formal statutory consultees, as well as specific consultees that may have been required for certain applications. These delays were sometimes a result of missing information in the applications, but also occurred when all relevant information was provided. It is also worth noting that local authorities are not obliged to wait for consultee responses if they are not received within the statutory minimum time period, but many chose to wait for these responses regardless. Overall, 20 applications had to be amended to address concerns raised by consultees (a total of 440 weeks delay, or an average of 16.9 weeks per application).

Consultees being late in responding to consultations happened particularly over holiday periods.

For the smaller and simpler applications, consultation is a relatively straightforward process whereby the LPA shares information with the consultees and they respond with any concerns they may have. However, for many of the more complex applications it was clear from the research that consultation is not a simple process. Consultees sometimes raise complex technical issues that require the LPA to return to the applicant requesting more information. This in turn needs to be put back to the consultee that raised the issue to ensure it addresses their concerns. In some cases, the amendments that were made in response to consultees' concerns were significant enough that there was a need for a full re-consultation with all consultees. For instance:

- In Case Study 15 Natural England raised concerns around the proximity of the site to a European protected area and the impact that construction may have on this area. The applicant needed to revise their application to address these concerns, which required a re-consultation, a process that overall added 18 months to the determination time.
- In Case Study 77, consultees felt that the design of the development was too ambitious. The applicant reduced the number of floors in the design of the scheme and redesigned the houses to minimise the impact on adjoining neighbours, as well as making other amendments, and then there was consultation on these new designs. The Design Out Crime Officer was reconsulted, as they had raised concerns that the layout could

act as a 'leaky cul-de-sac' without suitable access control systems into the development. Residents who had initially commented on the application were notified of the amendments made to the application. The re-design of the development caused two months of delays.

- In Case Study 61, concerns regarding the tree preservation and drainage were raised, which meant that amendments to the plans were required and a re-consultation period was needed, adding a total delay of nine months.

There were also instances where consultees were not in full agreement about an issue, or where the LPA found itself liaising between different consultees and the applicant themselves trying to address different issues. For instance, in Case Study 3, the issue of possible pollution from surface water run-off into a nearby river required the input of the Environment Agency, Natural England and the local water board. The local authority found itself toing and froing between these different agencies for several months. The planning officer felt that they should, with hindsight, have advised the applicant to discuss the issue of pollution from surface water drainage with the Environment Agency and Natural England prior to submission. He also considered that it might have been more efficient to hold a meeting to bring these three agencies together at a meeting with the applicant and LPA to agree a solution.

Delays caused by applicants during consultation

The main way in which applicants caused delays during the consultation process was by taking time to submit additional information requested by consultees, or by amending their plans in response to concerns raised by consultees.

A small number of applicants caused delays for other reasons. In four cases this was related to avoiding S106 contributions. Three applicants became aware after submission that their application – as submitted – would be required to comply with an S106 agreement and so altered their plans to avoid such requirements. In Case Study 5 the applicant reduced the floor area of their plans; in Case Studies 11 and 55 the applicants reduced the number of dwellings from 11 to ten (thus avoiding S106 affordable housing contributions). Delays also occurred in Case Study 18 because the applicant became aware that the LPA's policy on S106 was about to change and wished to be considered under the forthcoming policy.

In Case Study 3 the applicant caused delays because they were trying to use the time to build local support for their proposals, realising that they would be unlikely to be granted permission otherwise. And in Case Study 9 the applicant chose to delay the process because they were awaiting the results of an appeal for a previous application on the same site.

5.4 Delays caused by factors within LPAs

Some delays were caused by LPA workload issues, or failures.

A change of planning officer

The dedicated case officer approach clearly works well overall, and many of the applicants were very positive about the case officer they worked with, praising flexibility, quickness of response and pragmatic approaches to getting things done. Seven of the 80 case studies involved a change of planning officer at some point in the process. These applications did take longer to determine (30 weeks over target, against an average of 20 for all case studies). However, the direction of cause and effect here is not clear – all else being equal, applications that took a long time to determine would be more likely to have a change of planning officer during this longer timespan due to staff turnover.

Drawing on the qualitative data, in four of the seven case studies where there was a change of planning officer the LPA did attribute this as a cause of delay:

- In Case Study 23, the planning officer stated that the main delay was caused by changes in planning officers; this application had three different case officers due to officers leaving the LPA. The planning officer interviewed said that there was a lack of communication between the different officers and that the LPA could have engaged more internally to keep track of the progress of the application.
- In Case Study 25, there was a change of planning officer six to seven months into the application process. There was a restructure of the department and the planning officer who took over the case had just come back from being off work for two months. The planning officer stated that he was given this application in addition to three other major residential schemes where the officer had left the authority and that delays occurred because he needed time to get used to the sites, while also dealing with an existing workload, and also being relatively new to dealing with major developments. The officer believed that the determination could have been three or four months quicker had the change of officer not occurred, or if a more experienced officer had taken over.
- In Case Study 36, the case officer took long term sick leave and subsequently left. A new case officer took over the case. The applicant felt the initial case officer had been obstructive and difficult to work with, resulting in them contacting the council chief executive to complain. When the second case officer took this application on, the applicant felt that matters were resolved more quickly and positively, and this second officer who was interviewed concurred that there were no significant delays from the point when they became involved.
- In Case Study 63, there was a change in planning officer as the original planning officer had to take unexpected leave. The agent acting on behalf of the applicant was unaware of this for a month and was unable to contact a planning officer in that time, causing delays.

In the other three case studies where there was a change of planning officer (Case Studies 2, 56 and 77) this was not thought to have caused any delays.

LPA workload issues

LPA staff shortages or case officer workloads were also a relatively common source of delay (the fourth most common among the 17 set out in Table 12 above), occurring in one in eight of the case study applications and averaging 7.9 weeks of delay each time. The case officer approach, used by all 15 local authorities where case studies were undertaken for this study, has clear benefits in that there is an assigned individual who understands the details of the case. It does, however, rely on the availability and ability of the case officer. There were a small number of applications where delays had resulted from a case officer being off work due to sickness for many weeks, and/or a poor relationship having developed between the case officer and applicant (Case Studies 21, 36, 63 and 68), and two others where a change in case officer (due to restructuring within the LPA) was felt to have caused delays (Case Studies 23 and 25).

Planning officers failing to identify the need for information

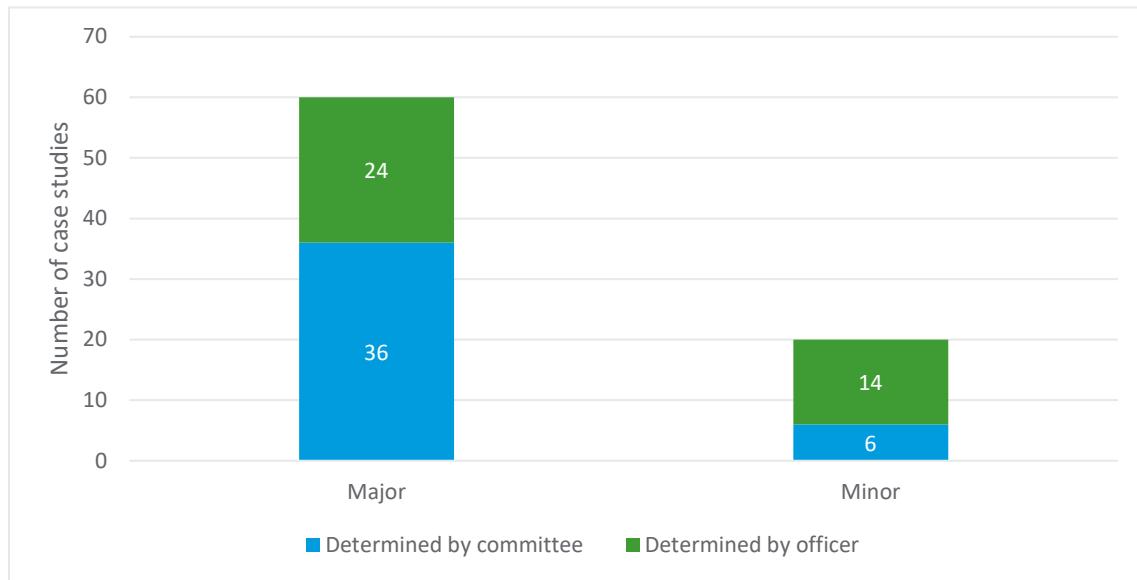
There were also four case studies (numbers 5, 10, 63 and 72) where planning officers failed to realise that some evidence would be required until some time into an application, causing delays. This highlights the need for planners to have a clear process for dealing with the planning procedure from end-to-end, be aware of all the issues which can affect the progress of an application, and be prepared to deal with all aspects of an application concurrently and not consecutively.

5.5 Delays related to planning committees

Smaller and straightforward planning applications are generally determined by planning officers. Larger or more contentious ones are more likely to instead be determined by planning committees, which are formed of local councillors. The precise rules around which applications to send to committee are determined by local authorities.

The figure below shows the level of involvement of committee for each application, as well as an overview of details of deferred committee dates.

Figure 9: Committee involvement overview



The table below summarises the causes of delays relating to committees:

Table 10: Delays related to committees

Cause of delay	Number of delays	Total length (weeks)	Average length (weeks)	Number of apps affected	% apps affected
Waiting for committee date	7	29	4.1	7	9
Committee involvement for minor applications	2	19	9.5	2	3

The most common delays relating to committees involved waiting for a committee date, affecting seven of the 42 applications that were decided by committee. Many planning committees only met monthly.

Of the 42 applications that went to committee, nine were deferred to a later committee date, because the committee was initially unable to make a decision. This was generally because the committee did not feel that all the necessary information was available to them, something that planning officers were not always able to anticipate as members' requests could be driven by their own interests and issues that constituents had raised. Deferring to a later committee caused an average delay of 6.5 weeks on each occasion.

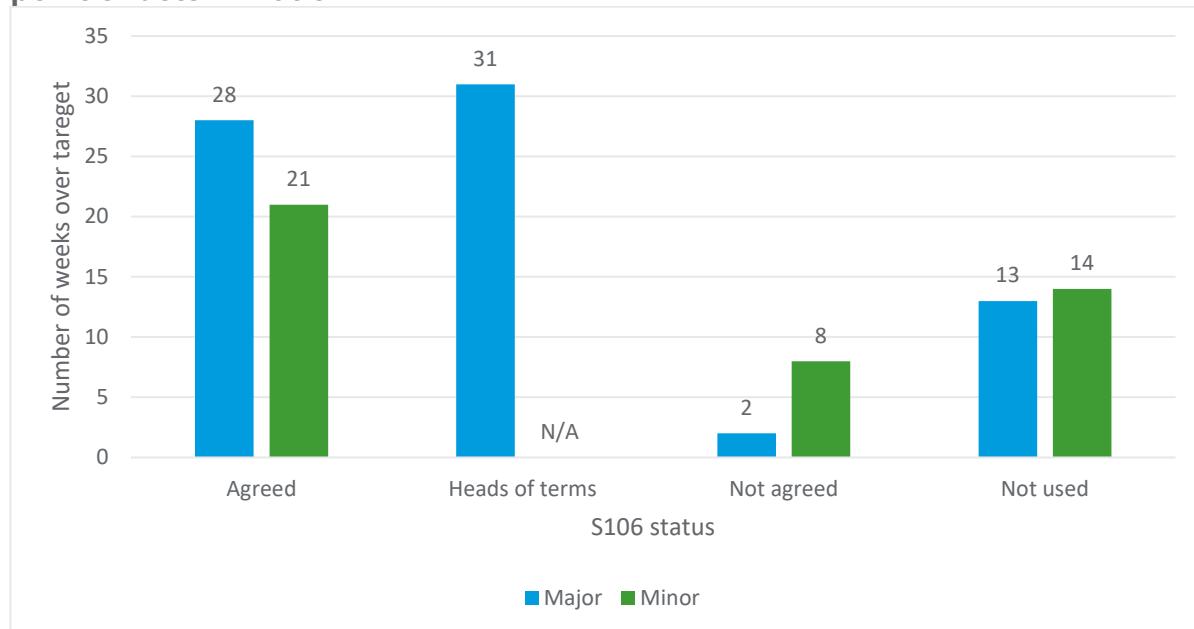
5.6 Agreeing Section 106 obligations

In total, 46 of the 80 case studies involved an S106 agreement. Negotiating and agreeing S106 obligations was a major source of delay in a significant number of these applications.

Most of those that did not have an S106 agreement were minor applications. There were also 19 major applications that did not have S106 agreements, though a few of these nevertheless experienced delays whilst negotiating around whether or not there should be one, and eventually concluding that there should not.

The table below gives information on the status of S106 agreements at the time of decision by average time to determine the application.

Figure 10: Average number of weeks over target by Section 106 status at point of determination



*'Heads of terms' agreements agree the key principles of the S106 agreement, but leave the detail and legal wording to be agreed at a later date. There were no minor applications where Heads of Terms had been agreed

The large majority of S106 agreements were agreed and signed immediately before planning permission was granted. As can be seen from the table above, applications that had agreed the S106 by the time of the decision took significantly longer to determine than those where an S106 was not used at all. Those that only agreed heads of terms for the S106 took slightly longer again to determine on average.

The table below shows the frequency and duration of delays related to S106 agreements:

Table 11: Delays related to S106

Cause of delay	Number of delays	Total length of delays (weeks)	Average length of each delay (weeks)
S106 – agreeing legal terms	24	438	18.3
S106 – viability challenges	2	29	14.5
Obtaining all signatures required	1	10	10.0

The main cause of delay related to S106 agreements was the time taken by legal teams acting for both the applicant and LPA to review the S106 agreements to ensure they were robust. This took an average of four to five months. In a small number of case studies there were complex legal issues to resolve as part of the S106 relating to land ownership, site boundaries, outstanding obligations from previous planning applications and carbon offsetting, causing longer delays whilst legal issues were resolved.

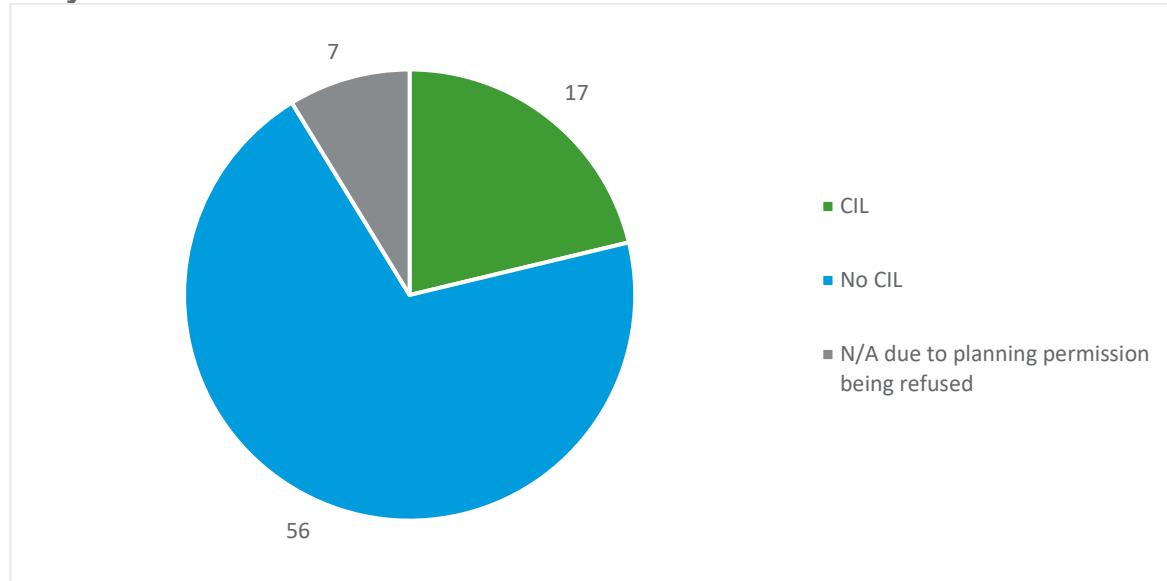
In three cases there were delays caused by challenges to the affordable housing contributions that applicants were asked to make on viability grounds. Each of these saw a delay of three to five months whilst viability assessments were undertaken.

As discussed earlier, there were also some S106-related delays occurring earlier in the process when applicants decided to amend their application in order to avoid S106 obligations (see Table 9). These generally occurred in situations where local or national policies around thresholds for S106 were changed and applicants became aware of these changes after submitting their original application.

5.7 The Community Infrastructure Levy

The Community Infrastructure Levy (CIL) was fairly new at the time these planning applications were submitted (April 2016 to March 2018). Figure 11 shows the number of applications where the CIL was charged.

Figure 11: Number of case studies using the Community Infrastructure Levy



In most of the cases where CIL was not charged, this was because the LPAs were not yet using CIL at the time. From this somewhat limited evidence base, there were no cases reported where CIL was believed to have caused any delays to the planning process. In one case study (number 25), CIL was agreed before the decision notice was given and then the applicant then applied for social housing relief after this. The officer said that the LPA has found that this a more efficient way to handle CIL.

5.8 Impact of previous applications

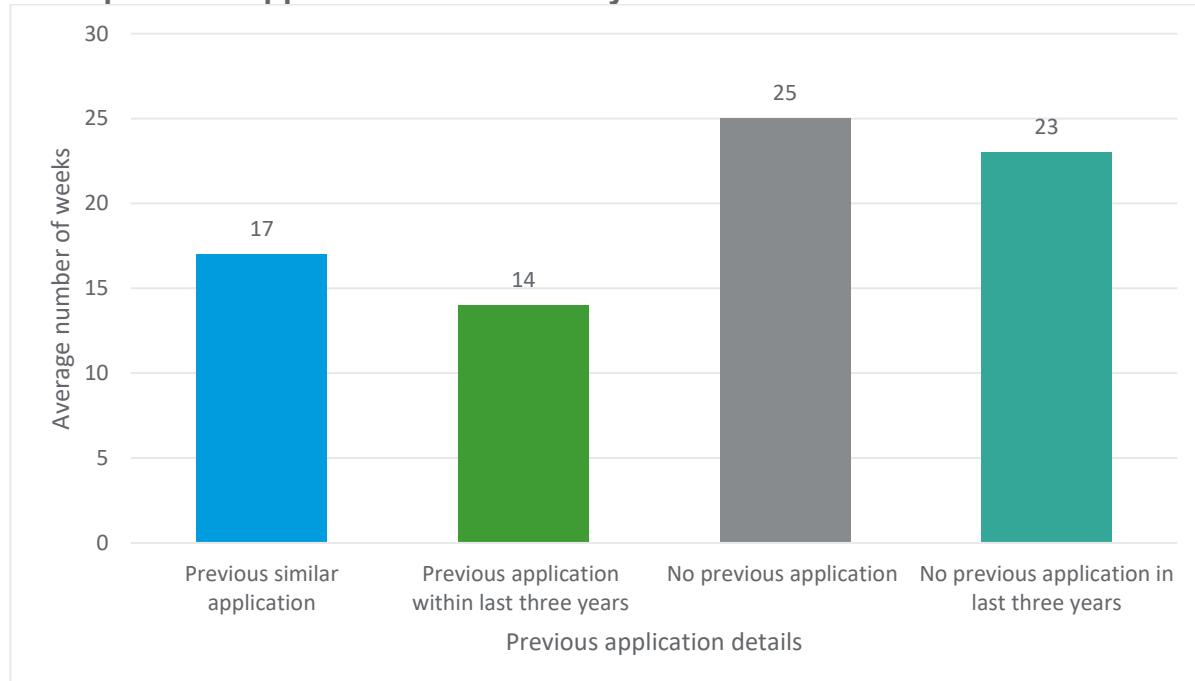
Of the 80 case studies, 46 had previous applications that were similar to the application in question, and for 29 of these the previous application had been submitted within the last three years. Some of the sites had changed ownership between applications, but most were submitted by the same applicant – because they had changed their plans for the site or because the earlier application had been refused. Case studies where there was a previous application on average had fewer delays than case studies where there was no previous application.

This can be seen in Table 12 and Figure 12. This is probably due to the planning officer and/or applicant having a better knowledge of the site, for instance around drainage issues, which may have led to them being able to put together an application that included all the required information and responded to any concerns that consultees raised previously.

Table 12: Average number of weeks over target by whether or not the site had a previous similar application

Previous similar application	Average weeks over target
Yes	17
No	25

Figure 12: Average number of weeks over target by whether or not the site had a previous application in the last 3 years



6. DISCHARGING CONDITIONS

All of the 73 planning applications that were approved had at least two conditions placed on the planning consent. The most minimal conditions merely state that the applicant must develop in line with the permission as granted, and that they must start work within three years. The larger or more complex applications had many more conditions covering issues such as:

- archaeological surveys and works;
- ecology surveys;
- contaminated land assessments;
- further details on building materials, lighting, landscaping or design features;
- flood risk assessments and management plans;
- drainage and surface water assessments and management plans;
- conditions governing site access, working hours and other steps to minimise the impact of construction on neighbours; and
- restrictions on the order in which different elements of infrastructure, housing, etc must be constructed.

Table 13 below gives an overview of the number of conditions imposed.

Table 13: Conditions overview

Type of condition	Average number	Number of case studies with 1 or more condition	Range
Pre-commencement conditions	6.3	61 (of 73 applications approved)	0-21
Other conditions	11.9	73 (of 73 applications approved)	2-49

Pre-commencement conditions are more likely to cause a delay in the applicant starting work, because the applicant needs to ensure that these are discharged before site works commence. Other conditions can be required at different stages in the site's construction such as before construction begins, or before the last house is sold. Archaeological reports, contaminated land assessments and ecology reports, where required, were typically pre-commencement conditions because they related to the impact of the construction itself, rather than the buildings to be constructed.

Some of the case studies where data was available did experience significant delays in discharging conditions, though these have not been quantified across the entire sample because at the time of the fieldwork (Autumn 2019) many of

the sites had not yet had all pre-commencement conditions discharged. The delays were primarily due to the time that applicants took to undertake the necessary work to apply for discharge of conditions, rather than local authority delays in determining the discharge of conditions applications. These delays were caused by a variety of reasons, with some applicants in no rush to discharge conditions after approval, and some delayed by the considerable work required in many cases for conditions to be discharged. There were three cases where communication between the local authority and the applicant and/or their agent appeared to have broken down in these later stages of planning, leading to applicants commencing work without the necessary permissions in place (and in at least one of these cases appearing unaware that this was not yet in place).

The number of pre-commencement conditions varied considerably between applications, with some having none at all. Staff at some local authorities reported that they had found ways of avoiding pre-commencement conditions so that applicants could begin construction without delays. These included working closely with applicants to ensure that wording of the conditions was clear to all, bringing tasks forward to ensure they were complete before permission was granted, and thinking carefully about the time by which each condition really needed to be met. It was sometimes possible to divide construction into phases and attach conditions to each phase so that only those conditions that needed to be met pre-commencement were classified as such. This allowed construction to begin as soon as possible.

6.1 Section 96A and Section 73 applications

Section 96A of the Town and Country Planning Act permits applicants to apply for changes to planning permission which are non-material amendments to existing planning permissions. Where more significant changes are required to planning permissions, these are dealt with under Section 73 of the Town and Country Planning Act, which allows applications to request minor material amendments to a planning permission. This can include the removal or variation of the conditions placed on planning permission. Nine of the case study planning applications involved S96A applications for non-material amendments and 11 involved S73 applications having been made (though, as noted above, many were had not yet been built out, meaning that other applicants they make such applications).

Reasons for applying for S96A or S73 variations to planning permissions included:

- a change in local authority policy meaning that the applicant thought the condition would no longer be required;
- changes in the design of supporting structures which became apparent only once work had commenced;

- minor changes to design features that the applicant decided were needed at a late stage; and
- changes that were necessary when errors in the plans previously submitted were identified.

There was also one S73 application made to request that pre-commencement conditions should be converted to pre-construction ones, in order to allow development to commence more quickly.

Requiring applicants to make amendments to planning permissions was clearly a cause of delay, especially if the changes needed to be approved in order for pre-commencement conditions to be discharged.

7. FEES, COSTS AND RESOURCES

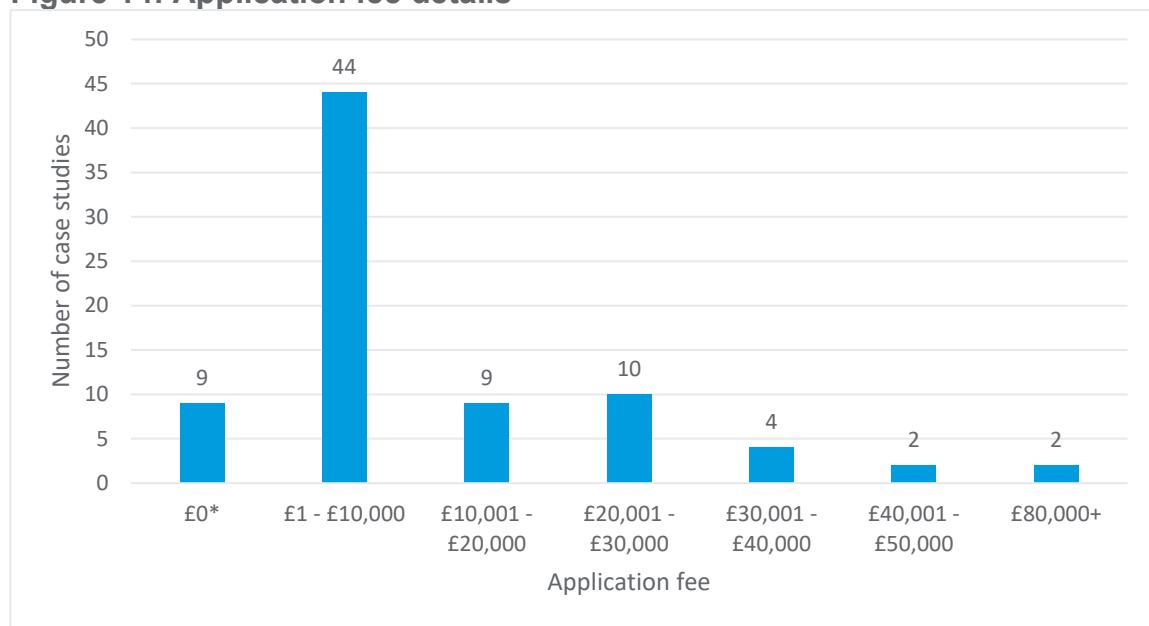
The table below shows the range of fees charged for the applications. In nine cases there were no fees associated with the case study planning application because it was a second application following a refusal, or application that was withdrawn.

Table 14: Application fee details

Application fee	Number of case studies
£0*	9
£1 - £10,000	44
£10,001 - £20,000	9
£20,001 - £30,000	10
£30,001 - £40,000	4
£40,001 - £50,000	2
£80,000+	2

* The applications where no fee was charged were all repeat applications which are permitted without a fee.

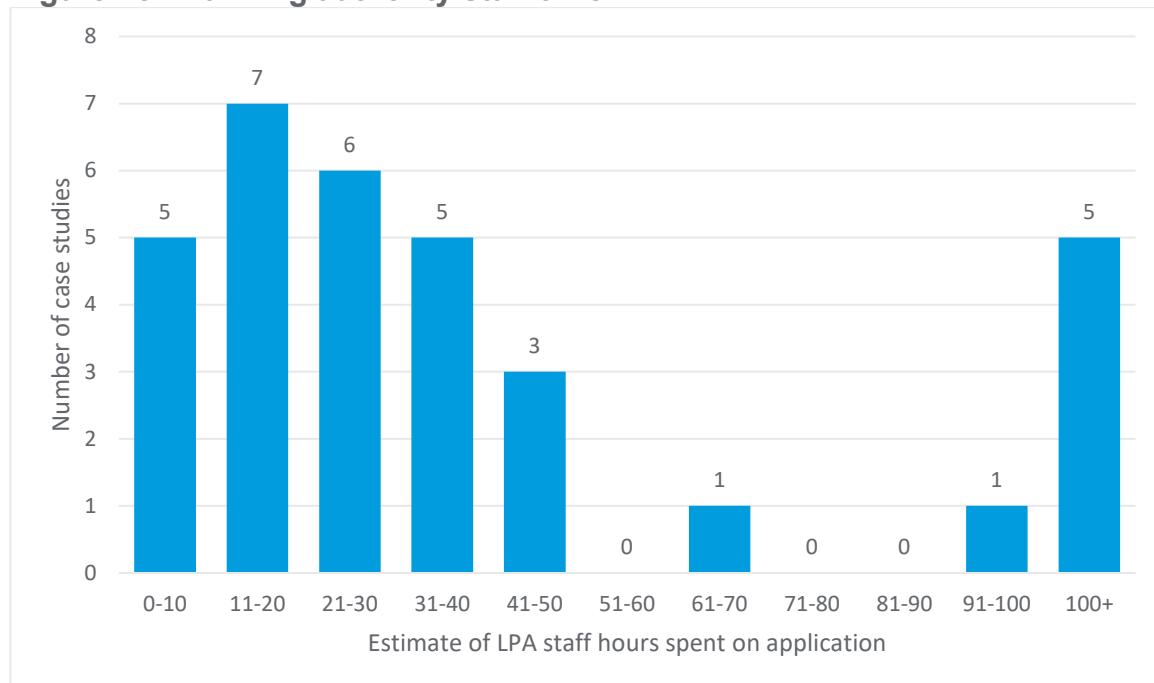
Figure 14: Application fee details



The average fee (where paid) was £12,028. Fees charged ranged from £80 to £5,500 for minor applications and £1,540 to £83,300 for major ones.

33 of the planning officers interviewed were able to make estimates for the amount of time incurred by themselves and their colleagues in the planning authority in determining the case study applications. The figure below shows the estimated time spent on each application by the planning officer.

Figure 15: Planning authority staff time



The average time spent was 17.3 hours for minor applications and ranged from 3 hours to 35.5 hours. For major applications the average time spent was 76.3 hours and ranged from 8 hours to 629 hours. The larger times typically include work by a range of individuals within the LPA, not just the case officer.

In 20 of the case studies, planners were able to give full estimates of the costs incurred by the LPA, as well as providing details of the planning application fee and any other fees paid directly to the LPA by the applicant. Estimates of costs ranged from £1,260 to £32,000, and the fees paid to LPAs from £1,155 to £53,788. The average net income to the LPA, based on these estimates, was £6,136 per application. The details of these 20 case studies are shown below:

Table 151: Cost estimates and income for example case studies²²

Case study number	Cost estimate	Total fee income	Net LPA income
15	£8,350	£6,930	-£1,420
17	£7,118	£5,505	-£1,613
18	£6,997	£5,355	-£1,642
19	£11,034*	£29,700*	£18,666
20	£4,648	£2,310	-£2,338
21	£4,756	£1,155	-£3,601
24	£8,560**	£18,850**	£10,290
38	£3,000	£4,235	£1,235
39	£12,000	£12,960	£960
43	£32,000	£34,597	£2,597
44	£18,000	£23,974	£5,974
45	£15,000	£9,875	-£5,125
58	£18,000	£21,528	£3,528
60	£1,500	£4,065	£2,565
61	£15,000	£22,269	£7,269
62	£13,500	£25,757	£12,257
71	£6,000	£7,392	£1,392
72	£1,950**	£4,080**	£2,130
76	£38,000***	£52,314***	£14,314
77	£17,250	£14,565****	£-2,685
Average	£12,133	£15,371	£3,238

²² * This case includes a PPA with a £5,451 fee. This is included in both cost estimate and fee income as it is intended that it should be charged on a cost recovery basis.

** This case includes a PPA with £7,300 fee. This is included in both cost estimate and fee income as it is intended that it should be charged on a cost recovery basis.

*** This case includes pre-application engagement with a £1,000 fee. This is included in both cost estimate and fee income as it is intended that it should be charged on a cost recovery basis.

**** This case includes a PPA with a £13,000 PPA fee. This is included in both cost estimate and fee income as it is intended that it should be charged on a cost recovery basis.

***** This case includes a PPA with a £7,250 PPA fee. This is included in both cost estimate and fee income as it is intended that it should be charged on a cost recovery basis.

This analysis excludes nine applications that were “free goes” after an unsuccessful application, where no planning application fee was charged. Estimates of staff time were available for these, but not of the costs. The average fees, costs, and net income figures could therefore be held to be representative of the 71 fee-bearing applications within the sample of 80. This estimate rests on a lot of assumptions, including the ability of planners to fully take account of staff time and overheads and the representativeness of our sample, and should be treated with caution.

In 28 case studies, planners were able to give an estimate of staff time but not of costs. One of the case study LPAs was able to provide detailed breakdowns of staff time, additional costs, and an internal fee rate (£93/hr) based on their statistics on cost recovery and overheads. These included a cost estimate of £1,400 for decisions that went to committee, and £690 fixed costs including legal fees, consultation press and postage, and travel. At the interim stage of our analysis, we experimented with applying this model, and the information available in the 28 case studies with estimates of staff time, to provide rough estimates of costs (and therefore net income) in those 28 case studies. However, this resulted in a notably higher modelled net income than the average for the 13 for which cost estimates were provided. One potential explanation may be that the planning authority that provided their cost model was in a rural area and overheads may be lower than for urban areas, leading to an under-estimate of costs and an over-estimate of net income. Another possibility is that in providing staff time estimates, planners underestimated all the work undertaken by colleagues responding to consultation, in addition to their own time commitment. These modelled estimates were discussed with MHCLG (now DLUHC) at the interim reporting stage and were judged not to be sufficiently robust to include in the final analysis.

8. CONCLUSIONS

This analysis of the 80 case study planning applications suggests that there are considerable delays experienced within the planning applications process in a majority of cases. The large majority of case studies (73 of the 80) had at least one delay during the process of validation or determination of the application, and for 59 of the 80 case studies the delays meant that they were not determined within their eight- or 13-week targets.

A full breakdown of the delays experienced, by most frequent, average and total cumulative delays can be seen in Tables 1,2 and 3 respectively.

Table 16: Frequencies of the most common delays with applications

Most common delays	Incidences
Insufficient or incorrect info submitted	31
Application amended to address consultees concerns	26
S106 – agreeing legal terms	24
Consultees miss deadline	16
Applicant time to provide further info/ correct info	15
LPA capacity or workload issues delaying validation	15
LPA capacity or workload issues delaying determination	10
Re-consultation on amended plans	8
Applicant did not pay the fee on time	8

Table 17: Issues that led to the longest average delays

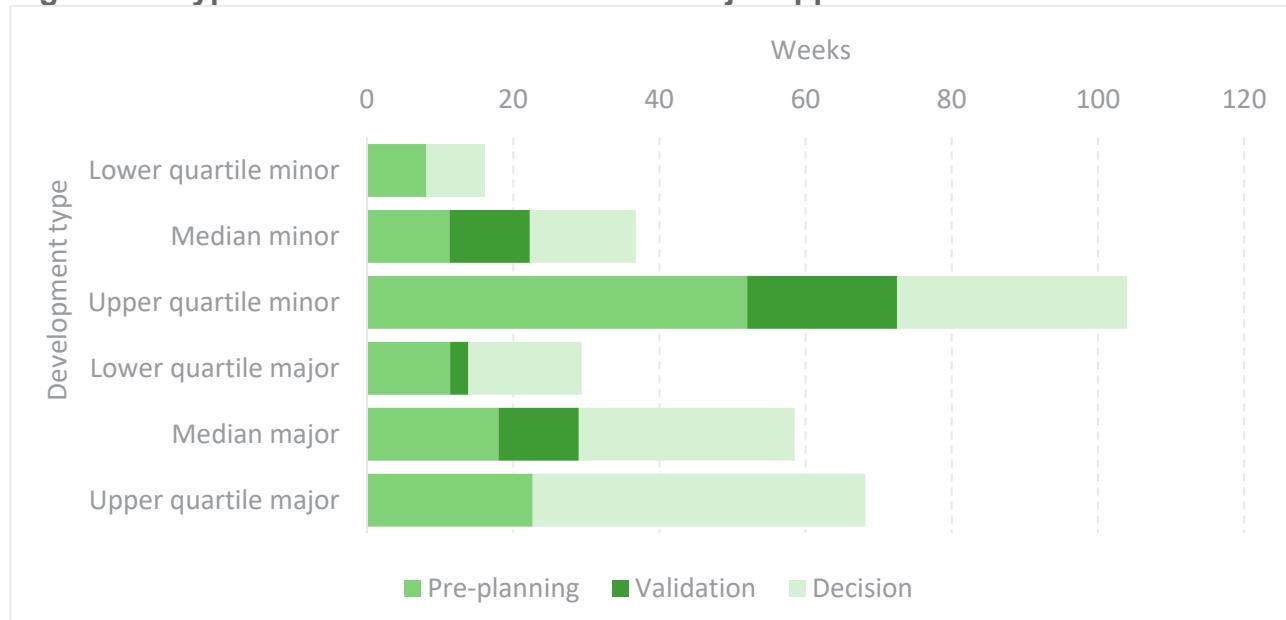
Longest delays	Average length (weeks)
Agreeing complex technical issues with consultees	27.5
Failure to consult necessary parties initially	22.0
Applicant choosing to delay	20.5
S106 – agreeing legal terms	18.3
Application amended to address consultees concerns	16.9
S106 – dealing with viability challenges	14.5
Applicant time to provide further info/ correct info	13.3
LPA lost documents	13.0

Table 18: Biggest overall contributors to delays²³

Overall biggest contributor to delays	Total length of delays found (weeks) across all applications
Agreeing amended to address consultees' concerns	440
S106 – agreeing legal terms	438
Applicant time to provide further info/ correct info	200
Agreeing complex technical issues with consultees	165
Insufficient or incorrect info submitted	123
Consultees miss deadline	103
LPA capacity or workload issues delaying determination	79
Applicant did not pay fee on time	41

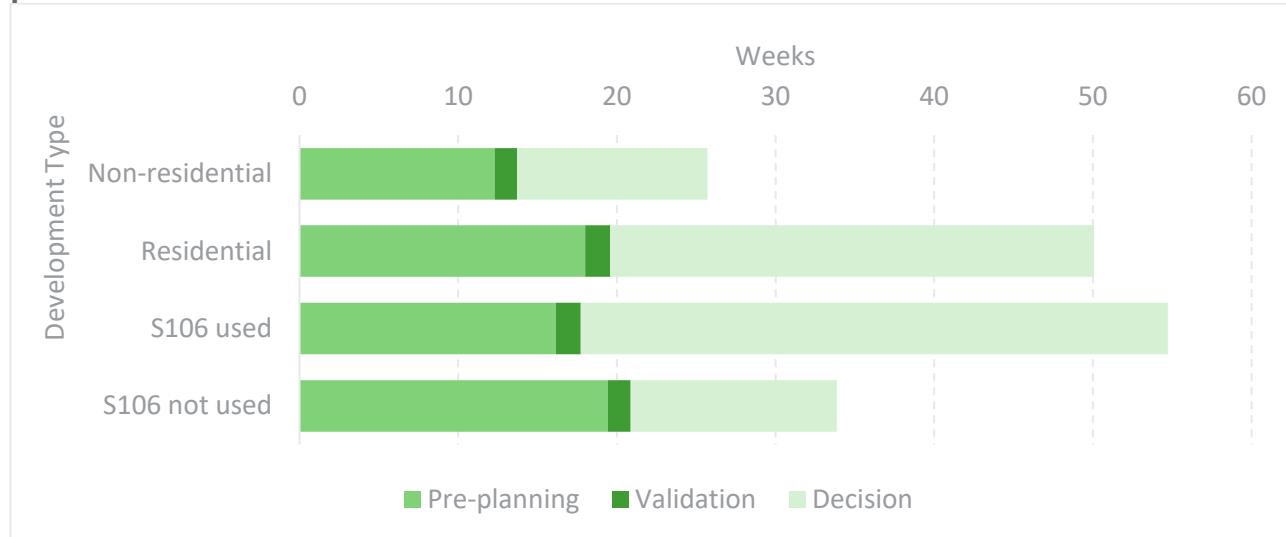
Figures 16 and 17 illustrate the timescales taken by specific development to progress through the first three stages of the applications process. It was not possible to determine lengths of time between permission and implementation as most developments were yet to discharge all pre-commencement conditions. Figure 16 explores the timescales based on development size i.e. minor and major, while Figure 17 shows timescales based on residential vs. non-residential development and those which involved an S106 agreement.

Figure 16: Typical timescales for minor and major applications



²³ Base = 79 case studies where length of time for validation was known.

Figure 17: Median timescales for different types of development by stage of process



Pre-planning

Just over half of the applications had formal pre-planning advice. This process took typically a few weeks or a few months. It is hard to quantify whether the pre-planning process sped up the overall timescales to obtain planning permission; applications with pre-planning typically took longer overall, but it was clear from the interviews with planners and applicants that applicants were not necessarily ready to submit their application at the time they commenced pre-application discussions, so the pre-planning time is not necessarily additional.

Validation and submission

Delays during validation were common, and often related to incorrect submissions or local authority capacity issues. However, delays at this stage were generally short in duration with the large majority of applications validated within two weeks.

Consultation and determination

More significant delays occurred during the process of consultation and determination of applications. There were two really significant types of delay at this stage – those related to the consultation process and those related to agreeing S106 agreements. Consultees often raised issues with the proposals as first submitted, and time was needed for applicants to amend their plans to address these concerns, in some cases liaising with a range of stakeholders over issues such as surface water drainage, the design of the development or

the impact on the local community and infrastructure. In some instances, a second consultation period was needed to consult on revised plans.

The main cause of delay related to S106 agreements was the time taken by legal teams acting for both the applicant and LPA to review the S106 agreements to ensure they were robust. This took an average of four to five months. In a small number of case studies there were complex legal issues to resolve taking many more months.

The end-to-end process

One key finding from the research was that the stages of the planning process are often interdependent. More time spent in pre-planning can speed up the time taken to determine an application, though it will not necessarily speed up the overall time taken from the first contact between applicant and the LPA to the time when the applicant is able to start work. At the other end of the process, it may be possible to avoid pre-commencement conditions by resolving the issues before an application is determined. Doing so may reduce the time until the applicant is able to start construction, though the time taken to determine the application may itself be longer.

The extent of previous planning permissions was significant – of the 80 case study applications, 46 had had some previous application on the same site. Some of these dated back many years, but 29 of them had been submitted within the last three years. Some of these had been granted, but the applicants had since decided they wished to alter their plans. Others had been rejected (or in one case deemed invalid) and in some of these cases the applicant had appealed, but in the meantime submitted a new application. Some of these applications could be determined quite quickly, because the principle of the development had already been established by the previous application, and in some cases the plans were only slightly different. However, when viewed in their totality, these were not the sites that had moved the fastest through the planning system.

Another finding to emerge very strongly from the research was that it took a significant amount of time to work with an applicant who had submitted an application for something that was not acceptable in planning terms, in order to change it to something that was acceptable. Or in the words of one planner interviewed: "the thing we could have done to determine it faster would have been to refuse it". Some of the most challenging applications, where there were multiple consultees involved, a departure from Local Plans or a complex planning history were cases where planners and applicants worked hard in order to get the application to a point when it could be granted, building support, amending plans to address consultees' concerns and addressing the needs of different parties. This is not to say that planners were refusing applications in order to meet targets; rather, that getting an application to the point at which

permission can be granted was a higher priority for most planners than simply making decisions quickly.

An efficient planning process

Throughout our investigations, there were certain key factors that have been identified from the case studies as supporting an efficient planning process, both for applicants and local authorities. These include:

- An effective pre-planning process, with sufficient involvement of wider stakeholders where necessary. Applicants generally needed planners to take the lead in this engagement with wider stakeholders, as planners had the relevant contacts and awareness of what was likely to be necessary.
- A dedicated case officer taking on the case from as early a point as possible – ideally during validation, to ensure that all necessary documents were included, or that applicants were alerted to the need to supply these. It was beneficial if case officers were able to remain in charge of the application until it was determined and conditions discharged. Changes or protracted absences of case officers often resulted in delays.
- The use of good planning agents by applicants, especially if they themselves are less experienced. Agents with good knowledge of the specific LPA were considered by planners to be especially valuable, as they understood what would be required.
- Involvement of applicants in agreeing pre-commencement conditions, to reduce the need for amendments and to give careful consideration to whether conditions need to be discharged pre-commencement or whether agreeing to discharge them in a later stage of development might be possible.

We note that in the case of pre-application services and the imposition of pre-commencement conditions, Government policy and guidance already stresses the importance of ensuring that applicants and LPAs work closely together to identify and overcome issues early in the planning process and to reduce the number of conditions.

The more fundamental issues of LPA resourcing and ensuring that applicants can establish at the outset what will be required to determine their application – particularly for small and medium-sized developers and finding ways to streamline the agreement of S106 conditions will require more comprehensive change by all actors and across the planning system at large.

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