

REPORT: MHCLG Working Paper – Planning Reform: Modernising Planning Committees

Executive Summary	This report provides information on a Government Paper that suggests ‘modernising planning committees’ and suggests how the Council may wish to comment on the proposals within the Paper.
Options considered	This report does not consider options.
Consultation(s)	The report is itself a response to a Government paper seeking views. The Council hasn’t consulted others in the preparation of this Report.
Recommendations	That the Assistant Director for Planning be authorised to submit the ‘answers’ and ‘additional points’ contained within Appendix 2 of this report to Government as North Norfolk District Council’s opinion on the Working Paper – Planning Reform: Modernising Planning Committees.
Reasons for recommendations	Prepared at the request of the Councillors.
Background papers	The Government Paper referred to at paragraph 2.6 below.

Wards affected	All
Cabinet member(s)	Cllr Andrew Brown
Contact Officer	Russell Williams

Links to key documents:	
Corporate Plan:	Customer Focus
Medium Term Financial Strategy (MTFS)	No direct links to the MTFS
Council Policies & Strategies	Not applicable

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	N/A
Details of any previous decision(s) on this matter	None

1. Purpose of the report

- 1.1 To set out the Council's position on the Government's Working Paper: Planning Reform: Modernising Planning Committees.

2. Substance of Report

- 2.1 The Government published a short paper (14 pages) on this topic on 9th December 2024.

- 2.2 The Paper suggests in its 'Summary' that the proposal for a national scheme of delegation' would support better decision making in the planning system. The proposals are (quoting from the Paper):

'designed to facilitate faster delivery of the quality homes and places that our communities need, by bringing greater standardisation over the operation of committees, in turn to give greater certainty to applicants.'

- 2.3 In addition, the Government is interested in views on the creation of smaller targeted planning committees specifically for strategic development, as well as the introduction of a mandatory requirement for training for planning committee members.

- 2.4 The Paper notes that all three reforms would require changes to primary legislation – and envisages these being through the Planning and Infrastructure Bill.

- 2.5 The Government have indicated that they would welcome views on the options set out in their Paper - and in particular they are seeking views on the following questions (quoted from their paper):

- a. Do you think this package of reforms would help to improve decision making by planning committees?
- b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?
- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?
- d. Are there advantages in giving further consideration to a model based on objections?
- e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?
- f. Do you have a view on the size of these targeted committees?
- g. How should we define strategic developments?
- h. Do you think the approach to mandatory training is the right one?

- 2.6 The Government Paper can be accessed at: [Planning Reform Working Paper: Planning Committees](#).

2.7 To inform the Committee, a factual analysis of our Committee performance during 2024/25 (i.e. April to December 2024) has been undertaken and is attached as Appendix 1.

2.8 The suggested response to the Paper is contained at Appendix 2.

3. Corporate Priorities

3.1 The topic covered by this Report closely relates to parts of 'A Strong, Responsible and Accountable Council' Priority of the Corporate Plan 2023-2027.

4. Financial and Resource Implications

4.1 There are no direct financial implications resulting from this report.

Comments from the S151 Officer:

There are no direct financial implications arising from this paper as it is a response to a Government consultation.

5. Legal Implications

5.1 While there are not thought to be any legal implications directly associated with this report, there would be implications – and potentially significant one's – if the Government bring forward mandatory changes to how our Development Committee – and planning decision making – processes operate.

Comments from the Monitoring Officer

There is no obligation to respond to the Government Paper. It is a Paper / consultation seeking views. This report sets out a proposed procedure and suggested responses to provide information around reform of planning committees and related decision making.

6. Risks

6.1 The key risk is that the Government might make changes without considering the views of the District Council. This Report – if the recommendation is agreed – would ensure that the Government are made aware of the Council's views. That clearly doesn't mean that the Government wouldn't seek to continue with plans to make changes. If that were to be the case, it is believed that there would be further and more formal consultation on specific proposals.

7. Net Zero Target

7.1 No implications for this update report.

8. Equality, Diversity & Inclusion

8.1 No impact identified with this update report.

9. Community Safety issues

9.1 No impact on community safety issues with this update.

10. Recommendations

10.1 It is recommended that:

- the Assistant Director for Planning be authorised to submit the 'answers' and 'additional points' (contained within Appendix 2 of this Report) to Government as North Norfolk District Council's opinion on the Working Paper – Planning Reform: Modernising Planning Committees.

**North Norfolk District Council
Development Committee
1st April 2024 to 31st December 2024
Quarters 1 to 3 Analysis**

1. 11 meetings of Development Committee took place (in 39 weeks – 1 every 3.55 weeks).
2. 35 different applications were considered by Committee – at an average of 3.1 per meeting.
3. 3 applications were ‘deferred’ at their first consideration at Committee (8.6%).
4. Two of those have since been reported back to Committee – meaning the 11 Committee meetings considered 37 reports (3.4 per meeting).
5. 7 ‘major’ applications were considered by Committee – none of those were deferred.
6. All 7 ‘major’ applications were approved – all in line with the Officer recommendation(s) (100%).
7. 28 of the 35 applications were recommended for approval (80%) and 7 for refusal (20%).
8. 5 of the 34 applications that were determined were determined contrary to the Officer recommendation (14.7%).
9. 4 applications where Officers had recommended refusal were approved (4 of 7 that have been determined – 57.1%).
10. 1 application where Officers had recommended approval was refused (1 of 27 that have been determined – 3.7%).
11. Of the 35 applications – 7 were advertised as a ‘Departure from the Development Plan’ (20%).
12. The proportion of applications determined at Committee was 1.74% (34 of 1954).
13. During the 9 month period, the Committee also considered two objections to provisional TPOs and decided to confirm both Orders.
14. For the 35 different applications, the reason each was reported to Committee was:
 - (a) 8 at the request of Senior Officers (i.e. Director / Assistant Director);
 - (b) 5 due to specific requirements of the Council’s Constitution (3 related to solar panels and 2 to a Councillor being the applicant);
 - (c) 22 were called in by one or more ward councillors; and,
 - (d) 1 was deferred from a Committee meeting held in 2021.

Note: 1 application was reported to Committee due to both grounds (b) and (c) in the list above.

15. 17 different councillors called an item into Committee (out of 40 Councillors on the Council). 2 was the highest number of items an individual councillor called in.
16. The 35 applications considered at Committee were in 18 different wards (out of 32 in North Norfolk). One ward (Coastal) had 4 different applications considered by Committee (the highest number).
17. A new 'Call-In' form system was introduced from 1st September 2024 – although that didn't change who could call items in or require a different level of justification (etc) than before. It has made it more transparent as to why the applications have been called in - and who made the Call In decision. A review of the new process will be undertaken in summer 2025.

Note: 'Determined' in the context of the above means that Committee resolved either how the application would be determined or resolved to give an Officer the authority to determine it in a specific 'direction' if certain matters were first concluded (e.g. the signing of a Section 106 Agreement).

List of Items Considered at Committee (April to December 2024)

<u>PO/20/1251</u>		
PF/21/1479	LA/24/0264	ADV/24/1828
PF/21/3414	<u>PF/24/0265</u>	PF/24/1901
<u>PF/22/1068</u>	PF/24/0348	PF/24/1919
<u>PO/23/1025</u>	PF/24/0362	PF/24/1924
PF/23/1580	CL/24/0447	
<u>PF/23/1612</u>	RV/24/0496	* = deferred items
PF/23/2004	PF/24/0747	
<u>PF/23/2048</u>	PF/24/0795	Yellow = departure applications
LA/23/2049	PF/24/0841*	
<u>PF/23/2330</u>	RV/24/1082	
PF/23/2569	PF/24/1123	
PO/23/2643	PF/24/1364*	<u>Underlined</u> = major applications
<u>PF/24/0101</u>	PF/24/1500	
PF/24/0201*	<u>PF/24/1572</u>	
PF/24/0246	PF/24/1827	

Appendix 2

Draft Response from North Norfolk District Council to Government Questions

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

Answer:

Each 'Planning Committee' is different and the need for change to 'improve' decision making isn't uniform across the country. The experience in North Norfolk would suggest that significant reform isn't required and indeed it might well be counter-productive to the Government goal of 'better decision making.

So the answer to the question would be 'No'.

The package put forward certainly has no regard to the differing scales and types of applications received by differing planning authorities and any introduction in national standards could well result in greater legal challenges to the form / level of decision – i.e. it isn't always clear cut as to what is a 'departure' from Policy and what isn't.

All the options put forward would almost certainly reduce the number of applications that would be considered by Committee at North Norfolk (with the average currently being less than 3.5 per meeting).

This would impact negatively on perceptions of the democratic accountability of the planning system and would probably result a higher likelihood of a higher proportion of decisions being reached contrary to recommendation – as councillors get involved in fewer items and become less experienced in dealing with a variety of applications.

It is also unclear how a national scheme of delegation would work in practice. Who would it require delegation to – noting that there isn't a 'statutory role' of Chief Planning Officer – and how would it operate in practice? Currently council constitutions include schemes of delegation that 'enable' officers to make certain decisions on behalf of their council, they do not 'require' those officers to make those decisions – i.e. officers can always decide to report a matter to a committee / councillors rather than exercise their delegation.

It is not clear how the Government are looking to address this point and it is not clear whether they even can do so legally. If Officers can choose not to exercise a delegation then they may very well choose that option from time to time - especially if they, and / or their employers, do not personally support the national schemes' provision. If the Government endeavour to require officers to have to make these decisions it will be interesting to understand how that requirement would be enshrined legally and how it would operate in contractual employment terms for the individuals being delegated to.

The proposals appear to be taking a sledge-hammer to crack something – but it really isn't clear what the something is - – and the main people that may well benefit from them are those opposed to whatever decision is reached (and the legal profession!).

In NNDCs circumstances the proposals are likely to be counter-productive. Our Planning Service is now recognised as one of the very best in the country for speed and quality of its Development Management service - see: [North Norfolk identified as 'platinum' rated planning service by industry experts](#). This shows that our Planning Service was one of twelve nationwide recognised as being at a 'Platinum' (i.e. the top) level (and the second highest district authority). These proposals would threaten that status and our Committee 'performance' played an important role in helping us secure that accolade.

In that regard, the Council would like to draw attention to core statistics associated with its Development Committee over the last 9 months, i.e.:

- (a) 11 meetings of Development Committee took place (in 39 weeks – 1 every 3.55 weeks).
- (b) 35 different applications were considered by Committee – at an average of 3.1 per meeting.
- (c) 3 applications were ‘deferred’ at their first consideration at Committee (8.6%).
- (d) Two of those have since been reported back to Committee – meaning the 11 Committee meetings considered 37 reports (3.4 per meeting).
- (e) 7 ‘major’ applications were considered by Committee – none of those were deferred.
- (f) All 7 ‘major’ applications were approved – all in line with the Officer recommendation(s) (100%).
- (g) 28 of the 35 applications were recommended for approval (80%) and 7 for refusal (20%).
- (h) 5 of the 34 applications that were determined were determined contrary to the Officer recommendation (14.7%).
- (i) 4 applications where Officers had recommended refusal were approved (4 of 7 that have been determined – 57.1%).
- (j) 1 application where Officers had recommended approval was refused (1 of 27 that have been determined – 3.7%).
- (k) Of the 35 applications – 7 were advertised as a ‘Departure from the Development Plan’ (20%).
- (l) The proportion of applications determined at Committee was 1.74% (34 of 1954).

Whilst there may well be elements where North Norfolk’s Development Committee could be better, the statistics above ((a) to (l)) demonstrate that there is not a clear issue that needs national intervention. Realistically enforced national change would run the risk of actually worsening performance – and in particular reducing the democratic input into decision making and then the mandate such input provides to any such decision(s).

b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

Answer:

Options 1 and 2 take an overly simplistic view as to what is a ‘departure’. It isn’t always clear cut as to what is and what isn’t a departure. A legally defined system that relates to such judgement calls runs considerable risk of inviting Judicial Review applications for being considered under ‘delegation’ when objectors might argue it should have been considered at ‘Committee’ (or even vice versa). For instance, where would proposals be determined where there is a ‘viability’ issue – and some of those issues only become apparent during the course of an application (i.e. not at submission)?

These options also mean that really significant planning applications would be determined by officers – which misses entirely the significance of planning as part of our local democratic processes. It would also put significant pressure on relatively unaccountable officers and also run the risk of excessive pressure being applied on individual officers.

Option 3 is possibly the most attractive conceptually but getting the ‘prescriptive list’ right would be a huge challenge bearing in mind the differences between planning authorities in types and scales of application and place.

It is also difficult to see how any such list could factor in the contentiousness of an application (which isn’t always defined by either scale or type).

- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

Answer:

It really isn’t that clear what ‘problem’ the Government are trying to fix and collecting data on Committee performance would seem sensible. If that was then used to influence which authorities might be considered for ‘Special Measures’ then that might result in a lower propensity to refuse (or approve) applications contrary to recommendation or contrary to the Development Plan headline position on them (if those are the ‘problems’ the Government are trying to fix).

Reserved matters applications are often hugely significant and can be the first time major parts of the proposal are seen (e.g. access proposals, locations of buildings etc). Making all of those applications automatically ‘officer’ decisions wouldn’t be appropriate.

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

Answer:

Important applications should be considered by Committee. And importance isn’t (solely) determined by the ‘number’ of – or ‘type of’ objections. In addition having a target – that by its very nature – would have to be arbitrary – would just act as an aim for well organised individuals / groups and might disadvantage individuals who could well have equally or even more valid planning points.

Experienced officers that decide which applications should be considered by Committee will invariably have some regard to the level of interest in them - but setting a national rule / numbered based approach would be counter-productive. What is deemed ‘a lot’ of objections is likely to vary from place to place in any event.

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

Answer:

Councils already have the flexibility to set up separate Committee if they so wish – but a prescribed model is unlikely to result in uniformity of better decision making. It is understood that the current legislation already allows Councils to do this – i.e. if they set out appropriate ‘terms of reference’ for such a committee within their individual constitution.

Many of the more major applications that it might be argued would be suitable for such committees might also be 'in conformity' with the Development Plan – and therefore potentially fall within any delegated list as required by the 'national scheme' put forward (be that Option 1, 2, 3 or hybrid).

There are myriad complications to this notion that would need to be thought through – e.g. could Councillors sit on 'normal' and 'strategic' committees – could applications be 'bumped' from one Committee type to another – what might the role of Cabinet members be on strategic committees.

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

Answer:

One of the strengths of the Planning Committee system is its political proportionality and – in most cases – political neutrality. Having a far smaller committee would risk these two elements and having more than one large committee would be a challenge in terms of numbers of Councillors, training and ensuring requisite experience on both committees.

g. How should we define strategic developments?

Answer:

As North Norfolk's view is that such Committees shouldn't be prescribed – then this should be a matter for individual Councils – if they decide to set up a 'strategic committee'. The Government could provide guidance as to when they might think such committees are appropriate but leave it to local places to decide.

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

Answer:

Most places – including NNDC – do not have a track record of repeated contentious over-turning of recommendations. What is the evidence to suggest mandatory national training would result in different outcomes for those that do?

In addition, mandatory training – depending on what is proposed and how it would be delivered – may cause serious delays to decision making after each election cycle. The Paper appears to advocate this training being provided at national level and via online learning – which may disadvantage some – and would certainly miss out any component of local training (e.g. around local committee processes and / or local planning policies).

Laying on national courses and / or producing national material that could be delivered locally would be helpful but anything that is purely national would never pick up on local nuances, policies and issues.

It may be that there could be a national scheme of training for committee chairs that would be useful – e.g. where the training needs to be completed within a set period by existing chairs and where each council could put forward a number of people to attend.

Locally organised training before Councillors attend their first meeting could be a recommendation from Government. This already happens at North Norfolk and is mandated within our constitution. Maybe part of the 'Special Measures' process could include mandatory training for councillors in those councils.

Additional Points

The Paper makes no reference to a range of factors that tend to be important locally – such as the fact that most – but not all - councils have some scope for ‘Councillor Call In’ and some also facilitate a greater role for Town and Parish Councils in the process – including some form of influence over what does and doesn’t go to Committee.

Any such flexibility would appear to be missing from all the Options being put forward by the Government. Both are considered to be democratically sensible and while arguably such systems could be open to mis-use that isn’t the experience at North Norfolk.

Fundamentally, whilst some standardisation might not be a bad thing – getting rid of all areas of local democratic input into what can and can’t go to Committee is considered a step too far.

In terms of other ideas that aren’t mentioned in the Paper the Government may wish to consider:

1. Some national standardisation(s) around the role(s) that ward councillors should be able to play in applications in their areas might well be worth considering – e.g. why not standardise whether they can or cannot take part in decision making on those applications.
2. Some ‘national good practice’ guides would be helpful for each Council to consider and would be a lower key way forward – e.g.
 - public speaking at Committee procedures; or,
 - the role of Town and Parish Councils; or,
 - local councillor training schemes; or,
 - model schemes of delegation; or,
 - good practice advice on report formats and presentations to Committee; or,
 - good practices guides to stakeholder attendance at Committees; or,
 - time suggestions for each item and the number of items each Committee should consider.