

Royal Institute of British Architects

Department for Levelling Up, Housing and Communities
consultation on an accelerated planning system
May 2024

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

RIBA welcomes the opportunity to respond to this consultation on an accelerated planning system.

We have long been clear that local planning authorities (LPAs) are significantly under-resourced, and that this creates a number of significant issues both in terms of the quality of the built environment and the pace at which planning applications can be considered, leading to unnecessary delays. We therefore welcome measures to reduce delays in the planning system. However, without a comprehensive injection of financial resource to boost both capacity and skills, we are unsure if these measures will have the intended effect.

Additionally, these measures should not be at the expense of ensuring that development is high-quality, sustainable, accessible and well-designed. Development should meet the needs of both current and future generations and should positively contribute to people's quality of life. This must not be neglected while looking at options to expedite applications.

As such, RIBA recommends that the Government should:

- Increase investment in LPAs, including with qualified design expertise, to ensure that planning applications can be processed via both the accelerated and standard routes in a timely manner.
- Take steps to ensure that any introduction of an accelerated planning service does not lead to a two-tier approach to navigating the planning system.
- Ensure that any introduction of a new performance measure for speed of decision-making is accompanied by sufficient resource.

Question 1. Do you agree with the proposal for an accelerated planning service?

Yes.

As part of RIBA's Future Trendsⁱ reporting in April 2023, when asked if delays in the processing of planning applications by LPAs had caused delays to projects, 47% of respondents reported delays of six months or more, up from 30% in 2021. Additionally, 22% respondents reported having to abandon projects due to delays, up from 7% in 2021.

This clearly illustrates the scale of disruption caused by delays in the existing system and the need for change. While at this point in time, an accelerated planning service is a potential solution to expediting some schemes, we are clear that the ideal solution would be ensuring comprehensive resource for LPAs so that all applications are able to be scrutinised in a timely manner. We therefore agree in theory with the proposal for an accelerated planning service – should this, and the following, concerns be addressed.

LPAs are significantly under-resourced, and the increased fee associated with the accelerated route will not be enough to bolster the additional resource that this will require. Planning services have experienced a more severe cut than many other local authority services – evidence suggests that councils across England disproportionately cut “housing, cultural and planning services”ⁱⁱ in comparison to cuts to other departments. As such, bolstering LPAs with further additional resource is clearly an overarching priority to ensure adequate capacity to facilitate the accelerated planning service.

In addition, measures must be put in place to ensure that the service does not create a two-tier system. It is vital that its introduction does not serve to reduce the scrutiny applied to applications given the shortened timeframe or affect the quality of development. An accelerated service must also be resourced at a level to ensure that applications which do not benefit from an accelerated route are not subject to further delays.

Members have suggested that a preferable alternative to the creation of an accelerated planning service would be committing to comprehensively resourcing LPAs, and then introducing a money back policy for late applications. However, both proposals risk encouraging planners to reject applications without due consideration in order to meet deadlines. Further thought on this is laid out in our response to Question 12.

Another alternative model could be the creation of an accelerated planning service for certain types of applications, such as for a retrofit application. In this imagining of the model, the accelerated streams could have reduced validation checklist requirements as well as faster turnarounds.

Question 2. Do you agree with the initial scope of applications proposed for the accelerated planning service (Non-EIA major commercial development)?

Yes.

Residential applications should be able to benefit from an accelerated service if it works as expected and is resourced appropriately. However, there are often numerous considerations attached to such applications which may create complexity. For this reason, opening an accelerated service to commercial applications only at the initial stage is sensible.

Question 3. Do you consider there is scope for Environmental Impact Assessment (EIA) development to also benefit from an accelerated planning service?

Yes.

As the consultation acknowledges, the additional three weeks currently applied to the statutory timeframe for EIA development at present is not sufficient for such applications to be assessed within the extended amount of time. Additionally, by not extending an accelerated service to applications subject to EIAs, this could discount many large schemes from being able to access expedited timeframes at all.

Any possibility of EIA development benefitting from an accelerated service would, like all applications, be predicated on the provision of comprehensive additional resource for LPAs.

We would welcome further information on what timeframe the department would consider appropriate for an accelerated service for applications which are subject to EIAs.

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

Yes.

Question 5. Do you agree that the accelerated planning service should:

- a) have an accelerated 10-week statutory time limit for the determination of eligible applications**
- b) encourage pre-application engagement**
- c) encourage notification of statutory consultees before the application is made?**

Yes.

As the consultation outlines, for the accelerated timescales to be met it is imperative that applications are high-quality and contain all relevant information when submitted. As such, we agree with the above criteria.

However, pre-application engagement will use considerable LPA resource, even if it is not made a mandatory part of the accelerated service. It must therefore be comprehensively resourced.

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

Yes.

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

- a) the whole fee at 10 weeks if the 10-week timeline is not met
- b) the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
- c) 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
- d) none of the above

Option a).

Question 8. Do you have views about how statutory consultees can best support the accelerated planning service?

The input of statutory consultees is vital in identifying issues in planning applications, including at early stages of the planning process. However, delayed responses from statutory consultees can hinder the ability of LPAs to reach a decision on applications, thereby exacerbating existing delays.

The Royal Town Planning Institute (RTPI) has raised that this is likely due to significant resource constraints within the statutory consultee bodies themselves.ⁱⁱⁱ This barrier must be considered as part of the work the department is looking to undertake on the role of statutory consultees.

Question 9. Do you consider that the accelerated planning service could be extended to:

- a) major infrastructure development
- b) major residential development
- c) any other development?

Options a) and b).

Question 10. Do you prefer:

- a) the discretionary option (which provides a choice for applicants between an accelerated planning service or a standard planning application route)**
- b) the mandatory option (which provides a single accelerated planning service for all applications within a given definition)**
- c) neither?**

a) Option 1 – the discretionary option.

As the consultation sets out, under Option 1 “applicants would need to provide a set of additional prescribed information requirements with their planning application to ensure the application can be determined quickly. Without this additional statutory information, the application would be treated as a normal application for major development.”

We welcome this measure as we agree that it will standardise information requirements and ensure that LPAs have as much information as possible to scrutinise the application.

Conversely, we are concerned that Option 2, which does not necessitate “additional statutory information requirements”, would have a detrimental impact on the quality of applications, leading to further delays. The consultation notes that this is a potential outcome and acknowledges that there will likely be an uptick in resubmissions should this option be undertaken, which goes against the principle of an accelerated service.

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

No.

Given the scale of delays in the system at present, there is an argument for the introduction of a performance measure for speed of decision-making. However, this must be coupled with additional resource – and as this has not been committed, we are answering no for this question.

There is a chance that the introduction of shorter deadlines and the subsequent extra pressure could lead to lower quality decision-making. Similarly, there is a chance that to avoid issuing a refund, a high-quality application missing some information may simply be turned down.

Additionally, a performance measure for speed of decision-making may have the potential to penalise LPAs which are relatively more overstretched and underfunded. While such a measure outlines the scale of delays, it is a blunt instrument which does not provide any further information to understand why such delays exist.

We are also clear that measuring quantity of decisions made in a period of time in the abstract does not mean that the development being brought forward is of high quality. It is crucial that, while measures must be taken to reduce planning delays, the priority must lie in ensuring that any resulting development is sustainable, well-designed and meets the needs of the local area.

Members have suggested that an alternative to this proposal could be for LPAs to be able to optionally shorten deadlines, but making sure deadlines are the same for all applications.

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

- a) **the new criteria only – i.e. the proportion of decisions made within the statutory time limit; or**
- b) **both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria**
- c) **neither of the above?**

Option a).

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

No.

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

The changes outlined in this consultation would likely impact on a number of built environment professionals, both in the public and private sectors.

As we have outlined continuously, the creation of an accelerated planning service would have a significant impact on already stretched LPA resource. The uptick in fees associated with this service would not be sufficient to meet the costs of its creation. Without comprehensive resourcing from the Government, such a service would likely exacerbate existing capacity issues within LPAs.

We are also concerned that not enough thought has been given to ensuring that the expedited timeframes do not lead to lower quality development. It is imperative that LPAs are able to scrutinise applications in detail.

If the accelerated service does in practice lead to expedited timeframes, this would have a positive impact on architecture practices being able to take projects forward in a timely manner. However, if there is an uptick in applications being rejected to meet timelines, this could lead to projects being cancelled which will have a negative impact for architecture practices.

ⁱ <https://riba-prd-assets.azureedge.net/-/media/GatherContent/Business-Benchmarking/Additional-Documents/RIBA-Future-Trends-Report-Apr-2023pdf.pdf?rev=8509f9edd9b6465991e550a3a275e814>

ⁱⁱ <https://www.instituteforgovernment.org.uk/sites/default/files/publications/neighbourhood-services-under-strain.pdf>

ⁱⁱⁱ <https://www.rtpi.org.uk/consultations-rtpi/2023/december/rtpi-response-to-cma-housebuilding-market-study-planning-working-paper/>