



# Planning Policy Committee

A meeting of the Planning Policy Committee will be held in the Jeffrey Room, The Guildhall, St Giles Street, Northampton, NN1 1DE on Wednesday 24 April 2024 at 6.00 pm

## Agenda

1.	<b>Apologies for Absence and Notification of Substitute Members</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	<b>Minutes</b> (Pages 5 - 8) To approve the minutes of the meeting held on 14 March 2024.
4.	<b>Chair's Announcements</b> To receive communications from the Chair.
5.	<b>Planning Performance Agreements</b> (Pages 9 - 14)
6.	<b>An Accelerated Planning System Consultation</b> (Pages 15 - 26)
7.	<b>Progress in Producing and Reviewing Neighbourhood Development Plans</b> (Pages 27 - 32)
8.	<b>Urgent Business</b> The Chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.

## 9. Exclusion of the Press and Public

In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: "That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them"

Catherine Whitehead  
Proper Officer  
16 April 2024

### Planning Policy Committee Members:

Councillor Rebecca Breese (Chair)

Councillor Matt Golby (Vice-Chair)

Councillor Adam Brown

Councillor Phil Bignell

Councillor Stephen Clarke

Councillor Jonathan Harris

Councillor Jamie Lane

Councillor Bob Purser

Councillor Cathrine Russell

## Information about this Agenda

### Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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**Queries Regarding this Agenda**

If you have any queries about this agenda please contact Ed Bostock, Democratic Services via the following:

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
The Guildhall  
St Giles Street  
Northampton  
NN1 1DE

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## Planning Policy Committee

Minutes of a meeting of the Planning Policy Committee held at The Guildhall, St Giles Street, Northampton, NN1 1DE on Thursday 14 March 2024 at 6.00 pm.

### **Present:**

Councillor Matt Golby (Vice-Chair)  
Councillor Adam Brown  
Councillor Stephen Clarke  
Councillor Jonathan Harris  
Councillor Jamie Lane  
Councillor Bob Purser

### **Substitute Members:**

Councillor Kevin Parker

### **Apologies for Absence:**

Councillor Rebecca Breese  
Councillor Phil Bignell  
Councillor Cathrine Russell

### **Officers:**

Richard Wood (Head of Planning Policy and Specialist Services)  
Alan Munn (Planning Policy Team Leader)  
Theresa Boyd (Planning Solicitor)  
Ed Bostock (Democratic Services Officer)

#### 102. **Declarations of Interest**

None advised.

#### 103. **Minutes**

The minutes of the meeting held on 30 January 2024 were agreed and signed by the Chair.

#### 104. **Chair's Announcements**

None advised.

#### 105. **West Northamptonshire Local Plan - Approval to consult on a draft plan**

Graham Ferrie addressed the Committee on behalf of Tiffield Parish Council. He asked that the Plan repair some of the damage that the South Northamptonshire Local Plan part 2 had done to Towcester and its surrounding areas. The Plan needed

to include some tangible actions to help the village. Mr Ferrie believed that the Council had squandered some of its land; there was no shortage of minimum wage employment in the area, and he noted that economic benefits did not accrue in West Northamptonshire since employers in the AL1 and AL3 sites were offshore companies. He suggested that developments such as those in Silverstone would generate more robust growth.

The Head of Planning Policy and Specialist Services and the Planning Policy Team Leader presented the report which sought approval to consult on the Regulation 18 Version of the West Northamptonshire Local Plan (WNLPL).

Members discussed the report and the following points were raised:

- A slippage contingency of 1,000 units had been built into the draft Plan; development activity was low at the time that previous plans were developed but there were more active sites now and there was more certainty around delivery.
- Concern was raised regarding affordable housing targets; the report indicated that there was a need of 1,800 affordable units per annum (83% of all need) to meet targets. It was hoped that if during consultation officers would look at other mechanisms to deliver more affordable housing.
- The South Northamptonshire Employment Sites Allocations Development Brief SPD was adopted in October 2022 and written into policy. A criteria of each AL site carried over into the draft Plan required demonstration of compliance with the SPD. Some text could be added before Policy T5 to bring potential applicants' attention to the SPD.
- There were examples of other local authorities that had gone further, for example around energy use in new-build homes. The NPPF was clear about the need to move towards lower energy consumption, so the Council had the opportunity to push harder for it in the Plan. A recent case at West Oxford District Council was noted where the council had their net zero requirements pushed back by the Inspector and the High Court overruled the decision. Officers confirmed that they were happy to look at amending the policy for the Regulation 18 consultation.
- Officers were in the process of finalising the procurement of a new study in relation to HMOs which would be undertaken in the coming months; it would feed into the consultation taking place at the end of the year.
- It was noted that the "usual suspects" attended most of the Local Plan briefings and member workshops. Councillors had a role to play in communicating progress on the Plan to constituents, partners and stakeholders.
- An Adopted Statement of Community Involvement and communications plan set out levels of public engagement; this would entail 8 weeks of public consultation, social media adverts, Youth Forum sessions, roadshows across the district, including Moulton, Wootton, Daventry, and Brackley, and further member engagement, including attending parish forums and other similar engagements.
- There would be the opportunity for an experienced examiner from the Planning Inspectorate to independently review the draft Plan at the right time.

**RESOLVED:**

The Planning Policy Committee:

- a) Recommended to Full Council that the draft West Northamptonshire Local Plan (Appendix A of the report) be issued for public consultation in accordance with the requirements set out in the Council's adopted Statement of Community Involvement, with amendments to Policy PL1 and supporting text to more fully explain how proposals for all residential development are to include an energy statement demonstrating how they will contribute to net zero carbon development, and additional explanatory text relating to the employment sites in the former south area to explain how the Supplementary Planning Document will be applied in decision making.
- b) Recommended to Full Council that a call for sites to include sites to meet the needs identified in the West Northamptonshire Council Gypsy and Traveller Accommodation Needs Assessment (2022-2037) be undertaken as part of the public consultation.
- c) Recommended to Full Council that it delegates to the Head of Planning Policy and Specialist Services authority to make minor editorial and presentational changes to the draft Local Plan and the policies map prior to the consultation commencing.

106. **Urgent Business**

None advised.

The meeting closed at 7.00 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

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# WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

**24 April 2024**

**Rebecca Breese, Strategic Planning, Built Environment & Rural Affairs**

<b>Report Title</b>	<b>Planning Performance Agreements</b>
<b>Report Author</b>	<b>James Rodger, Acting Assistant Director of Planning James.rodger@westnorthants.gov.uk</b>

## **Contributors/Checkers/Approvers**

<b>Deputy Monitoring Officer</b>	Sarah Hall	Approved 15/04/24
<b>Chief Finance officer (S151)</b>	Martin Henry	Approved 15/04/24
<b>Director</b>	Stuart Timmiss	Approved 15/04/24
<b>Interim Assistant Director</b>	James Rodger	N/A (Report author)
<b>Head of Communications</b>	Bethany Longhurst	Approved 15/04/24
<b>Legal</b>	Katherine Hall	Approved 15/04/24

## **List of Appendices**

### **Appendix 1 – Model PPA Agreement (Planning Advisory Service)**

#### **1. Purpose of Report**

- 1.1 For members to agree the introduction of Planning Performance Agreements as a project management tool by the Planning Service.

#### **2. Executive Summary**

- 2.1 The report proposes that the Planning Service introduce Planning Performance Agreements on appropriate planning cases. It explains the benefits of Planning Performance Agreements as a project management tool that will both benefit the Councils

Planning service at pre-application and application determination. That PPA's can also provide additional discretionary income which will assist in covering the costs of both pre-application advice and application determination of complex planning applications.

### **3. Recommendations**

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- 3.1 It is recommended that Planning Policy Committee:
- (a) Agrees that the Planning Service should agree to use Planning Performance Agreements (subject to them being authorised by the Assistant Director of Planning or Head of Development Management only).
  - (b) Agrees that fees be agreed with WNC finance team and set on a cost recovery basis.

### **4. Reason for Recommendations**

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- 4.1 This report sets out the benefits of PPA's. PPA's involve a non-binding agreement between two parties, known as a Planning Performance Agreement. It is recommended that only the Assistant Director of Planning or Head of Development Management be authorised to agree such agreements.
- 4.2 It is considered that further work will be required with WNC finance team to agree charges that should be applied, such fees will often be applied on a case by case basis (it is envisaged that for complex applications this will exceed £15k per a PPA) and linked to predicted officer time/resource and set on a cost recovery basis.

### **5. Report Background**

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- 5.1 West Northamptonshire Council recognises, and agrees with the Government, that it is essential to operate a consistently high performing development management service and that this is one of the most important drivers of local development and economic growth which can deliver the homes and jobs that are needed locally. As such it is important that the Councils planning team use the right tools to deliver its development management service.
- 5.2 Pre-application advice is a key component of a good planning service, but in recent years for many Council Planning teams this has involved more than simply meeting applicants, giving them planning pre-application advice and determining applications; it has involved use of PPA's.
- 5.3 The Councils Planning pre-application advice service has recently been fully re-introduced to include all categories of planning application. Until recently a restricted pre-application advice service had been offered (large strategic sites only); this was because of staffing issues. Following the implementation of the planning staff restructure in summer 2023 a large number of vacant posts across the Councils Planning service were advertised. By March 2024 the majority of the vacant posts had been filled and so a decision was made

to re-introduce a full pre-application advice service by mid April 2024 (It was re-launched on 15 April 2024).

- 5.4 The re-introduced, complete, pre-application advice service does not presently offer any new or additional services to those previously offered. Nonetheless a common practice of forward-thinking Planning Authorities is to offer PPAs both in addition to and complimentary to their pre-application advice service.
- 5.5 PPAs are now used by many councils as an opportunity for the applicant to engage in more detailed discussions with a council and to enable both sides to commit resources and timescales to the delivery of key development proposals. The Planning Advisory Service consider there are 4 key benefits of PPAs:
- (1) PPAs can significantly improve the quality of development and places by ensuring there is a team approach to delivering development that meets the aspirations of all parties, not just the developer's brief.
  - (2) PPAs enable stronger working relationships to be built up between all the parties involved in delivering a development.
  - (3) PPAs ensure that applicants have a dedicated resource throughout the planning process to help it to be delivered effectively.
  - (4) PPAs are much more than just a project management tool, they can also help build relationships and allow for a better quality of development. They can be used as a comprehensive way of delivering a development proposal by ensuring there is a positive partnership between the applicant and the LPA from the conception of a development through to its construction.

### **Fees for PPAs**

- 5.6 PPAs sit outside of normal Council Planning Service funding arrangements, where planning application fees are set Nationally. PPAs are also slightly different from normal pre-application advice requests, which are linked to tariffs based on the scale of development proposed. All PPAs are made pursuant to the Localism Act 2011 and the Local Government Acts 1972, 2000, and 2003. Section 93 of the Local Government Act 2003 allows local planning authorities to charge for providing discretionary services and legislation is clear that, where charges are made, they must not exceed the cost of providing the service. The Chartered Institute of Public Finance & Accountancy (CIPFA) identify PPA/developer contributions as a revenue stream that should be maximised by planning authorities.

### **What is a planning performance agreement?**

- 5.7 A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling

particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority; and can also help to bring together other parties such as statutory consultees. A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted; and can be a useful focus of pre-application discussions about the issues that will need to be addressed.

### **What does a planning performance agreement comprise?**

- 5.8 There is no one size fits all model. It is for the local planning authority and the applicant to discuss and agree a suitable process, format and content which is proportionate to the scale of the project and the complexity of the issues to be addressed. A planning performance agreement can extend to matters beyond the formal application process – such as programming the negotiation of any section 106 agreement and related non-planning consents. For very large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. It is important that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.
- 5.9 As a general principle Government Guidance is that such agreements should be as simple as possible, consistent with a proportionate approach to the scale of the proposal and complexity of the issues raised. It will usually be agreed in the spirit of a memorandum of understanding (listing target timeframes) rather than as a legally binding contract.
- 5.10 The common elements of a PPA are:
- that the agreement is drawn up prior to the submission of a planning application
  - that the LPA and the prospective applicant are signatories to this voluntary agreement
  - the agreement includes one or more agreed milestones to define the process of considering the development proposed, including an agreed date by which an application will be determined by the LPA.
  - the agreed determination date supersedes the 13 or 16 week statutory time limit
  - the agreed determination date also supercedes the 26 week planning guarantee.

- 5.11 A PPA should give greater certainty to the planning process and help foster a collaborative approach to designing better development. PPAs have a particularly useful role in large developments when the scale and value are high, and where impacts on the community are most significant. In these cases, third parties, such as statutory consultees, gain from the transparent process set out in the PPA and can understand their opportunities to engage and influence the proposal.

### **Application Timescale / Government Recognition**

- 5.12 The use of PPA's is recognised by Government as part of the monitoring process of Council Planning Department performance. Councils are able to separately code PPA cases and is able to take longer to determine applications than the statutory timeframe. It should be noted though that the use of PPA's does in reality speed up the determination of applications (by applying robust performance management through the PPA agreement).

## **6. Issues and Choices**

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- 6.1 The purpose of this report is to suggest that PPA agreements be implemented by WNC Planning on complex planning cases. The experience from other LPA's is universally positive. They are welcomed by many large developers and supported by both the Planning Advisory Service and Central Government. They will also increase income to the Council. As an alternative the Council could decide not to introduce PPA's.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

- 7.1.1 The proposed use of PPA's will increase income for the council.

### **7.2 Legal**

- 7.2.1 PPAs are made pursuant to the Localism Act 2011 and the Local Government Acts 1972, 2000, and 2003. Section 93 of the Local Government Act 2003 allows local planning authorities to charge for providing discretionary services.

- 7.2.2 Paragraph 46 of the National Planning Policy Framework (December 2023) states: "Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

- 7.2.3 The Planning Practice Guidance supports the use of PPAs as a project management tool under which the LPA and applicant can agree timescales, actions and resources for handling particular applications (Paragraph: 016 Reference ID: 20-016-20150326, Revision date: 20 03 2015).

### **7.3 Risk**

7.3.1 There is a potential financial and reputational risk, insofar as a PPA is entered into and if for whatever reason the application does not substantively progress - the applicant could assert that the Council has taken the PPA fees and not delivered on the PPA. However the volume of PPA's will be modest (it is estimated 0-3 a month); and the Planning Service would ensure that sufficient resource, management and monitoring occurs to mitigate any risk. Evidence from other Local Planning Authorities is that PPA's are low risk in this regard (almost certainly because they are small in volume and their use is closely monitored by senior planning management).

### **7.4 Consultation**

7.4.1 Not applicable.

### **7.5 Consideration by Overview and Scrutiny**

7.5.1 Not applicable

### **7.6 Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report.

### **7.7 Community Impact**

7.7.1 There are no negative community impacts arising specifically from this report. Planning performance agreements provide an ideal opportunity for identifying the preferred approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views. In this way they may benefit community engagement in planning.

### **7.8 Communications**

7.8.1 None directly arising from this report.

## **8. Background Papers**

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8.1 None

# WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

**24 April 2024**

**Rebecca Breese, Strategic Planning, Built Environment & Rural Affairs**

<b>Report Title</b>	<b>An Accelerated Planning System Consultation</b>
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<b>Report Author</b>	<b>Simon Ellis, Head of Development Management Simon.ellis@westnorthants.gov.uk</b>
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## **Contributors/Checkers/Approvers**

<b>Deputy Monitoring Officer</b>	Sarah Hall	Approved 15/04/24
<b>Chief Finance officer (S151)</b>	Martin Henry	Approved 15/04/24
<b>Director</b>	Stuart Timmiss	
<b>Interim Assistant Director, Planning</b>	James Rodger	Approved 15/04/24
<b>Head of Development Management</b>	Simon Ellis	N/A (Report author)
<b>Head of Communications</b>	Becky Hutson	Approved 15/04/24
<b>Legal</b>	Katherine Hall	Approved 12/04/24

## **List of Appendices**

**N/A**

### **1. Purpose of Report**

- 1.1 For members to agree the consultation response set out in this report to be returned to the Department for Levelling Up, Housing and Communities (DLUHC).

### **2. Executive Summary**

- 2.1 The report sets out details of a recent consultation published by DLUHC proposing a series of reforms designed to accelerate the planning system. The proposed reforms relate to the development management process and involve a number of complex changes to the speed of determination of planning applications, particularly for major commercial planning applications. The consultation also proposes changes around the use of Extensions of Time (EoT), which are agreements reached between applicants and Local Planning Authorities (LPAs) to agree to extend statutory planning application determination periods and changes to the measurement of performance around the use of EoTs (i.e. measurements of total determination period for planning applications rather than just recording the number of applications determined within statutory periods or within agreed EoTs). It is felt by DLUHC that the overuse of EoTs may be masking poor overall planning performance in the development management process. Some of the proposed reforms pose a risk around fee returns if planning applications are not determined within specified periods. The report sets out a series of balanced consultation responses to the specific questions set out in the consultation, responses that are realistic in terms of the resources available within the development management service and reflect our approach to constructive engagement with applicants and in particular our collaborative and pro-active approach to handling major planning applications.

### **3. Recommendations**

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- 3.1 It is recommended that Planning Policy Committee:

Approves the proposed consultation response to the DLUHC consultation (An Accelerated Planning System: closing on 4 May 2024) set out in this report and delegates to the Head of Development Management to return the consultation response on behalf of the Council.

That the Planning Policy Committee notes the financial risks to the Council identified within the consultation response.

### **4. Reason for Recommendations**

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- 4.1 It is important that the proposed reforms are brought to the attention of the Planning Policy Committee through this report and that West Northamptonshire Council (WNC) responds to the consultation response positively but realistically to ensure that it can help to contribute to and influence the future of planning services. It is also important to highlight some of the risks the proposed reforms pose to best practice, the financial implications and for resourcing the planning service.

### **5. Report Background**

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- 5.1 West Northamptonshire Council recognises, and agrees with the Government, that it is essential to operate a consistently high performing development management service and that this is one of the most important drivers of local development and economic growth which can deliver the homes and jobs that are needed locally. As such it is important that the Council's planning team use the right tools to deliver its development



management service, including appropriate use of EoTs and that wherever possible planning applications are processed and determined within statutory time frames.

- 5.2 On 6 March 2024 DLUHC launched an open consultation on proposed reforms to the development management system titled 'An Accelerated Planning System'. The consultation proposes a series of reforms and contains specific questions which it is seeking responses to from across the development sector. The following paragraphs summarise the proposed reforms and consultation questions and sets out a series of proposed responses for Members to agree. The full document and consultation response forms can however be accessed through the link below:

<https://www.gov.uk/government/consultations/an-accelerated-planning-system-consultation/an-accelerated-planning-system>

### 5.3 **Summary of Proposed Reforms:**

The DLUHC consultation proposes the following broad changes to the development management process.

- 1) Introduce a new Accelerated Planning Service for major commercial applications with a proposed decision time of 10 weeks with a full refund of the applicant's fee if this target is not met. The proposed 10 week determination period would exclude development screened as Environmental Impact Assessment (EIA) development, minerals and waste, and other heritage assets such as World Heritage sites and Scheduled Ancient Monuments. A premium fee is proposed for this reform. The premium fee route would be a new service available, with a nationally set uplift for the fee and the use of Planning Performance Agreements (PPAs) would not be necessary under this process. To improve the speed of consultation responses from government bodies, such as the Environment Agency (EA), Natural England (NA), Historic England (HE), and National Highways (NH), DLUHC is currently working with these bodies to improve their consultation response times on planning applications. Recognising the lack of incentive to the LPA if applications under this process are not determined within 10 weeks, the consultation proposes a phased fee return of 50% at 10 weeks and the remainder 50% at 13 weeks regardless of whether an EoT has been agreed. The consultation also considers whether to make the accelerated process with fee uplift discretionary for applicants (so have the option of applying under the existing process) or mandatory for all forms of qualifying developments. Under the process a nationally set prescriptive information requirements would be required at validation stage to ease the determination process and if this information is not submitted the application would remain to be determined under existing processes. The reforms would require changes to legislation for implementation. It is proposed to allow sufficient time to the overall approach to be in following primary legislation and other changes around improved consultation responses from national bodies for example.

The current statutory time frame for major commercial applications is 13 weeks or 16 weeks if the application is accompanied by an Environmental Statement (ES) (i.e. for Environmental Impact Assessment (EIA) development). Fees are only returned under the current Planning Guarantee if major planning applications (10+ dwellings or

1000sqm + other including commercial floor space, or other development on more than 1ha site area) are not determined within 26 weeks of valid receipt or within an agreed EoT reached at any time in the determination process (regardless of the 26 week period).

- 2) Ceasing the use of EoTs for householder planning applications and only allow for one EoT for all other forms of application or risk fee returns which would not change but are set at 16 weeks for non major planning applications or 26 weeks for other (non commercial – see above) major planning applications.

The current practice allows for an unlimited number EoTs to be agreed between the applicant and the LPA for all types of planning application and that an agreement of any EoT at any time in the determination process protects the entire planning fee from refund to the applicant however long it takes to determine the planning application.

- 3) Expand the current simplified written representations appeal process for householder and minor commercial appeals to more appeals.

The current simplified appeal process applies to written representation appeals only, not to Hearings or Inquiries, and only relates to householder or other very minor appeals.

- 4) Implement Section 73B of the Town and Country Planning Act 1990 (as amended) to allow applicants more scope to vary planning permissions and to simplify the treatment of overlapping planning permissions.

The current restrictions around the use of S73 permissions means that only minor changes to conditions of planning permissions to remove or vary conditions are permitted. This means that if applicants want to make anything more than very minor changes to existing permissions (Non Material Amendments) they are required to apply for full planning permission for the whole development again incorporating any proposed changes. The purpose of a revised S73B process is to allow more scope to make changes without having to revisit the whole principle of already consented developments.

#### 5.4 **Proposed consultation response to Accelerated Planning Service (10 weeks for major commercial applications):**

*Q1. Do you agree with the proposal for an Accelerated Planning Service? Yes, No, Don't know (for all questions)?*

Recommended answer – No

Reason: Planning resources cannot be turned on or off depending on how large an initial fee is paid. The development management service has implemented and is bedding in a new structure with a stable staff head count. If a discretionary fast track service were introduced the service would struggle to respond in time and would have to de-prioritise other applications. There is no proposal here to simplify the number of issues that need to be addressed in the determination of planning applications and scant detail as to how

the relevant government bodies will respond in time. For example, the M1, A5 and A43 are part of the strategic road network and there is often considerable delay in receiving consultation responses from Highways England, there are also considerable delays in receiving consultation responses from the Environment Agency.

From an applicant's perspective the free-go for repeat planning applications has already been abolished following earlier reforms introduced to the fee regulations on 6 December 2023. The proposed reforms would incentivise LPAs to issue rapid refusals of permission within 10 weeks with multiple reasons for refusal (some based on lack of response from relevant consultees) and then the applicant would be left with the need to apply for plan permission again rather than allow for an agreed EoT with the LPA to continue a proactive, collaborative approach to handling the planning application.

*Q2. Do you agree the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?*

Recommended answer: No – see above.

*Q3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?*

Recommended answer: No – see above.

*Q4. Do you agree to exclude from the Accelerated Planning Service – applications subject to Habitat Regulations, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective developments or minerals and waste? Yes, No, Don't Know*

Recommended answer: Yes

*Q5. Do you agree that the Accelerated Planning Service should:*

*a) Have an accelerated 10-week statutory time limit for determination for eligible applications?*

Recommended Answer: No; and time limit should remain as already in place with current allowance for agreed EoTs between applicant and LPA. The onus should be on the applicant to request an EoT so that they can work to overcome objections from consultees with officers and other stakeholders.

*b) Encourage pre-application engagement?*

Recommended answer: Yes – effective pre-application engagement should be standard practice but the pre-application process can never be a full 'dress rehearsal' for the planning application assessment process and issues will often arise that were not anticipated at the pre-application stage; hence why it is necessary to maintain practices such as Planning Performance Agreements (PPAs) and appropriate use of EoTs to resolve issues where possible.

*c) Encourage notification of statutory consultees before application is made?*

Recommended answer: Yes.

*Q6. Do you consider that the fees for Accelerated Planning applications should be a percentage uplift of existing fees?*

Recommended answer: Yes – if the system is introduced, recommend 50% uplift.

*Q7. Do you consider that the refund of the planning fee should be:*

- a) The whole fee at 10 weeks if the 10 week time limit is not met?*
- b) The premium part of the fee at 10 weeks with the remainder at 13 weeks if the decision is not made?*
- 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 (please specify alternative option)?*
- e) Don't know.*

Recommended answer d) none of the above. The whole premise may well lead to perverse outcomes such as rapid refusals at 10 weeks to protect the fee and associated increase in appeals; over complex validation procedures and potential disputes at validation stage; a diversion of resource from other non-accelerated planning applications where there is less risk of fee return and an overall non-responsive and non pro-active development management process. The applicant gains nothing from a quick refusal in 10 weeks with multiple reasons for refusal. They would then need to spend additional time and resource preparing a new planning application which under current fee regulations requires a whole new fee since the complete abolition of the free go in earlier reforms introduced on 6 December 2023.

*Q8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?*

Recommended answer: They should be properly resourced to enable timely and thorough responses. Perhaps some of the planning fee could be diverted to external bodies as part of this resourcing.

*Q9. Do you consider the Accelerated Planning Service could be extended to:*

- a) Major infrastructure development?*
- b) Major residential development?*
- c) Any other development?*

Recommended answer: No

*Q10. Do you prefer a discretionary, mandatory, neither or Don't know for Accelerated Planning Service?*

Recommended answer: Neither – see above

*Q11. In addition to Planning Statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a Discretionary Accelerated Planning Service?*

Recommended answer: Yes, all relevant technical documents required to enable a one-consultation response from all relevant technical consultation that leaves no scope for ambiguity and no ability request additional information from the applicant during the determination process.

This proposal is for a new performance measure for speed of determination of planning applications to measure the proportion of planning applications determined within statutory time limits only, i.e. within 8 weeks or 13 weeks for major applications (16 weeks for EIA development). This is designed to enable DLUHC to gather data on underperforming LPAs who may using EoTs to mask overall poor performance. The recommended thresholds are 50% for major applications and 60% for non-major applications. In the longer term LPAs that fall below these thresholds would be at risk of falling into the special measures designation. For designated authorities, applicants may apply directly to the Planning Inspectorate PINs to process their planning applications, avoiding the LPA altogether.

**5.6 The consultation questions and recommended answers are set out below:**

*Q12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications made within the statutory time limits only?*

Recommended Answer: Yes.

*Q13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limits (50% or more for major applications and 60% or more for non-major applications)?*

Recommended answer: Don't know. It is important to understand the starting point, it is highly likely that for many LPAs including WNC that current practice is considerably below these thresholds therefore many LPAs would be at risk of designation straight away. The performance measure is necessary but a trial year should be introduced across the sector based on current unreformed practice before judging what thresholds would be appropriate. The trial year should be excluded from the designation decision to establish realistic thresholds.

*Q14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be based on:*

- a) The new criteria (i.e. proportion of applications determined within statutory time limits) only; or*
- b) Both new and existing criteria (i.e. proportion of applications determined within statutory time limit or within EoTs, currently set thresholds 60% for Major applications and 70% for others)*
- c) Neither of the above;*
- d) Don't know*

Recommended answer: B, if the reforms are to take place

*Q15. Do you agree to reduce assessment period for speed of decision from 24 months to 12 months but retain 24 months for quality of decisions (i.e. proportion of major appeals allowed)?*

Yes – this allows LPAs to improve performance without being hindered by poor performance in the earlier part of the 24 month assessment period. This would be beneficial to WNC as performance has improved in recent months but a threat of designation remains due to earlier poor performance in 2023.

*Q16. Do you agree with a proposed one year period (October 2024 to October 2025) for data to be collected on new performance indicator to be assessed before any designation decisions are made?*

Recommended answer: Yes, this is a helpful transitional period to allow practice to be embedded but see answer above on trial year outside assessment.

*Q17. Do you agree with transitional arrangements for quality of decisions over a 24 month period?*

Recommended answer: Yes.

*Q18. Do you agree with the recommendation to prevent the use of EoTs for householder applications?*

Recommended Answer: No. Householder applicants are often, once in a life time applicants and this reform prevents their ability to have their applications determined over the longer period to seek to resolve problems that arise throughout the application period. There does need to be measures to prevent the misuse of EoTs by LPAs but this proposal potentially would have the effect of removing a positive, and pro-active use of EoTs for householder applicants.

*Q19. What is your view on the use of repeat extensions of time agreements for the same application? Is this something that should be prohibited?*

Recommended Answer: No. It is necessary to prevent repeat EoTs that mask poor performance. The onus should be shifted to the applicant to decide whether they request an EoT rather than the LPA requesting an EoT at the last minute to enable a decision to be made within statutory period. Perhaps a standard, nationally set EoT format should be agreed whereby the onus is placed on the applicant to request EoTs.

#### 5.7 **Simplified appeal procedures for Written Representation Appeals:**

The proposal here is to expand the simplified Householder Appeals Service (HAS) and Commercial Appeals Service (CAS) for written representation appeals only to include in scope, planning permission and reserved matters refusals, listed building consents, tree works, lawful development certificates, removal or variation of conditions, discharge of conditions, imposition of conditions, variations to legal agreements, hedgerow regulations and high hedges decisions. These reforms would streamline the written representation appeal process for an expanded list of appeals and remove the ability to vary or add information in the appeal process and does mean that third parties cannot add comments during an appeal and only the representations they made at the application stage will be considered by PINs during the appeal process. They would not apply to appeals against non-determination or appeals against an enforcement notice. PINs would determine the appropriate appeal method at validation stage of the appeal, so for example, if they felt evidence needed to be tested, they would not selected the simplified route.

#### 5.8 Consultation Questions relating to this section and recommended answers below:

*Q20. Do you agree with the proposals for simplified written representation appeal route?*

Recommended answer: Yes

*Q21. Do you agree with the type of applications proposed for this procedure?*

Recommended answer: Yes, this reform would considerably reduce the resource burden that appeal procedures place on LPAs and shift the emphasis to the quality of the initial decision on the planning application.

*Q22. Are there any other types of appeals which should be included in the simplified appeal process?*

Recommended answer: No

*Q23. Would you have concerns regarding the ability for additional representations, including from third parties, to be made during the appeal stage on cases that would follow the simplified written representation procedure?*

Recommended answer: No

*Q24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?*

Recommended answer: Yes, this provides a safeguard against concerns over third party involvement and complexity of issues.

*Q25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representations planning appeals be introduced?*

Recommended answer: Yes.

## 5.9 **Varying and Overlapping Planning Permissions:**

A new Section 73B of the Town and Country Planning Act 1990 (as amended) was placed into legislation through the Levelling Up and Regeneration Act 2023 which is designed to enable material variations to planning permissions. Currently if the scope of variation goes beyond minor material amendments (S96b) or variation to conditions (S73) then applicants often need to apply for the whole scheme again including the variations they are seeking permission for. The purpose of S73B is to prevent the whole the need to revisit the whole basis on which the original grant of permission was made. It is designed to limit the scope to the decision maker to consider only the proposed revisions to the proposal and not the whole development again. Applicants would therefore be able to apply to vary conditions of the original permission and introduce other changes to the development that go beyond the scope of the original conditions, such as design changes or changes to the description of development.

## 5.10 **Consultation Questions and Recommended Answers are set out below:**

*Q26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and Section 73B to become the route to make general variations to planning permissions (rather than S73)?*

Recommended answer: Yes, this reform would remove the confusion between varying conditions of a planning permission post completion or before and varying the development itself after the permission has been granted but before full implementation.

*Q27. Do you have further comments on the scope of the guidance?*

Recommended answer: No

*Q28. Do you agree with the proposed approach for the procedural arrangements for S73B applications?*

Recommended answer: Yes.

*Q29. Do you agree that the applicant fee for a S73B application should be the same as the fee for a S73 application?*

Recommended answer: No – it would depend on the scope of changes proposed and the range of issues to consider so bespoke fees for S73B applications should be introduced.

*Q30. Do you agree with a proposed 3 band application fee structure for section 73 and 73B applications?*

Recommended answer: No – see above

*Q31. What should the fee for Section 73 and 73B applications for major development (providing evidence where possible)?*

For S73 applications the fee structure can remain the same, for S73B fees should be proportionate to the scale of changes proposed, i.e. reflecting changes in floor space and quantum of development.

*Q32. Do you agree with this approach for S73B permissions in relation to Community Infrastructure Levy?*

Recommended answer: Yes, the proposal appears to capture any CIL changes that would result from S73B permissions appropriately.

*Q33. Can you provide evidence about the use of 'drop in' permissions and the extent of the Hillside judgement has affected development?*

Recommended answer: No.

*Q34. To what extent could the use of S73B provide an alternative to the use of 'drop in' permissions?*

Recommended answer: The proposed S73B route appears to provide a clearer way forward to enable permissions to be changed in a managed way to avoid the confusion of overlapping permissions for major development sites.

*Q35. If Section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?*

Recommended answer: No.

## **6. Issues and Choices**

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- 6.1 The purpose of this report is to recommend a realistic response to the DLUHC consultation on proposed planning reforms outlined above. Whilst recognising that the over use of EoTs can mask poor performance, local planning authorities are not likely to respond positively to reforms that are overly punitive, particular in relation to financial penalties such as mandatory fee returns. If the reforms such as the mandatory 10 or 13 week fee return for major commercial applications are introduced, LPAs will be forced by the need to protect fees into practices that do not help the development industry and applicants.



Any proposed reforms designed to improve performance should be balanced with the need for pro-active engagement, collaboration and problem solving. Not to mention democratic oversight of decision making and fitting into Committee cycles. This report and the recommended answers to the consultation seeks to strike the right balance between accepting the need to improve practice, particularly around the mis-use of EoTs but not introducing reforms that place unrealistic timeframes on the determination of complex planning applications.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

7.1.1 Potential increased fee income but potential financial penalties if strict time limits are not reached for decisions.

### **7.2 Legal**

7.2.1 The proposed reforms may require primary legislation and implementation of legislative changes, particularly around the implementation of S73B of the Town and Country Planning Act 1990 (as amended).

### **7.3 Risk**

7.3.1 See financial risks above.

### **7.4 Consultation and Communication**

7.4.1 This report wholly relates to consultation issues and the Council's response to DLUHC's proposed reforms to the planning system.

### **7.5 Consideration by Overview and Scrutiny**

7.5.1 None

### **7.6 Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report.

### **7.7 Community Impact**

7.7.1 There are no negative community impacts arising specifically from this report. Planning performance agreements provide an ideal opportunity for identifying the preferred approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views. In this way they may benefit community engagement in planning.

## **8. Background Papers**

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8.1 None

# WEST NORTHAMPTONSHIRE COUNCIL

## Planning Policy Committee

24 April 2024

**Councillor Rebecca Breese**  
**Cabinet Member for Strategic Planning, Built Environment & Rural Affairs**

<b>Report Title</b>	<b>Progress in Producing and Reviewing Neighbourhood Development Plans</b>
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<b>Report Author</b>	<b>Alan Munn</b> <b>Planning Policy Team Leader</b> <b>Planning Services, Place Directorate</b>
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<b>West S151</b>	Martin Henry Executive Director, Finance	Approved 15/04/24
<b>Deputy Monitoring Officer</b>	Sarah Hall	Approved 15/05/24
<b>Director</b>	Stuart Timmiss Executive Director: Place, Economy & Environment	Approved 15/04/24
<b>Interim Assistant Director</b>	James Rodger	Approved 15/04/24
<b>Legal</b>	Katherine Hall Solicitor	Approved 15/04/24
<b>Communications</b>	Beth Longhurst Communications Lead	Approved 15/04/24

### List of Appendices

#### Appendix A – Schedule of Neighbourhood Planning Activity as of 12 April 2024

#### 1. Purpose of Report

- 1.1. For members to note the progress being made in producing and reviewing Neighbourhood Plans across West Northamptonshire, and to make members aware of future neighbourhood planning activity.

## **2. Executive Summary**

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- 1.2. The report summarises the progress that has been made in producing and reviewing Neighbourhood Plans across West Northamptonshire, and what future neighbourhood planning activity is expected.

## **3. Recommendations**

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- 3.1 It is recommended that the Planning Policy Committee:
- a) Notes and welcomes the progress that has been made, and is being made, in producing Neighbourhood Plans across West Northamptonshire.

## **4. Reason for Recommendations**

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- 4.1 To ensure that members are fully aware of the Neighbourhood Plans that have been made for the area, and the progress being made in producing new and reviewing existing Neighbourhood Plans.

## **5. Report Background**

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- 5.1 At the meeting of this committee in April 2022 it was agreed that reports would be submitted to future meetings to provide updates on neighbourhood planning activity.
- 5.2 That report included information about which plans had then been ‘made’, reviewed or were being prepared.
- 5.3 Since the last update was brought to this committee in February 2023 key milestones have been as follows:
- Three new plans have been made –Arthingworth, Harlestone and Nether Heyford
  - Six new areas have been designated – Far Cotton and Delapre, Grange Park, Lilbourne, Naseby, Rothersthorpe and Tiffield
  - Great Oxenden and Semilong and Trinity have completed the Regulation 14 stage
  - The review of one plan has started – Barby and Onley

These are identified in bold text in the appendix to this report.

## **6. Issues and Choices**

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- 6.1 The purpose of this report is to provide a comprehensive statement of all neighbourhood planning activity in one place, as agreed at this Committee in April 2022.
- 6.2 An alternative approach would be to rely on the information that is currently available on the council’s website.

## **7. Implications (including financial implications)**

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## **7.1 Resources and Financial**

7.1.1 There are no financial implications arising specifically from this report.

## **7.2 Legal**

7.2.1 There are no risks arising from the recommendations of this report.

## **7.3 Risk**

7.3.1 There are no risks arising from the recommendations of this report.

## **7.4 Consultation and Communication**

7.4.1 As the plans are prepared they are subject to consultation.

7.4.2 The council uses its communications channels to keep the public informed and engaged on the various stages of the process for reviewing and producing Neighbourhood Plans, including publicising consultations and referendums as and when required.

## **7.5 Consideration by Overview and Scrutiny**

7.5.1 Not applicable

## **7.6 Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report. Neighbourhood plans usually contain policies relating to climate change – these will be considered as each plan emerges.

## **7.7 Community Impact**

7.7.1 There are no community impacts arising specifically from this report.

## **8. Background Papers**

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None

## Appendix 1 – Schedule of Neighbourhood Planning Activity as at 12 April 2024

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### **1a – Plans that have been Made**

Neighbourhood Plan	Date Made (Adopted)
<b>Arthingworth</b>	<b>February 2024</b>
Ashton	May 2021
Badby	January 2019
Barby & Onley	September 2016
Braunston	February 2017
Brixworth (original – see review)	December 2016
Clipston	December 2021
Crick Village (original – see review)	January 2018
Duston	December 2015
Flore	September 2018
Great Houghton	May 2022
Growing Together	April 2017
Guilsborough (original – see review)	January 2019
Hackleton	December 2021
<b>Harlestone</b>	<b>April 2023</b>
Harpole	September 2017
Kilsby (original – see review)	July 2016
Kislingbury	May 2017
Maidwell with Draughton	November 2019
Moulton	December 2016
<b>Nether Heyford</b>	<b>September 2023</b>
Overstone	December 2021
Northampton Growing Together	April 2017
Pitsford	June 2022
Roade	July 2019
Spratton	July 2016
Spring Boroughs	April 2016
Welford	September 2017
Welton	January 2019
West Haddon (original – see review)	January 2016
Woodford cum Membris	May 2018

### **1b – Plans that have been reviewed**

Neighbourhood Plan	Date of Review
Brixworth	March 2021
Crick	December 2021
Guilsborough	May 2022
Kilsby	June 2022
West Haddon	August 2022

**2a Neighbourhood Plans that are being prepared**

**Stage Reached – Area Designated**

Neighbourhood Plan	Date area Designated
Blisworth	July 2016
Charwelton	July 2015
Cogenhoe and Whiston	April 2022
Creaton	February 2013
Crick Commercial	July 2015
East Haddon	July 2014
<b>Far Cotton and Delapre</b>	<b>January 2024</b>
<b>Grange Park</b>	<b>April 2024</b>
Great Oxendon	March 2021
Greens Norton	November 2012
Lampport & Hanging Houghton	May 2018, the Council understands that the Parish Council does not want to progress at present time
<b>Lilbourne</b>	<b>March 2024</b>
Middleton Cheney	October 2012
Milton Malsor	April 2018
<b>Naseby</b>	<b>October 2023</b>
Pattishall	February 2017
Paulspury	September 2017
Queen’s Park	Forum & area designated April 2018
<b>Rothersthorpe</b>	<b>January 2024</b>
Semilong & Trinity	Forum & area designated September 2017 Area designation re-affirmed February 2023
<b>Tiffield</b>	<b>October 2023</b>
Yardley Gobion	October 2012, Parish Council decided to cease work 2014
Whittlebury	October 2022

**Stage Reached - Plans where work is being/ has been progressed towards Regulation 14 stage**

Silverstone	Preparation is underway and consultants involved on a revised Reg 14 Plan s
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**Stage Reached - Plans that are at Regulation 14 stage**

Norton	Regulation 14 consultation closed May 2019. The Council understands that the group is taking stock before deciding what to do next.
<b>Great Oxendon</b>	<b>Regulation 16 consultation is about to commence.</b>
Semilong and Trinity	Regulation 14 consultation closed September 2023

**Stage Reached – Plans that are at Regulation 16 stage**

None	
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**Stage Reached - Plans that are at Examination Stage or proceeding to Referendum**

None	
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**2b Stage Reached – Plans that are being reviewed**

Barby and Onley	
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