



Shropshire Council Consultation Response to Planning Reform Working Paper – Planning Committees

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1. Synopsis

Government has published a Planning Reform Working Paper: Modernising Planning Committees as part of its reforms to the planning system and is seeking views on the proposals contained within it. Appendix 1 to this report sets out a cross-party member led response, for which this report seeks approval as the Council's formal submission.

2. Executive Summary

- 2.1. The Government is currently consulting on a range of proposed reforms to the planning system set out in its 'Planning Reform Working Paper: Modernising Planning Committees'. This report seeks consideration of and approval to submit the Council's proposed response to the consultation questions within the Working Paper.
- 2.2 This response seeks to ensure that proposed changes set out in the Working Paper align with, and support the achievement of, sustainable development in Shropshire and through this the Shropshire Plan.

- 2.2.1 Healthy People: Delivering the right number, type, size and tenure of housing to meet the housing needs of our communities in appropriate locations which benefit from appropriate access to services, facilities and infrastructure.
 - 2.2.2 Healthy Economy: Supporting the principle of economic growth but promoting the alignment of identified key growth sectors with both the national and local economy.
 - 2.2.3 Healthy Environment: Seeking to ensure that levels and location of growth give appropriate consideration to the achievement of high-quality design and impact on our built and natural environment.
 - 2.2.4 Healthy Organisation: Seeking to minimise the resource implications for the Shropshire Council Planning Services. Proposals, if implemented in their current form, would likely have a significant resource and cost implication for Shropshire Council's Planning Services.
- 2.3. In the King's Speech 2024 the Government announced its intention to bring forwards a Planning and Infrastructure Bill in the current Parliamentary session. In the accompanying background briefing note the Government indicated that the Bill will include measures to achieve its objective of "...improving local planning decision making by modernising planning committees."
- 2.4. On the 9 December 2024 the Government published a 'Planning Reform Working Paper: Modernising Planning Committees'. This contains its initial proposals for changing the ways in which local planning authority planning committees function, which it is seeking views on. This includes three options for a proposed national scheme of delegation; proposals to establish dedicated planning committees for strategic development; and proposals to introduce mandatory training for planning committee members.
- 2.5. Following initial discussion with the Leader and Portfolio Holder for Planning and Regulatory Services, officers have assisted with facilitating a cross-party, member led response to the consultation questions contained within the Working Paper.
- 2.6. Appendix 1 to this report sets out the collated answers that members have provided to these questions, which it is proposed will act as the Council's consultation response. This report seeks approval from Cabinet for this response to be submitted to the Ministry of Housing, Communities and Local Government (MHCLG) following this Cabinet meeting.

3. Recommendations

- 3.1. Cabinet consider and approve submission of the response to the Government's consultation on the proposals contained within the Planning Reform Working Paper: Modernising Planning Committees, as set out in Appendix 1 to this report.

- 3.2. That authority be given to the Assistant Director – Growth and Infrastructure, in consultation with the Portfolio Holder for Planning and Regulatory Services, to agree any additional changes to the Council's response to the consultation ahead of its submission to the Government.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. It is considered that the recommendations within this report do not pose a significant risk to the Council, as they relate to seeking approval to submit a response to the Government's consultation on its proposed reforms to the planning system contained within the Planning Reform Working Paper: Modernising Planning Committees. Rather, these recommendations provide an opportunity to contribute to positively shaping the proposed reforms contained within the Working Paper.
- 4.2. However, it is important to note that the proposed reforms contained within the Working Paper, and in particular the Government's proposals to introduce a national scheme of delegation for planning committees, will affect the way in which the democratic processes and Committee Services operate within Shropshire Council.
- 4.3. In this respect elected members do not support the proposed reforms and wish to express concern regarding the three options set out in the Working Paper for a national scheme of delegation for planning committees. In overall terms, they consider that the reforms will erode their ability to provide local democratic oversight and accountability of planning decisions.
- 4.4. Linked to this, they are concerned that the proposed national scheme of delegation may not allow for sufficient recognition of local variation and context, and provide little opportunity for local application of adopted Local Plans. This may mean that particular types of applications that deliver significant benefits to Shropshire residents are removed from committee oversight. They also consider that there is an attendant risk that local character and distinctiveness might also be eroded because committee members are unable to apply their local knowledge in the decision making process.
- 4.5. They also raise concerns that it will also diminish the role and influence of town and parish councils in the planning process.
- 4.6. Likewise, members do not support and wish to express concerns about the proposals to establish additional, specialist planning committees to consider strategic development proposals. Again, they consider that this would erode democratic oversight of planning decisions. Further, that there is a danger that the members of such committees may be seen as unrepresentative of the areas in which such development is proposed in large unitary authority areas such as Shropshire.

- 4.7. Members do, however, recognise that the proposals to introduce mandatory training for planning committee members provides opportunities for all members to gain a structured and consistent understanding of key planning principles. They therefore wish to advocate that any national training programmes should be open to all elected members and not just to planning committee members.

5. Financial Implications

- 5.1. Shropshire Council is currently managing an unprecedented financial position as budgeted for within the Medium Term Financial Strategy approved by Council on 29 February 2024 and detailed in our monitoring position presented to Cabinet on a monthly basis. This demonstrates that significant management action is required over the remainder of the financial year to ensure the Council's financial survival. While all Cabinet Reports provide the financial implications of decisions being taken, this may change as officers review the overall financial situation and make decisions aligned to financial survivability. Where non-essential spend is identified within the Council, this will be reduced. This may involve
- scaling down initiatives,
 - changing the scope,
 - delaying implementation, or
 - extending delivery timescales.
- 5.2. It is considered that the recommendations within this report do not have a significant financial implication for the Council, as they relate to seeking approval to submit a response to the Government's consultation on proposed reforms to the planning system contained within the Working Paper. Rather these recommendations provide an opportunity to contribute to positively shaping the proposed reform.
- 5.3. It is important to note, that part of the Government's stated reasoning for introducing the reforms contained within the Working Paper are to reduce the number of planning applications being referred to planning committees that are in accordance with the development plan. Likewise, they also wish to reduce the number of committee decisions that are made against officer advice that are overturned by the Planning Inspectorate with costs awarded against the local planning authority. This might result in some reduction in costs for the Council in operating its planning committee processes and in planning appeals.
- 5.4. Despite this, some of the proposed options for the national scheme of delegations could also result in an increase in the number of applications being referred to planning committee in large, unitary council areas such as Shropshire. There is therefore an attendant risk of cost increases for the Council if the proposed reforms do result in a significant increase in committee referrals.
- 5.5. Likewise, the Council would likely incur increased costs in operating an additional dedicated committee for strategic planning applications, on top of the two existing area-based planning committees.

6. Climate Change Appraisal

- 6.1. It is considered that the recommendations within this report will have no effect in relation to climate change, as they relate to seeking approval to submit a response to the Government's consultation on proposed reforms to the planning system contained within the Working Paper.
- 6.2. If the proposals contained within the Working Paper result in a reduction in the amount of applications being referred to planning committee it may produce a minor positive benefit for the Council's own carbon footprint, as a consequence of minor reduction in energy and fuel consumption linked to operating the committees. This would be the case, for instance, if there is a reduction in committee site visits.
- 6.3. Conversely, if the proposed national scheme of delegation results in an increase in the number of planning applications being referred to committee there could be a minor negative impact on the Council's carbon footprint.

7. Background

- 7.1. In the King's Speech 2024 the Government announced its intention to bring forwards a Planning and Infrastructure Bill in the current Parliamentary session. In the accompanying background briefing note the Government indicated that the Bill will include measures to achieve its objective of "...improving local planning decision making by modernising planning committees."
- 7.2. On the 9 December 2024 the Government published a 'Planning Reform Working Paper: Modernising Planning Committees'. This contains its initial proposals for changing the ways in which local planning authority planning committees function, which it is now seeking views on.
- 7.3. Clarification has been sought from the Ministry for Housing, Communities and Local Government (MHCLG) and this indicates there is no hard deadline for receipt of these responses, although they would like to receive them as soon as possible after the end of January.
- 7.4. The Working Paper makes it clear that all of the proposed reforms set out within it will require primary legislation through the forthcoming Planning and Infrastructure Bill, and that further consultation will be undertaken in association with this.
- 7.5. Within the Working Paper the Government states that it considers planning to be a principally local activity because decisions on the type and location of new development should be shaped by the views of local communities and residents. It further recognises that planning committees have an integral role in ensuring there is democratic oversight of planning decisions.
- 7.6. However, within the Working Paper the Government sets out five reasons why it considers that the ways in which planning committees operate need to be reformed. In summary, these include a lack of clarity in some local planning authority schemes of delegation about when planning applications will and will not be referred to committee, and delays caused by what the Government deems to be over-referral of applications that are in accordance with adopted

development plans. Likewise, the Government is also concerned about the consistency, soundness and transparency of some committee decisions that are subsequently overturned at appeal by the Planning Inspectorate, with costs awarded against local planning authorities.

- 7.7. The Government states that its overall objectives in bringing forwards the reforms set out in the Working Paper is to "...encourage better quality development that is aligned with local development plans, facilitates the speedy delivery of the quality homes and places that our communities need, and gives applicants the reassurance that in more instances their application will be considered by professional officers and determined in a timely manner."
- 7.8. In turn, the Government considers that this will also enable planning committees to be focused on the most contentious development that is not in conformity with development plans, and where local democratic oversight is required. Linked to this, the Government also wants to ensure that planning committee members receive appropriate training and support, and that planning officers are empowered to make sound decisions on applications that are in accordance with the development plan.
- 7.9. To achieve these objectives the Government sets out three broad areas of reform to the way in which planning committees operate within the Working Paper:

National Scheme Delegation for Planning Committees

7.10. The Government considers that establishing a national scheme of delegation for planning committees will provide a standardised and consistent approach to delegation for all local planning authorities, and also recognise that allocated development sites have already achieved democratic approval through the plan making process. The Working Paper therefore sets out three initial options for early consideration, with a further option for a hybrid approach.

7.10.1 **Option 1 – Delegation where an application complies with the development plan** – under this proposal all decisions on planning applications that are in accordance with the development plan would be delegated to officers, with those that do not comply determined in accordance with the local planning authorities own scheme of delegation (i.e. planning committees would not need to consider all applications that do not comply, as the local planning authority would retain discretion to determine what is appropriate for their area). This would also apply to other categories of application, such as for reserved matters, discharge of conditions or other special consents.

7.10.2 **Option 2 – Delegation as default with exceptions for departures from the development plan** – in this option the determination of all planning applications would be delegated to officers unless specific circumstances apply (such as, for example, those which do not comply with the development plan but where officers recommend approval; and for the authority's own applications and those of its members and officers).

7.10.3 **Option 3 – Delegation as default with a prescriptive list of exceptions** – with this option the determination of all planning applications would be delegated to officers unless it falls under a proscriptive list of exceptions for referral to the planning committee. This moves the focus away judging whether an application complies with/ departs from, the development plan, and to what degree, towards a prescribed set of triggers linked to common tests contained national planning policy and development plans (e.g. an application for major residential or commercial development not on an allocated site; an allocated site where the proposals depart from the policy in the local or neighbourhood plan for that site etc.)

7.10.4 **Hybrid option** – The working paper indicates that these options are not mutually exclusive and that a hybrid approach could be adopted that combined elements from two or all of them.

Dedicated committees for strategic development

7.11. The Working Paper acknowledges that many areas of England contain strategic development opportunities, often identified within Local Plans, and usually for larger scale schemes that bring longer term change and involve multiple planning applications over an extended period of time. The Government is therefore seeking views on establishing smaller, dedicated planning committees for strategic level development, focused on this level of development where it is being planned and which would be in addition to the main planning committees. The Government considers that this would provide the benefit of allowing these committees and their members to take ownership of strategic development decisions, develop an in-depth expertise based on their local knowledge, and provide longer term continuity and consistency.

Mandatory training for planning committee members

7.12. Given the complexity of the planning process, which draws on regulations, caselaw and policy requirements, the Working Paper acknowledges the need for planning committee members to receive an adequate level of training to enable them to effectively discharge their responsibilities and make sound decisions. It also recognises that there is variation and inconsistency between the approaches different local planning authorities take to providing this training to committee members.

7.13. In response to this the Government is considering introducing mandatory training for planning committee members, which they would be required to undertake before they could sit on planning committee. This would provide members with a structured understanding of key planning principles, propriety, and new planning issues to enable them to make fully informed and robust decisions. To achieve this it is envisaged that the training would cover the "...key principles of planning including, but not limited to, planning legislation, the role of the development plan and national planning policy, the planning application process, enforcement, and the code of conduct for planning committees.". The Working Paper also indicates that the training, and associated certification would likely be delivered on-line and the Government would procure a provider to produce the training programme.

- 7.14. The proposals contained within the Working Paper will comprise changes to the way in which democratic processes work within local planning authorities. As a result, and following initial discussion with the Leader and Portfolio Holder for Planning and Regulatory Services, officers have assisted with facilitating a cross-party, member led response to the consultation questions contained within the Working Paper. This has comprised assisting the cross-party Local Plan Member Group to prepare a recommended response to the consultation questions set out in the Working Paper. The Groups recommendations then formed the basis of a briefing to all members, with all information then provided to a meeting of the Group Leaders.
- 7.15. Appendix 1 to this report represents the culmination of this cross-party, member led process, which it is proposed will act as the Council's consultation response. This report seeks approval from Cabinet for this response to be submitted to the Ministry of Housing, Communities and Local Government (MHCLG) following this Cabinet meeting.

8. Additional Information

- 8.1. Further information on the Government's 'Planning Reform Working Paper: Modernising Planning Committees' is available via:
<https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees>

9. Conclusions

- 9.1. The Government is currently consulting on proposed reforms to the planning system contained within the 'Planning Reform Working Paper: Modernising Planning Committees'. This report seeks consideration of and approval to submit the Council's proposed response to this consultation.
- 9.2. Responding to this consultation is considered important as it provides the earliest opportunity to seek to positively influence the proposed changes in order to safeguard the democratic interests of Shropshire's residents and communities.
- 9.3. Whilst providing positive feedback on some of the Government's proposals, the Council are proposing to raise some very significant concerns on several key areas. In particular, it is considered that all of the proposed options for a national scheme of delegation and strategic planning committees will reduce local democratic involvement in, and oversight of, planning decisions.
- 9.4. Appendix 1 to this report sets out the Council's proposed response to the consultation questions contained within the Working Paper. This officer report seeks approval for this response to be submitted to the Ministry of Housing, Communities and Local Government (MHCLG) following this Cabinet meeting.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: All

Appendices [Please list the titles of Appendices]

Appendix 1: Shropshire Council's Proposed Response to the Government's Consultation on the Planning Reform Working Paper: Modernising Planning Committees