

Cambridge Centre
for Housing &
Planning Research

The nature of planning constraints

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Committee

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Research on the nature of planning constraints

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1) Introduction

The focus of this research is the analysis of the impact of planning constraints on the provision of housing. There remains a perception that planning is a major constraint on development and on the confidence to put in applications that will both meet a local authority's planning requirements and achieve a speedy outcome. There is also concern that there is evidence that the effectiveness of the planning system varies significantly between apparently similar authorities. Local planning authorities (LPAs) that appear similar, for example, in terms of size, region, likely housing demand, house prices etc. have very different outcomes, for example, in terms of whether they meet the government's targets for speed of planning decision or proportion of applications accepted, or numbers of new homes delivered.

The aim of this research is to explore through primary research the extent to which these different outcomes are a result of issues within the local planning system.

The research aims to identify pinch points in the planning process through undertaking case study research across comparable local authorities, tracing the processes from the developer's decision to put forward an application through to the start of construction using actual examples.

2) Methodology

Literature review

Existing research on the planning system and the delivery of housing was analysed to examine previous studies which have identified constraints within the planning system.

Analysis of secondary data

An analysis of secondary data was undertaken to identify similarities between LPAs and to analyse outcomes.

The analysis showed, for example, how planning permissions and outcomes vary across authorities, using sources such as the DCLG live tables on planning application statistics and house building. The data analysed included:

- Applications received
- Applications granted
- Speed of decision
- Types of development
- Starts
- Completions
- Appeals

Relevant data on local authority characteristics were also examined to inform the identification of authorities for the research. This included data on:

- House prices
- Demographics
- Size of authority
- Type of authority (e.g. urban/rural)
- Region

Interviews with developers

There were six preliminary in depth interviews with major housebuilders. These enabled us to understand some of the concerns developers have raised about issues in different local planning systems, such as how processes differ.

Identify pairs of authorities and developers

The analysis of the secondary data and the developer interviews informed identification of three pairs of authorities where conditions are similar but processes and outcomes are different.

LPA case studies - interviews and analysis of applications

The next stage was to contact the chosen LPAs to secure their participation in the research. It was important to be sensitive and careful not to appear to be looking to identify what could be construed as 'poor practice'. We explained that we want to understand different LPAs planning policies, processes and development outcomes in what appear to be similar LPAs. All LPAs were anonymised in reporting. During the project two additional LPAs were

included in the research as there was initial concern that the interviews for the original two chosen would not be completed in time.

Interviews were arranged with relevant LPA planning officers. The interview discussed local planning policy and procedures. In the discussion with the LPA four development schemes were selected (small, medium, large and mixed applications) for detailed examination, preferably schemes where construction had started or was complete. The interviews also explored any changes arising from the introduction of the National Planning Policy Framework and the Community Infrastructure Levy. For the interview schedule see Appendix C. For the four applications in each LPA case study, copies of relevant documentation were collected, such as officer reports to the planning committee.

The developers for each scheme were contacted for telephone interview to gain their perspective on their experience of the process from the developer's decision to put forward an application through to the start of construction. These interviews also enabled us to clarify the extent to which the planning process at the local level impacted on the nature and timescale of these decisions.

Analysis

The interview data were analysed to identify planning policies, procedures/processes and outcomes across the pairs of LPAs. The data from the 24 applications were analysed to assess the process and outcomes.

Limitations of the research

The limitations and timescale of the research must be noted. This was a short intensive piece of research following a tightly specified research brief that was completed within three months.

3) Literature review

The literature review can be found in Appendix A.

It shows that delivering new homes is a complex process shaped by numerous factors. Constraints on housebuilding are not solely related to the planning system, but relate to issues of land supply, availability of finance, housebuilder business models and the availability of labour and materials. There is a large body of evidence about the nature and impact of different planning constraints. These include:

- Insufficient land made available through the planning system.
- Lack of or out of date Local Plans.
- Poorly specified LPA policies which are unclear to prospective developers.
- Complexity and bureaucracy.
- Different LPAs charge different fees, fee structures are vague and hard to understand.
- Nature of pre application discussions including the length of time taken and the amount of information required for outline planning permission.
- Policy and practice relating to planning obligations.
- Time taken in S106 negotiations.
- Time taken to determine CIL rates.
- Slow decision making in LPAs on planning applications.
- High refusal rates.
- Lack of consistency in decisions.
- A 'silo' mentality within LPAs so that planning and housing do not talk to each other (or to other relevant departments).
- Inadequate LPA resources, especially skilled and experienced staffing.
- The extent of monitoring by LPAs.
- Relationships with elected members.

A number of new measures have been introduced to try and deal with some of these issues and they will take time to filter through and have an impact on the planning system.

4) Data analysis summary

There are inherent difficulties in capturing all the local variations in just six case studies, three of which are 'similar' to one of the other three. Therefore we were concerned to reflect some of the extremes as such a small sample cannot capture the overall picture.

The literature review shows that planning delay has consistently been identified as a constraint on new housebuilding. The speed of decision making and the refusal rate of applications are two indicators of how processes and outcomes differ between authorities. This is reflective of the Government's approach taken in monitoring planning performance in the planning guarantee, which monitors the speed of decision of all major applications, not separated by development type. Here we have focused on residential applications only.

The first approach taken in analysing the data was to compare authorities and to consider the authorities with the most 'positive' processes and outcomes as those which:

- Make the highest percentage of major residential decisions within the statutory 13 weeks.
- Make the highest percentage of minor residential decisions within the statutory 8 weeks.
- Grant the highest proportion of major residential decisions.
- Grant the highest proportion of minor residential decisions.

Conversely the authorities considered to have the 'weakest' processes and outcomes are those which:

- Make the lowest percentage of major residential decisions within the statutory 13 weeks.
- Make the lowest percentage of minor residential decisions within the statutory 8 weeks.
- Grant the lowest proportion of major residential decisions.
- Grant the lowest proportion of minor residential decisions.

There is only one year of residential planning decision data available on the DCLG website. The data used is:

Table P136: District planning authorities - Planning decisions on Major and Minor residential development by authority
Year ending September 2013

The LPAs which appear in the top 20 and the bottom 20 on each of these indicators are shown in Appendix D, alongside LPA characteristics.

Based on this analysis a shortlist of LPAs was produced using the planning indicators of speed of decision and approval rate.

The LPA characteristics were then examined to assess similarities between LPAs, for example, in terms of population, house prices, market areas, LPA type and housing starts and completions. One criteria for selecting the case study LPAs was that there should be at least a minimum number of applications of the national average of 19 major residential applications. We also included the status of the Local Plan as we know from earlier research that the very existence of an adopted plan (and the extent of its being up to date) shapes housebuilder site search and selection.

To explore a range of issues around processes and outcomes we matched three of the LPAs that have both a very high approval rate of major applications and a very high rate of approving applications (fast turnaround) within the statutory period with other LPAs that have a high approval rate but a very low proportion approved within the statutory period, or have a very low approval rate and a very low proportion approved within the statutory period (slow turnaround).

The LPAs were matched as follows:

- 1a (Fast turnaround/high approval rate)
- 1b (Slow turnaround/high approval rate)

- 2a (Fast turnaround/high approval rate)
- 2b (Slow turnaround/low approval rate)

- 3a (Fast turnaround/high approval rate)
- 3b (Slow turnaround/high approval rate)
- 3c (Slow turnaround/high approval rate)
- 3d (Slow turnaround/high approval rate)

The initial research proposal included only six LPAs but two were added during the project, as mentioned above.

The matched LPAs are in the same region, have similar average house prices, populations and are similar LPA types. But they have very different planning approval rates, speeds of decision making and housebuilding outcomes.

None of the LPAs which have a high proportion of decisions within the statutory period but have low approval rates were included as they are all very similar LPAs with particular issues. For example, three of the five LPAs border the Peak District National Park, there is enormous pressure on the Peak and its bordering LPAs but little chance of consent in the Peak.

There are limitations to the data as discussed in the literature review. These have been highlighted in previous studies e.g. by the National Audit Office. The DCLG statistics are not all in the public domain e.g. historical data by district on speed of decision and approval rate. The speed of decision making within the statutory period will not give any indication of how long has been spent on pre application discussion. Many LPAs only register applications quite late in the process long after pre application discussions have started. Discussion with housebuilders suggests that the length of the pre applications is critical, plus the time taken

to deal with detailed matters after outline consent is granted, but these issues are not reflected in the data. We also cannot identify re applications within the data i.e. sites that already have consent but where the housebuilder is coming back for permission on a changed scheme. However, the approach taken in our methodology follows that of the planning performance guarantee and is one way of identifying LPAs that appear to have very different processes and outcomes.

Nevertheless, existing evidence and findings from the interviews with major housebuilders suggest that the data can mask other issues relating to process and outcomes. For example, LPA 2a makes decisions within the statutory period and has a 100% approval rate for major applications, but has a much lower rate of starts and completions than 2b, which refuses 50% of the major applications and is below average in achieving approvals within the statutory period. 3b has a very low proportion of approvals within the statutory period, and was one of the LPAs threatened with 'special measures' under the new planning performance monitoring, yet has a 100% approval rate on major residential applications.

Preliminary discussions with housebuilders suggested that the data masks other issues that cannot be identified in this way. The differences between what housebuilders are reporting and what the data show is very interesting. For example, a major housebuilder identified two very similar neighbouring LPAs in the north east that have almost identical and well above the national average rates of decision making and planning approvals, and have very similar start and completion rates. Yet the major housebuilder reported that one LPA has a very difficult process and is much more challenging to work with than the other. Another LPA was identified by housebuilders as "exemplary" to work with and yet has a considerably below average speed of decision making and approval rate. It is interesting that despite criticism by both the Killian Pretty Review and the National Audit Office which found that targets produce perverse incentives and tell us little about actual planning processes, the government is proposing tighter targets. Apart from this, the government is already implementing or proposing to implement most of the Killian Pretty recommendations for a speedier planning process.

5) Interviews with major national housebuilders summary

The full analysis of the interviews with major national housebuilders is in Appendix B. Our sample of six covered a range of regional and of national volume housebuilders with annual sales ranging from circa 500-1,000 within one region to over 10,000 across all the UK regions, but did not include any SME housebuilders (i.e. small local builders, with annual sales of 20 to 100 and working on small sites). Those interviewed were the most senior land and planning staff of the companies, several sitting on the main board. They had a very great deal of experience in leading the task of acquiring land and negotiating planning consents.

The interviews with the major national housebuilders confirm previous research findings (Calcutt, 2007) that they have different land strategies and planning insights. Some act as land traders, buying strategic land with the aim of selling it on to housebuilders who will actually build the site out. Others purchase mainly serviced 'oven ready' land that already has infrastructure in place and where building can begin relatively quickly, although they usually submit a new planning application on the site to alter the scheme to fit their preferred mix, design etc. Some housebuilders have a mix of both these longer and shorter term sites in their portfolio.

One issue that was raised is the costs and time taken by pre application and post determination processes in some local authorities. There are big differences in the time taken between authorities, but these may not be reflected in the DCLG planning statistics as the variance in length of time occurs during pre application negotiations and post determination discussions. The interviewees said that LPAs only register applications when they think they can achieve the key performance indicators on determining applications so as to be sure to achieve them. Re applications for permission on the same site are also not reflected in the statistics. These will occur when developers acting as land traders sell land with outline planning permission to housebuilders who re-apply to change the scheme and on different phases of large phased sites.

Almost all our sample experience long delays in achieving consents and all illustrated how the whole process had become substantially elongated over the last two decades. This did not matter as much to those who were using consent to establish valuations (often private owners, utilities and indeed public landowners) but it was for those who wanted to get on and build. Partly these delays are the product of more information requirements and partly it is a process problem compounded by staff reductions (e.g. meetings cancelled, phone calls not returned etc).

Across the sample of housebuilders, getting from initial identification to opening a show house on strategic land can now take 10 to 20 years and up to five years or more depending on infrastructure requirements and the size and make up of sites on allocated and consented land. Delays occur in pre application discussions, from registration to determination (though several pointed out that the 13 week rule had had an impact), and after determination, during discussions on S106 matters (which can take 9 months) and pre commencement conditions, including design and materials matters. The time taken up in pre application and post

consent discussions far outweighs the time taken up from the formal registration of an application and its determination.

Housebuilders' frustration with these delays is substantial and they pointed to what they saw as excessive requirements for documentation during pre application and post determination and the large numbers of occasions when elected members turned down officer recommendations at determination stage.

The major housebuilders reflected on the loss of small and medium builders. They felt this was partly caused by LPA insistence of allocating large sites as well financial constraints on small housebuilders in buying land and funding development. They also raised the problem of the cost of appeals which can be considerable and cannot generally be afforded by small builders.

Our sample gave us examples of planning authorities that performed much better than the average and those that performed worse but if there were market opportunities in poorly performing authorities they would, nonetheless, seek to acquire land and consents. The challenge all faced was how to deal with the particularities of each planning authority. Good planning authorities can shave 18 months off the process from starting pre application discussions to opening the first show house.

They generally thought the NPPF had been a positive change (and one referred to the positive nature of the London Plan as well) and most urged that the government should not bring in further change. Changes that would be welcomed include: lessening the detail needed at pre application and determination (de-burden and de-risk the early stages which cost developers hugely), introduce customer relationship management processes and have performance targets for big applications, reducing non statutory consultations (and meeting members early in the process i.e. before determination), making it a legal requirement to have and keep an up to date a local plan, more training for elected members, and removing obligations to produce zero carbon homes. But several pointed out that if there was no local plan nor a five years supply they were likely to get permission under the NPPF approach.

6) Local planning authority case studies summary

The key attributes of the process in each of the LPA case studies are outlined below.

1a (Fast turnaround/high approval rate)

- Open for business, want development
- Leadership from the top
- Encourage pre application discussions
- Do not charge for pre application discussions
- S106 in place before application, S106 has to be in place to get permission
- Details agreed before application
- Recently analysed and changed its systems – had a cultural change
- Focus on customer service
- Focus on meeting targets, all details in place before application or suggest withdrawal to developer
- Proud of performance
- Have dedicated team for major flagship developments
- Discharging conditions can be an afterthought
- Members can lack technical knowledge but do recognise that development is needed

1b (Slow turnaround/high approval rate)

- Open for business, want development
- Leadership from the top
- Encourage pre application discussions
- Do not charge for pre application discussions
- S106 in place before application
- Recently analysed and changed its systems
- Removed focus on meeting targets – focus on customer service and getting details sorted to ensure good development
- Avoid use of conditions even if it means going over the target period - prefer to get a clean decision (i.e. no pre-start conditions) so developers can start building without having to make another application to discharge the conditions

2a (Fast turnaround/high approval rate)

- Analysed and changed systems – identified waste in the system
- Strong focus on pre application discussions
- Do not charge for pre application discussions
- Focus on customer service and good working partnerships
- S106 has to be in place to get permission
- Time is spent to ensure applications are policy compliant but this is within the pre application period
- Problems with ecological issues - Special Protection Areas, lack of land to use as Suitable Alternative Natural Green Space (SANG) land for mitigation purposes

- Puts pressure on land if developers do not implement schemes, LPA is considering shortening the permission to a one year build out to free up mitigation sites
- Problems with objections from stakeholders such as Natural England and RSPB
- Major urban extension – process can take years, public sector land owner took years to decide whether to bring the site forward

2b (Slow turnaround/low approval rate)

- No approved plan
- Local opposition to increased housebuilding and lack of recognition of housing need
- Local political issues and problems with members – members refuse applications officers have recommended and prefer to let the planning inspector decide
- Both developers and planners expect developers will have to appeal to get consent – both slow and costly
- Will refuse applications to meet targets, reapplications are not picked up in the statistics
- Slow response from stakeholders such as the county council can cause delays
- Resource constraints limit monitoring of conditions etc. post consent

3a (Fast turnaround/high approval rate)

- Open for business, want development
- Encourage pre application discussions
- Supportive members
- Have strong monitoring process post determination
- Focus on partnership working and talking to developers
- Post determination delays around S106 identified as area to improve

3b (Fast turnaround/high approval rate)

- Open for business, want development
- Encourage pre application discussions
- Have dedicated team for major applications
- Will not validate an application without an agreed S106
- S106 can be source of delay with inexperienced solicitors or banks
- No problems with elected members – run training sessions and site visits before committee meetings
- Monitor sites post consent and chase on stalled sites

3c (Slow turnaround/high approval rate)

- No formal pre application process
- Will not refuse applications just because they will not be completed within the target period
- Few appeals

- High levels of site contamination
- Delays in signing S106 agreements
- Submission of applications for outline consents with few details causes delays
- Issues with members taking non-technical decisions influenced by local anti-development views
- Resource constraints limit monitoring of conditions etc. post consent
- Recognition of need for systems change to increase the number of applications meeting the target date, including introducing a formal pre application process

3d (Slow turnaround/high approval rate)

- No five year land supply or approved plan
- High rate of appeals
- Problems with member objection, development locally is very politicised, puts considerable pressure on planners
- Pre application officer is too stretched so revisiting approach to pre application process
- Will refuse applications to meet targets
- Post determination delays mainly on signing S106 agreements
- Most conditions and contributions are discharged beforehand
- Looking at changing systems to speed process up – focus on empowering officers, looking to streamline the pre application process, getting firmer about S106 agreements, seeing what agents and developers want

Summary

The LPAs with above average processing of applications within the statutory period and high approval rates have a strong emphasis on pre application discussions and most aspects of the application, including the S106 agreement, are put in place before the application is formally submitted. They have clear leadership from the top and supportive elected members. They have undergone an internal review of their planning processes and have made changes in their approach and overall culture. There has been a focus on improving customer service, reducing waste in systems and fostering a culture of trust and openness with applicants. In most cases the changes followed from consultation with housebuilders about what would improve the application process.

The case study LPAs which appeared to have slow decision making processes, reflected in being below average on meeting their planning performance targets, had clear reasons as to why this was the case. One LPA which has a very high approval rate of applications had reviewed its systems and approach and had decided to focus on customer service and on getting applications for good development through the planning application process in partnership with developers, but without a strong focus on meeting the statutory targets. One LPA does not have a formal pre application process so all discussions with the developers, all amendments and putting in place of necessary arrangements such as negotiating S106 agreements, is taking place within the statutory period, meaning that the targets are not met, but approval rates are high. Two LPAs that have slow decision making statistics do not have a five year land supply or adopted plan, both have high appeal rates and both have elected

members who frequently do not support officer recommendations to approve development and have strong local opposition to new housebuilding.

7) Findings from local planning authority and site specific developer interviews

The interviews with LPAs and housebuilders have highlighted issues of both good and poor practice which affect the speed of decision making and outputs. Although each specific site was discussed with the housebuilders (summary site details can be found in Appendix D), most reflected more broadly on the nature of planning constraints on housebuilding.

Review of systems and changes in culture

Three of the LPAs interviewed had in the past few years reviewed their systems and processes and made changes with the aim of focusing on the customer and providing good customer service:

“We had a cultural change. We took the decision to have a clear out. It is demoralising for officers to have piles of files around going nowhere. From a case load of 50 there might have been 30 going nowhere. We shifted to start afresh. We have had a positive customer response and it is positive for officers. They know the focus and that they have to get it done well in time. Nothing goes out of time. We have a great team.....We looked at our own processes and sat down with officers, administration and management. We looked at how we get from A to B and asked ‘why do we do that?’, and the answer was always ‘because that is how we have always done it’. There was no logic to it. So we cut out the crap in the management process. Now the customer gets the right result. It has made the job easier. There is less confusion. People are proud of our performance and want to hang on to it”. (LPA 1a)

“Generally there has been a lot of change. [LPA 1b] used to be very similar to the other authorities, it is only in the last few years or so that there has been a change of attitude – it is internal”. (Housebuilder 1b Medium Site)

Some LPAs have engaged with developers to find out what would help to improve their systems and provide better customer service:

“In many LPAs the guys at the top will talk the talk and know what they want, but the officers don’t know how to be pro-active and commercial or think outside the box. [LPA 1b] has ensured that in every layer of the organisation it is understood. The head of planning has a particular practice about the customer – it is all about customer service. He uses his own key performance indicators that others don’t even think about..... It all started off by going to see the Chief Exec. They wanted to make this shift in perception and they asked us to be guinea pigs for the first one. So we went to meet the head of planning and agreed to do a stress test of their new process..... But the single most important thing was that we did a workshop with their Major Developments team and our Planning Development team. We said – what do you want to achieve? Here’s what we want to achieve – using a couple of case studies. We talked about development without a scheme on the table in order to establish the rules of engagement. It was not coercive or unprofessional, but this is what frustration we have elsewhere and how can we avoid it here in the future. This

was the most significant thing we did – with no actual scheme in mind”.
(Housebuilder 1b Large and Mixed Site)

Other LPAs had identified the need for change and were planning to review processes and make changes:

“The council is seeking to increase the number of applications meeting the target date through a number of measures including performance management, extension to time agreement for determination and a formal pre application process including the use of planning performance agreements”. (LPA 3c)

“It is really changing now, empowering officers, looking to streamline the pre app process, getting firmer about S106 agreements, seeing what agents etc. want”. (LPA 3d)

Housebuilders were very critical of the culture and systems in a minority of local authorities:

“[LPA 3c] can be summed up in one word – nightmare....They have no redeeming features.... They are just difficult at every stage.....They just blame the applicants. But I don't have this with any of the other 39 out of 40 local authorities I deal with in the north west....You should talk to [developer], they hate them too”. (Housebuilder 3c Large and Mixed Sites)

Planning performance targets

The approach of the case study LPAs to the planning performance targets varied. Four were focused on meeting the targets and their approach reflected this:

“It is a high priority to meet targets – it is part of being a successful local authority.”
(LPA 3b)

“Our ethos is to get 100% through in the statutory period.....they [housebuilders] moan occasionally if there is a problem with the application and we need them to amend it or we will refuse it. They want more time. But we think 13 weeks is long enough and they should pull their finger out and not drag it out.” (LPA Case Study 1a)

But one LPA had made the decision that they would focus more on customer service than meeting targets:

“How did we make our processes three times faster (even though we were all ready “top quartile”)? We stopped using the one size fits all arbitrary 8 and 13 week targets as a performance tool. These wrong measures were driving the wrong behaviours and having unintended consequences. Instead our planners put the customers first and work to our purpose of enabling good development in the public interest”. (LPA 1b)

The housebuilders reflected on how the desire to meet the planning performance targets can lead to poor practice. One LPA that meets its targets was described by a housebuilder as being “horrendous”:

“But [non case study LPA’s] objections are horrendous. I don’t know why they are like this. One theory is that officers are creating jobs for themselves. Keeping busy so they look indispensable. A 15 unit scheme can take three years by the time you have made two pre applications, had two appeals, and made three applications”.
(Housebuilder 2a Large Site)

The case study LPAs, even those exceeding their targets, also suggested that the planning performance indicators do not necessarily reflect good practice:

“If they were not there at all then some local authorities would be like ones I have known where they have current applications that are two years old. It is a back stop. But as an indicator of local authority performance it is highly suspect. Some will refuse all applications in week seven. They look like they meet their target. But it creates waste and more work as they just reapply, but the authority met its targets. Our customer satisfaction is high, agents and developers tell us they like us because we tell the truth and do what we say”. (LPA 1a)

“It can lead to quicker decisions, but not necessarily better decisions. If there was more time, we could have got an application accepted when it was refused, or if we accepted too quickly, we could have taken time to get a better scheme”. (LPA 3a)

One LPA (which rarely met its targets) was clear that the targets can lead to poor practice as LPAs will sometimes refuse an application because the details cannot be resolved in time and accept a reapplication for the same scheme in order to meet targets:

“Hitting numerical targets does not necessarily produce the best result. For example, if major amendments are required to an application then this will tend to end up as a refusal and a reapplication (for which no fee is payable) and this simply restarts the 13 week process. Therefore if extensions of time were accepted for all applications, and not just large ones, then this would avoid refusals simply in order to meet targets”. (LPA 2b)

Another LPA which rarely meets the targets also felt that they are not helpful and can lead to poor decisions:

“They are totally unrealistic. They are not helpful, they put too much pressure on both developers and planners. There is a danger of poor decisions and an incentive to find something invalid but not tell the developer until late in the day and refuse it. Because of the targets, you get quick poor refusals, which come back to bite you when the Inspector says you should have done this or that. They also result in overloading the Planning Inspectorate”. (LPA 3d)

If an application is not going to be finalised within the statutory period, some LPAs will require the developer to withdraw the application and reapply in order to meet the targets:

“We very often get reapplications for the same site - mainly because of refusals or withdrawals as a consequence of the targets”. (LPA 2b)

“Applications get withdrawn if they think they are going to miss out on their targets. They’d never admit it though. Especially if it is because of something they should have dealt with but didn’t do in time and then they get you to withdraw it. They tell you to reapply and you lose your free go but if you reapply they will get it through next time. On some cases they forgot to consult someone so it is their fault but they don’t want to miss their statistics. But you need their good will. You don’t want to lose friends in the planning office. If you spoke out you would be shot down..... Planners do not move fast enough. Half the time they don’t listen. They do it at their own pace. Then they hide behind the government stats. And they know we can’t do anything about it”. (Housebuilder 1a Small Site)

Another LPA that rarely meets its targets and does not have a formal pre application process said that they worked with developers closely to ensure that applications were policy compliant and approved almost 100% of applications, but rarely within the statutory period. But the officer felt that this was better than refusing applications simply to meet targets:

“I believe that planning authorities should deliver a timely decision. However, this should take into account addressing the issues and not refusing applications because issues have not been resolved by the target date. The council has previously been identified as a “poor performing authority” against these targets. This was partly due to resources and the issues facing the borough (i.e. high levels of contamination). It should however, be noted that the council does have an approval rate of over 98%”. (LPA 3c)

LPAs and housebuilders said that in order to meet the targets, some LPAs over used conditions in order to get decisions through in time, lengthening post determination processes:

“As long as the customer wants them to take. For example, we don’t use conditions unless the applicant wants a quick decision. We will work with the applicant to get a clean decision (i.e. no pre-start conditions) if that is what they want so they can start building without having to make another application to discharge the conditions. The 8 and 13 week applications make LPAs put on lots of pre-start conditions. We don’t because we don’t use these targets”. (LPA 1b)

“Other developer gripes might possibly be that there are too many conditions. I have seen other authorities where there are so many conditions the detail for the planning permission must have just been one page. We have not taken that tack. To get a decision in time we might put a few conditions. Some developers say some conditions are a pain and they would rather have had longer than the 13 weeks to sort it out as the conditions can slow them down when they come to build”. (LPA 1a)

The culture and level of service varies between LPAs:

In [non case study LPA] a pre app for 250 units cost £9500 and the service is sub standard. But [LPA 2a] don't charge and their service is tip top. And for sites up north where the CIL rate is nil they are saying please come and develop in [non case study LPA]. But down south they load it on and charge for everything. [LPA 2a] don't charge for pre apps, they say no, this is what we do and they like to make change happen. This culture comes down from the top. (Housebuilder 2a Mixed Large Site)

Housebuilders were very critical of some LPAs:

“One thing that slows it down is pre apps. All go to pre app. [Non case study LPA] won't even talk to you, they say no you have to make a pre app. And you have to pay a minimum of £1000. Then the timescale they say they will meet within 30 days and then will take another 20-30 days to give a response to the pre app. That is 60 working days just for a response to a pre app. Then they just say no, we don't like it, do it again. (Housebuilder 2a Large Site)

One housebuilder said that after making a pre application to the LPA there would be no response from the LPA until the last day of the application period, when the LPA would call to say the application would be refused for workload reasons as they needed to meet their target, but that the LPA would tell the housebuilder to resubmit the same application the next day:

“It has become a tick box exercise. This has created a tick box mentality at the authority. You have to submit a pre app like a proper application. Then they sit on it for weeks. Like [non case study LPA], where we have paid good money for the pre app then get a phone call on the 30th day saying they need to extend to another 30 days because of workloads. But the point of paying for pre apps is to increase capacity. Charging for pre apps has not increased capacity, and planning fees have gone up, but it has just gone into the council's general fund and not increased the number of planning officers”. (Housebuilder 2a Mixed Large Site)

One LPA did not use pre application discussions and instead all the discussions took place after the application was made, meaning that the LPA rarely met its planning performance targets. The discussions were of the same nature as in the other LPAs and the actual length of the process from a developer approaching the LPA and being granted consent was not actually longer, but in the other LPAs it took place largely within the pre application phase and so the time was not reflected in the planning statistics. In explaining the time taken from application to consent:

“Major schemes will generally take around three to four months. This is influenced by the need to consult with the County and a range of other bodies; it then takes a month to draft the report (including the requirement to send out the report ten days before the Committee meeting). The time is well spent in determining the details of schemes before the application is decided”. (LPA 2b)

Open for business and leadership from the top

The housebuilders were positive about specific LPAs, describing fast responses from planning officers, engaged Chief Executives and a culture of trust and openness:

“At [LPA 2a] we are lucky as they have the best people. The leader of the council is Mr Positive. And the chief executive. They are different. I used to get weekly calls from the chief exec checking everything was going ok and there were no obstacles and asking if there was anyone’s desk he needed to go sit on.....But in [non case study LPA] we have just had 2500 homes consented but in the five years I have been working there I have never seen the chief executive. For such a large scheme bringing so much investment into the area it is very surprising.” (Housebuilder 2a Mixed Large Site)

“It is the simple things – one officer who is empowered to make decisions, extremely proactive with the basics – acknowledging letters, ringing you back, organising holiday cover. [LPA 1b] saw this as a competitive opportunity – they wanted us to spend our money in their area not elsewhere.....It comes from the top – the commercial message of good quality development as a way to get out of the recession is led from the top but everyone is empowered at officer level. There is a lot of trust and mutual appreciation”. (Housebuilder 1b Large and Mixed Site)

Some developers were very satisfied with their experience of taking a scheme through planning. In some cases LPAs are pro active and work with housebuilders to develop a scheme and secure planning consent rapidly.

Site example

“We bid for the land, we are on the HCA’s developer partner panel and the LPA invited those on the panel to bid and we were the preferred partner. We began working up the scheme in consultation with the LPA and the formal applications went in four weeks later. This was the first development the LPA had done like this in 30 years so it was a test case really. It was a brilliant experience. There were a few pre-commencement planning conditions but they were not a problem. The only hiccup was we were looking to start work on the day we got consent but [we needed grant for the affordable units] it took a further two weeks to release the grant.

But this site could not get more complex in terms of constraints. It has been blighted for 30 years. It used to be mining, so there are mine shafts everywhere, massive remediation. There is a protective barrier. There were also a couple of hotspots of asbestos and hydrocarbons which have now been removed. Then there will be a drilling exercise to check. That’s why a two week delay was a bit of a problem, we need to get the building the houses, so far it has all been remediation and aligning the roads etc. But planning wise it has been a brilliant experience”. (Housebuilder)

The planning process took eight weeks including the pre application discussions. (LPA 1b Medium Site)

Four LPAs reported a positive view of new development in their LPA from the Chief Executive downwards and described themselves as 'open for business':

"As a local authority, we are 'open for business': it is an embracing kind of council..... In discussions with developers we are happy 'to get the tracing paper out' as part of the open for business approach". (LPA 3b)

"[LPA 2a] don't charge, they answer you straight away, they meet you the next week and you can trust them, they tell you what you need to do. [Non case study LPA] are proactive. They have a chief exec who will ring up and say 'what can we do to make this scheme happen'? (Housebuilder 2a Large Site)

Housebuilders said that in these LPAs the Chief Executive was supportive, engaged and helpful and both housebuilders and LPA officers talked about the importance of the LPA culture. However, housebuilders were very critical of other LPAs and compared practice. They said there was a marked difference between these LPAs that were 'open for business' and others that did not want development and made the application process both slow and difficult.

Pre application discussions

Pre application discussions were regarded as very important by most LPAs. The LPAs encouraged dialogue and engagement and wanted to sort any issues with a prospective application out at this stage so that by the time a formal application was made everything was in place and it could be quickly approved. This included S106 agreements being in place. One LPA incentivised developers to enable the LPA to meet their 13 week target by discussing S106s during pre application discussions and advising the developer that the application would be refused if the S106 was not signed during the 13 weeks. They did not charge for pre application discussions and were critical of LPAs that do charge, arguing that this process was an important part of their job and charging was simply a money making exercise for LPAs:

"We are very heavy on pre application discussions. There are references on the website inviting people to approach us. What is crucial is that we do not charge. I am aware that some authorities do charge and this should not be permitted. Some use it as a revenue stream. The legislation only allows you to recover the costs of doing it but some use it as a revenue stream. It is widely abused. It is used as a gating method to keep people out of the system where they do not want development". (LPA 2a)

"We do not charge for pre apps.....We ran charging for pre apps past members and it was an emphatic no. The thinking was that they want development to happen and charging is an obstacle that might out developers off and they might go build elsewhere. So it is free". (LPA 1a)

Pre application discussions are an opportunity for the LPA and developer to work together to achieve a policy compliant scheme:

“For significant sites, the area officer asks for an outline proposal and he will tell the applicant what information will be needed and what [LPA 3a] are looking for, timescales. There will be further meetings e.g. rethinking, amended design – we give guidance, they provide amended schemes. On big schemes our urban designer will be involved with their design people”. (LPA 3a)

“Pre applications are useful as they save us and the council time and money. It gives us a chance to get it right by the time we put an application in”. (Housebuilder 1a Large Mixed Site)

Whilst housebuilders generally felt that pre application discussions were useful, they did comment on the time required to undertake pre application processes before an application can be submitted:

“Pre apps vary between local authorities. Some are very good. You follow the process and they take a development team approach. They involve all the planners, highways, urban design etc. Then they are all consulted in the pre app and you can discuss and iron out any problems and when you make the formal application it goes through and is straightforward. It overcomes the problem that planners, highways, urban design etc all want different things and as a developer you get caught in the middle and can't please all of them. If you get them sat round a table you get a compromise. The drawback is the time involved. The response even on small sites to the pre app can be 8 to 13 weeks. Then the client says they might as well have just put the formal application in as even if they had refused it we would have known why”. (Housebuilder 1a Medium Site)

“Pre apps can be useful but overall, not in [LPA 1a], they are a pointless exercise. It is always very negative from the councils. There are so many caveats that they are a waste of a client's fee. You might as well just put the application in as sometimes pre apps are more expensive than the actual application. And pre apps take so long, three to six weeks. It takes then ten working days just to lodge it then they have to look at it and reply. You might as well have just put in an application. Then they have to respond and look at it because it is in the statutory system. For many of them it is just a revenue stream.... some authorities take weeks and then you get a negative response on something that they could have told you about at the beginning over the phone.” (Housebuilder 1a Small Site)

Some housebuilders also commented on the burden of the amount of information needed. It can take a long time to gather the necessary information but this cannot always be completed within the statutory period and the application may be withdrawn:

“Some of the planning rules are so long winded. It is jolly hard work talking to planners. And the amount of information required is a problem. The amount of reports you need, it takes weeks to prepare by outside consultants and then you end up having to withdraw the application because you can't get it done in the statutory

period and you lose your free go. But you can't challenge them, they just say 'no we need it'. The planners have a monopoly on decisions". (Housebuilder 1a Small Site)

"The staff are overzealous. They refuse to talk about any issues and it is just black and white. The main problems are at validation stage. They have meaningless items on the check list. Their requirements are over the top. They want all sorts. In all the years I have been dealing with them there has never been a straightforward validation. The amount of information they want is ridiculous. They often get their consultation wrong and they often miss something. Then members are not bought in at committee stage, and often the person presenting the scheme is not the one who dealt with the application and they are not bought in either.....They do not follow their own policies.....They will recommend a scheme for approval but then raise an issue just before you go to committee even though they recommended it for approval". (Housebuilder 3c Large and Mixed Sites)

One LPA which rarely met its targets held the same type of discussions with developers, but within the statutory period, meaning they did not achieve a resolution within the 8/13 weeks:

"Working closely with developers to understand their requirements, constraints and limitations. Taking time to explain the authority's position and policies and engaging in dialogue. Developers must provide sufficient details to allow this and to identify issues as early in the process as possible..... Most [developers] are prepared to work with us as [LPA 3c] has a reputation for pro-growth in the right circumstances. [LPA 3c] does not treat the application process as a 'box ticking' exercise. We make the effort to understand a developer's position and help them to deliver schemes that meet policies." (LPA 3c)

Two LPAs which rarely meet their targets were reviewing pre application discussions:

"We have a pre-app officer three days a week but realised she can't cope so we all help out. So we will re-visit how we handle pre-apps. I have an agents meeting next week where I will test out what they want, different options. The big developers want everything, but some of the smaller ones just want to know – is it worth a go? Think the time taken up by pre apps might be putting people off". (LPA 3d)

The time taken from pre application to application can vary depending on the nature of the scheme, the market and the housebuilder:

"It varies enormously. Big schemes can take six months or more before we get an application, but a couple of months is typical. It depends on the developer's timescale as well". (LPA 3a)

"If the developer is used to dealing with the authority then the process is straightforward, but for others or for more complex schemes it could take 12 months. If issues are raised then these are back in the developer's court. It is important that the scheme submitted is a scheme that was consulted on". (LPA 3b)

“Too long. We prioritise the major developments. It takes six weeks for a proper response and then it depends on the market. Some developers go to sleep for a while but if they push it, it will take a further two months on average”. (LPA 3d)

“A small pre application will usually be dealt with within three to four weeks, in order to be shorter than the application process itself. Larger schemes can easily take two to three months because it becomes a process of negotiation between the planners and the developers”. (LPA 2b)

“It is all down to the pre apps and if you get that right. Pre apps take nine months to a year regardless of the size of the site”. (Housebuilder 2a Medium Site)

The time taken from application to consent can also vary. Some LPAs have been able to make the process swift and smooth:

“There are no pinch points. It is a very pro-active council and they helped us through the system. We beat our pre-commencement programme – even the statutory consultees were cut to a bare minimum – from submission to planning committee took just four weeks. The pre-application process also took just four weeks – we were the preferred bidder for the land – so the whole process took eight weeks”. (Housebuilder 1b Medium Site)

In some LPAs with publicly owned land, the LPA can be pro active and submit an outline planning application for a scheme on its own land, before marketing the scheme to housebuilders and then ensuring any alterations are dealt with rapidly as reserved matters applications, enabling developers to begin construction in a relatively short time frame.

Site example

A former school site with an artificial grass pitch and 3 hectares of playing fields. The council owned the land and submitted an outline application for 217 dwellings including affordable housing. The site was then marketed and [housebuilder] was the successful bidder. They submitted a reserve matters application and an application to discharge conditions on the outline application and determination was made by officers using delegated powers. There were some issues - elements of the outline consent needed variation so the council took it back to committee before doing the detailed consent. But it was all determined within 13 weeks, there were no outstanding conditions and the housebuilder started on site very quickly after originally bidding for the land.

The planners were faced with a potential problem – objections to the loss of playing fields and the artificial pitch which had to be completed before consent could be granted. This was potentially a huge source of delay, but land was found and a replacement artificial pitch was approved at an existing school within an incredibly tight time frame.

One issue occurred with the affordable housing, the market for Design and Quality Standards compliant properties changed so the developer needed a variation to the S106, but the officer dealt with it as a minor amendment within 48 hours. (LPA 1b Mixed Site)

One LPA which rarely meets its targets reported:

“On major schemes, 100 units or more, let’s say, probably 20 weeks. One scheme, with over 1,000 units, has taken over 15 months to get to committee because there were so many problems”. (LPA 3d)

The housebuilders described practice in other LPAs that they said slowed the development process down. They said that some LPAs charge for pre application discussions but provide a very poor service, and that some LPAs would not have even a conversation with a housebuilder about a prospective application unless a pre application fee was paid.

Staff skills and resource constraints

Lack of staff capacity and resources in LPAs can cause delays, this is particularly a problem where planning officers are part time:

“Older planning officers who have more experience, and who in the past had more authority to take decisions led to a more effective process, and using junior staff with less experience but also with less authority to take decisions, is leading to delays....There is a particular problem with part time staff which often leads to additional delays when the members of staff were not in the office to deal with queries....[Non case study LPA] was particularly challenging as a planning authority and suffered from major staffing problems. It could easily take 14 to 15 months to deal with reserved matters, even though the council was very quick in administration and in ticking the boxes.” (Housebuilder 2b Large Site)

“The county council is not so pro active and is struggling resource wise to respond to districts. In general planning resources have been slimmed down as a consequence of council funding cuts so that, for example, there is only one planning solicitor in the district and so if that individual is attending an inspection enquiry then they are not available to process other planning legal work. And therefore delays can easily result”. (LPA 2b)

“In a few councils it is hard to get hold of people as they work part time, but this is not their fault”. (Housebuilder 1a Large Mixed Site)

“In one local authority we are dealing with the third or fourth planning team – people go off work on stress. They have more applications than time in the day so it is the developer who shouts the loudest or threatens the worst that gets dealt with”. (Housebuilder 1b Large and Mixed Site)

“It is all about fee charging and box ticking. For example, some officers are part time and we can’t get hold of them, yet we are paying full time fees..... We had a site and we needed to amend the mortgagee in possession clause because we did not have a RP in mind when we did the outline permission and signed the S106. So we needed to amend just one clause to allow the RP to get finance, but the council required a formal application which took them three months. The homes had been built and people were waiting to get into them. It could have been resolved in one short meeting”. (Housebuilder 3d Large Site)

Site example

In principle small schemes should not be as complex as large schemes and should therefore be easier to process within the target time scales. However, some LPAs are under-resourced and short-staffed. An example of this is a site which the developer purchased from a land speculator who had obtained outline planning permission for 54 dwellings, 38 market and 16 affordable, in March 2011. The entire scheme had been agreed, including road layouts and plot shapes, so the reserved matters should have taken less than 8 weeks. However, the LPA was short staffed, it could not cover holidays, and although all that was involved was a 'plot swap' – substituting the developer's own house types and styles for those set out in the outline application – the officer was part time and the report could not go to committee on the first available date which immediately lost one month. What should have been a simple approval took far longer than 13 weeks. (LPA 3d Medium Site)

Housebuilders said that in the worst local authorities it was more than just a lack of resources, but a culture within the planning department that made planning applications slow and difficult:

“They make too many requirements, are overly bureaucratic, the amount of conditions is too much and they are poorly worded.....To be fair you can get hold of the head of planning but he is not a planner so he has to go and talk to his chief planner and she never gets back to you. No one comes back to you. You leave messages and they just go into a black hole. S106 is very slow. The targets make no difference..... They would engage with the development industry if they were interested. Some authorities are perfect at it. They are genuinely available. But [LPA 3c] don't care if you're there or not. Their chief executive gives out business cards with his mobile number on but you don't get that with the planners and it has not filtered down to them.....They are a very worrying authority to invest in”.
(Housebuilder 3c Large and Mixed Sites)

Some housebuilders and LPA officers commented on the skills needed to manage a very large planning application and said that some officers did not have enough experience of these types of developments:

“The other big issue is that these sites of 2000 or 3000 units are once in a lifetime for lots of planning officers and they are treading carefully. We understand the process. We are experienced. We use consultants for things like the habitat regulations who have done it many times before. We have to educate the authority and hold their hand through the process. But they mistrust us. The average planning officer spends 95% of their time dealing with tree canopies, conservatories and extensions. Then they have to deal with a development site and they are not experienced enough. Good people leave local authorities. The problem is planner salaries. I look and a senior leader of planning is advertised at £28 to 31k but a sales girl at [major housebuilder] will be on £40-50k. It is a good interesting professional career but it is so poorly paid so the good ones leave and work for consultancies or people like us and the ones who are left are people who hate life”. (Housebuilder 2a Mixed Large Site)

Delays caused by consultation with stakeholders

The need to engage with a range of stakeholders can slow down the planner's ability to process applications quickly, such as needing input and agreement from bodies such as the county council and highways:

"We are sometimes waiting for information from various parties – the applicant, and specialists like the Environment Agency or English Heritage. If we don't get their comments within 21 days that can have a knock on effect e.g. it could mean an amendment to the scheme or further information to be provided by the applicant". (LPA 3a)

"The biggest issue is planners being able to get the response from consultees. They are very slow. You phone five or six weeks into the consultation and they have not had a response from environment, health or highways. They are then reluctant to make a decision. Some will say if they have had no response they will make a decision but that can come back you bite you.....The consultation period is the worst problem and officers hide behind it. If it comes back with no time just before committee then they tell you to make changes in a week or less or they will refuse it, but you don't have enough time to respond". (Housebuilder 1a Large Mixed Site)

The LPAs highlighted how there are other actors who can cause planning delays. Both LPAs and housebuilders described the influence of Natural England and the RSPB on the speed of the planning process as they raise objections to applications and have mitigation requirements that LPAs and housebuilders feel are disproportionate:

"One major pinch point is the activity of Natural England and the Thames Basin Heaths Special Protection Area (SPA) which protects species under EU law habitat regulations..... Natural England stipulated that any new houses to be built within 5km of any of the protected areas, which are dotted all over the area, would be subject to an objection and would require mitigation..... Now lots of LPAs just went along with this and said ok. But they tend to be rural authorities filled with people who do not want any new development. We are a small area with no spare land and if we went along with this with the threat of objection and judicial review, we could not grant any new housing..... Natural England is a quango and they are not acting in the public's best interest. This has been a major problem". (LPA 2a)

"The big issue is Natural England and Highways. They are two government agencies that will stall a scheme. Since the growth agenda under the coalition government they have been more pragmatic and there have been some changes. But the RSPB has taken up the mantle of challenge". (Housebuilder 2a Mixed Large Site)

"Some authorities see the SPA as a way to put off development. At the moment [non case study LPA] has run out of mitigation land so they are not accepting any planning applications. This is what happened five or six years ago in all three boroughs when they would not accept any planning applications because they had run out of mitigation land. But they say they have a shortage of housing stock and then are not accepting planning applications. [LPA 2a] were the most aggressive resisting Natural England. Government needs to review what is going on. We are not a developer

looking to lose wildlife. But when you do infill people are already there. There is a site going through at the moment which is an industrial park with existing schools nearby and road access for 150 houses. But it abuts a SPA area belonging to the MoD. Even though the birds are three miles away I doubt if the scheme will go through. And there are about three or four pairs nesting. It needs a bit of sense". (Housebuilder 2a Medium Site)

Delays caused by elected members

Elected members can cause delays and may refuse applications that planning officers have recommended for approval based on non-technical grounds or for political reasons:

"One or two are determined not to understand the planning process. They say things like 'I am voting with a heavy heart' or 'I'd like to vote with my heart on this decision' when it is non-statutory to do so". (LPA 3d)

"Any application regardless of officer recommendation comes down to committee. Lots of times this decision is made on who the applicant is and personalities and not on the scheme in front of them. They are more professional now. But sometimes you do the pre app, make any changes, make the application, get an officer recommendation for approval and the committee says no, we don't like it. Often no rhyme or reason and leaves you shaking your head.....Or on schemes where there is a lot of public dissatisfaction they pass the buck to the Secretary of State so that it does not get approved locally. It is very political". (Housebuilder 1a Medium Site)

"There are the usual suspects like [non case study LPA]. Bad authorities where the members dip in a lot and they are member led authorities. Then you get a certain type of case officer as a good one won't stay at an authority like that. They go through all the processes then a member turns up at the meeting and says no, this is the decision..... At the [non case study LPA] scheme it was allocated in the local plan, they refused, it went to appeal, it was overturned by the Secretary of State. It was so political. It took three or four years to get through the planning system. It cost [the developer] tens of millions." (Housebuilder 2a Mixed Large Site)

This can place planning officers under great pressure when there is local opposition to new housebuilding and when elected members are not supportive of applications:

"At committee stage – politicians occasionally want to make a statement. At the moment every article in the local paper contains demands for me to resign or be sacked, today there were 17 letters saying the planning department is a waste of space because the Planning Inspectorate over-ruled us. We are now very stressed and starting to get trolls. It goes wrong when politicians are affected by what they read". (LPA 3d)

"There are issues over elected members not taking careful consideration of technical advice provided. Members can have difficulty separating their role on the DC Committee with their role as member of the council and ward members. This is because the public do not see this distinction and see members as their elected representatives. This puts a significant amount of pressure on members". (LPA 3c)

There can be local opposition to new housebuilding which can lead to delays:

“The main thing that slows it down is local residents and parish councils”.
(Housebuilder 1a Large Mixed Site)

In the LPAs which had a high rate of meeting their planning performance targets, they said that members were generally supportive of new housebuilding and planners were proactive in seeking member support:

“We want to get homes delivered, members are not anti-development”. (LPA 3a)

“We try to organise site visits prior to the committee if the scheme is likely to be controversial, and also for most major developments in order to try to avoid deferrals. There is a monthly training program for committee members with a meeting at 4 pm, before the Committee, with a specific topic agreed in advance, and we usually get a 70% attendance”. (LPA 3b)

Appeals - lack of a five year land supply and an adopted plan

Housebuilders said that some LPAs were notorious for refusing applications and had very high appeal rates:

“We work in [non case study LPA] and they are horrendous. Their attitude is we do not want development. We have been through their appeal stats and compared them to [LPA 2a]. [Non case study] had 48 appeals in one year, but [LPA 2a] only had 3. [LPA 2a] do well. We trust them and they trust us. We do schemes together that we are all happy with and they know we will develop. The application has the support of officers and gets approved.....Targets are hiding what goes on. [Non case study LPA's] stats look quite good. But they are not showing the 48 appeals. If they sorted out schemes in the process they wouldn't have appeals. They are so wedded to the 8 week target that they will not accept any changes to the scheme, or talk about details, or make improvements when you have got the consultation responses back from the committee. It is better to allow you to change it after the consultation. So being stats driven is not the way to do it. It is a culture of management where they want to make it happen”. (Housebuilder 2a Large Site)

This view was supported by two of the LPAs which rarely met their planning performance targets where the LPA officers described how appeals were very common because elected members would refuse applications that planning officers had recommended for approval and said that both the planning officers and housebuilders expected applications to go to appeal to secure consent:

“Local issues and objections are important. The committee tends to side with the objecting member, and as a consequence decisions are poorly founded. There is also a tendency to refuse applications and to allow the decision to be taken by planning inspectors. Appeals are frequent and usually get consent because the inspector realises that the planning reports are okay and that the refusal is essentially a political decision..... Committee reports have become in effect mini appeal statements, setting out all the relevant planning policies which apply and giving

detailed reasons for the officer recommendation: if there is an appeal then the bulk of the work for the inspection report has in effect already been done". (LPA 2b)

"I have three schemes in [non case study LPA] at the moment all going to appeal. We are about to have a public inquiry on a scheme of only 14 units. In the first eight months of last year we had two or three applications go to committee and if you look at the notes they are all about going to appeal. The committee and officers are as one. It seems to be stats driven. They have their stats in all their committee reports which I have never seen before. They have just published their draft DPD with site allocations. The opening statement is that we want sustainable development in line with the NPPF which is all very nice, but then they say that their measure of success will be predicated on what the Inspector says at appeal! It is nothing to do with saying we want good development that everyone is happy with. (Housebuilder 2a Large Site)

One small scheme faced strong local objection and was refused despite officer recommendation for approval. Although the scheme was granted consent on appeal, subsequent small changes to the internal layout of the houses by developer has resulted in further objections from local people.

Site example

This was a small scheme for the redevelopment of a church site with ten terraced houses. The agent for the church was a former council employee, who submitted an application directly without a pre application discussion. Although the Parish Council supported the application, the Residents Association objected, and 114 letters of objection were received. The planning officer recommended the scheme for approval, but the application was considered by the Planning Committee and refused. At appeal, consent was given in July 2011. The planning officer commented that "*The site has been continually monitored by the local residents and any issues, however minor, have been raised with either the enforcement officer or a district councillor.*" The developer then reorganised the internal layout of the houses and marketed the houses with an extra bedroom. The council requested a planning application due to non compliance with the approved plans. This was submitted in December 2013, and was recommended for approval to the Planning Committee in March 2014. Some 71 further letters of objection had been received. (LPA 2b Small Site)

When asked if developers ever go to appeal to get consent another LPA said:

"All the time. The major housebuilders, smaller ones, everyone. We are very vulnerable because we do not have a five year land supply or an adopted plan. They see us as fair game. Plus house prices are high so it is a very desirable location...This adds to the delays and costs, and sometimes the developer will threaten that if you don't win, they will go for costs as well". (LPA 3d)

The appeal process causes long delays and is very costly for the LPA:

“It takes 9 to 12 months from application to appeal, and will cost the council £25-£30,000 to employ a planning barrister - this is effectively the annual salary of a junior planning officer”. (LPA 2b)

The lack of an adopted plan and five year land supply meant that developers assume that an appeal will take place and that consent will be granted:

“Developers accept the reality of local political issues and assume that an appeal will be necessary. Members are not necessarily negative but because there is no approved plan, developers are putting in schemes expecting a refusal and the public inquiry route”. (LPA 2b)

“Where an authority does not have a five year land supply some builders simply say – we will appeal”. (Housebuilder 1b Large and Mixed Site)

Delays in post determination processes

Post determination processes can also vary and cause delays, such as S106 agreements and the discharge of conditions:

In some cases the delay is caused by the local authority:

“The problem with 106 is how slow it can be. At the [non case study LPA] site we got planning permission through then were held to ransom by the local authority on the 106 and it took them 18 months to sign it. I had to threaten to chain myself to the town hall railings and call the BBC to get them to sign it. They were just slow. On some points they would say take a view, but we said no these are facts. There is no tracking of how long a 106 takes. [Non case study LPA] looked fast on this scheme but it was two and a half years before we could start on site as no one pushed the 106, there was no leadership. Members came to us and said ‘are you land banking? Why haven’t you started on site?’ We said we want to start so maybe you can go put a rocket under certain desks at the planning department”. (Housebuilder 2a Large Mixed Site)

One LPA was aware that although they reached speedy decisions on planning applications, they could improve the time taken to then agree the S106:

“We are trying to challenge the way we do on S106. The focus has been on getting a decision and then the case officer takes the foot of the gas a bit – we held a housebuilders forum in January and they identified this as an area to look at. On S106, the detailed agreement needs to be sorted earlier in the process, not left to the end as that causes delays. It is about the management of getting the information earlier on. By week 4, 5, 6 we should know the Heads of Terms, so by week 13 we should be able to sign. So that is a blockage”. (LPA 3a)

In some cases the delay is on the part of the developer:

“The signing of S106 is a major issue for the council as a number of developers have delayed the signing of agreements until end users have been secured or land sale has been completed”. (LPA 3c)

LPAs said that in some circumstances delays are caused by housebuilders who do not complete the S106 once permission has been granted and do not begin construction:

“Developers keep hold of consents – so we have perpetual issues over our land supply unless they demonstrate that they are starting to build. They will cartel the market. There are four or five large house builders in the area, they talk to each other, they don’t compete. They make sure they do not undermine the market. This was very clear at the EIP....Developers promised the Inspector they would build out in five years at the EIP, yet at the pre application talks they said they could only sell 20 homes a year....Developers get full consents and then sit on them. Or they get a sense of ‘minded to approve’ from committee members and then sit on it. For example, there is a Health Authority site for 70 homes and they have sat on the S106 for over two years. There are quite a few schemes like that. (LPA 3d)

It can be a combination of both developer and local authority processes that cause delays in getting S106 agreements signed:

“Delays in S106 negotiations, and if you have more than six months delay, you find there are new considerations to take account of so the process continues... Getting the developer to sign the S106 is a blockage. There are also internal blockages because we are not a unitary so the county council has to sign the 106 with us, so it takes time engaging all the relevant stakeholders”. (LPA 3d)

One LPA reported that some stakeholders are unfamiliar with S106 agreements which can cause delays:

“A significant problem is the unfamiliarity of banks with S106 - the banks are just not up to speed in dealing with S106 issues. For example, banks have refused to sign S106 agreements in cases where they are also the lender. The S106 agreement has got nothing to do with whether the bank wants to lend on the development. There are also problems with small developers who are dealing with small-time solicitors: these are very cautious about S106 agreements because they are unfamiliar”. (LPA 3b)

However, the LPAs that met their targets generally required the S106 to be agreed before an application would be considered:

“The S106 requirements are all set out on the website and we will not validate an application if there is no S106 pro forma. The policy is that S106 matters should be settled before going to committee”. (LPA 3b)

Post determination of conditions varies in the time and approach taken and the evidence about how this process works was mixed. In some cases it can be a slow process:

“This takes forever, especially on large sites with S106 and conditions. Generally there are 20 to 30 necessary conditions on major schemes and this results in the original main application increasingly having the function of an outline application”.
(LPA 2b)

Where conditions are dealt with before consent is granted, this can lead to applications taking longer than the statutory period as there can be many complex conditions:

“There are often 25 or 30 or 40 conditions attached to planning consents which needed to be cleared and that 13 weeks is probably not a long time, considering the complexity of the conditions which needed to be attached to the consent”.
(Housebuilder 2b Large Site)

Discharging conditions can be slowed down by a lack of response from LPAs:

“You now pay for discharge of conditions. [LPA 1a] is better than other local authorities in responding and formally discharging conditions. Others let it drift and you don't hear. But the developer wants to get on site and can't wait. Then you get a letter from a solicitor asking if all the conditions have been discharged, and you ask the local authority and say you assume since you haven't heard anything for six months that everything is ok, and then they have to dig out all the files etc”.
(Housebuilder 1a Medium Site)

“Another issue is the discharge of conditions. It can take a while and now you have to pay for each condition at £80 a condition. It used to be that after you got planning permission you could write one letter with a list of conditions and a schedule and pay £75. Now the local authority says that you have to send in one letter per discharge of condition, but they all go in different directions in the local authority and they don't know if you have discharged your conditions and neither do we. This is a problem when we sell houses as people ask if the conditions have been discharged and we say we don't know, ask the local authority, and they ask but they don't know either. It is a money making exercise”. (Housebuilder 2a Mixed Large Site)

“Once we get permission there is the issue of discharging conditions. When you get approval you get a list of conditions where you need to send further information. But once you send it into the local authority it takes them eight to ten weeks to let you know they are satisfied which is a long time”. (Housebuilder 2a Medium Site)

“With pre commencement conditions, if they have not been discharged within eight weeks we presume they are ok and start work on site anyway. We do get told, but only after constant badgering. It is not high on their priority”. (Housebuilder 3d Large Site)

Some LPAs do not have the capacity to monitor once consent has been granted:

“The council does not proactively monitor conditions post consent due to staff resources. Monitoring tends to be guided by complaints about development which are then investigated”. (LPA 3c)

Others have effective monitoring systems in place:

“We have quite effective enforcement, and also chase up a few stalled sites. For example, we will produce a development brief in order to get things moving. We aim to deal with all conditions within 28 days, it takes five minutes with a cup of tea. However, contaminated land is different: this can be a problem because of its complexity”. (LPA 3b)

“The local authority is in touch weekly, we have monthly site meetings, they are not onerous, they are as you would expect of a scheme like this, especially as it is their first one”. (Housebuilder 1b Medium Site)

Delays caused by site issues

The nature of the site and the type of scheme can make a considerable difference to the time taken to achieve planning consent and to begin construction. Large, phased sites take a long time to build out and market conditions can affect the speed of construction and over time new applications may be submitted to change the details of the development:

“This scheme was slow to develop but it was not because of the planning system. It is a huge piece of land so was always going to be a long process to build out. The original planning permission had to be changed because of the recession and it no longer suited the market. There are two phases left to build out but it is 80% complete. There were ten phases in total. The first four went through on the original planning application but then for the last phases there have been separate submissions”. (Housebuilder 1a Large Mixed Site)

“We have been working with them since 2005. You cannot discount the developer’s attitude. They really stuck to implementing the scheme even through the recession. It started as an application for 399 residential units, a couple of light industrial buildings and a listed building. The site came on in 2006 and they delivered the first phase. Then the recession hit. They did a deal to build the affordable housing as there was subsidy and it was built by a Housing Association. Then to get cash they sold a chunk to [housebuilder A] who built phase 2. There was a new planning application for the residual 264 units. This is when the viability reassessment came and a new legal agreement to reduce the affordable housing. They built phase 3 and 4 themselves, gave phase 5 to [housebuilder B] which went so well they also did phase 6 and there is a reserved matters application in on this now. The market has moved on. There was part of the site for a care home. But they can’t get anyone to take it up so they are looking at building assisted living instead. The light industrial units had no take up, there is no demand, so they will be changed to residential and we will have a new application. But all the time this developer wanted to go on building”. (LPA 2a Large Site)

Site example

Large phased sites can require extensive consultation on the plan for the scheme. In LPA 2a the mixed large site will have almost 4000 units. The pre application meetings started in 2011, the application was submitted in January 2013, committee approval was granted in July 2013 and the signing of the S106 agreement is imminent. The developer created a master plan that was consulted on with local people, engaged with stakeholders such as Natural England and the RSPB and undertook extensive environmental assessments. They secured planning permission for the whole site and selected the architect and set the designs. The site will be packaged up and phases will be sold to other housebuilders, who will have to use the original applicant's house designs, not their own house types. The applicant will manage all the affordable housing and open space and expects to be on site for twenty five years. (LPA 2a Mixed Large Site)

Brownfield and contaminated sites can be slow to develop:

“Brownfield is usually more difficult due to uncertainties with abnormal costs and risks of contamination and liabilities. Developers and investors are understandably risk adverse in the current market. Within the existing urban area of [LPA 3c] there is a legacy of land contamination and also other constraints such as COMAH (Control of Major Accident Hazards)”. (LPA 3c)

“But this site could not get more complex in terms of constraints. It has been blighted for 30 years. It used to be mining, so there are mine shafts everywhere, also open cast mining that had been back-filled with landfill. Massive remediation, these works are going on now – there will be a capping layer which is yet to come onYou can still plant trees, but you could have rubble below....But planning wise it has been a brilliant experience”. (Housebuilder 1b Medium Site)

Build out rates

Rates of construction depend on market conditions and sales rates on that scheme, rather than anything within the control of the planning system:

“Our build out rates change all the time depending on the sales rate. As a rough guide we aim to get one on site a week”. (Housebuilder 1a Large Mixed Site)

Delays can also be caused by the nature of the construction process:

“And once you get the ok letter, you then have to order bricks which in the last four months has been taking 16 to 20 weeks. When we get planning permission it takes two months to do the working drawings and schedule and send it in. It is three quarters of a year before materials actually turn up on site. The size of the site does not matter. It is the process. We have two sites with five beds where we ordered materials in November and we are still waiting [in February]”. (Housebuilder 2a Medium Site)

Issues with house design and quality

The housebuilders were reflective about the housebuilding industry itself however, and said that many objections to housing schemes were unsurprising, even justified, as they were poor quality schemes:

“It is not all about being anti-development. A lot is justified. I have seen schemes come forward and they are so uninspiring with rubbish materials. I think ‘thank goodness I don’t live near a field so someone can build that on it, I would move house’.....The industry has a lot to be guilty of. Local authorities are worried about what they will get. But if you show people pretty pictures of nice houses then it changes from a ‘no’ to ‘oh that looks nice I’d be happy to live opposite that’. But I have seen some housebuilders at public consultations make a bad effort of selling crap to locals. The industry has to try and start building nice quality products..... I said they will end up with development on that site so the local authority would have been better making sure the front doors were gold plated, the drain pipes were cast iron, they used good bricks etc. They spent so much time. This often happens. People spend so much time fighting it, they get permission, then they leave the design and the developer rapes a scheme and then people say ‘we told you we didn’t want it, it looks awful’.” (Housebuilder 2a Mixed Large Site)

“It was not the best example of quality control on design. [Another scheme] we have controlled design quality better. But the [LPA 2a] scheme we came on in 2007 and our business was at an early stage. We were land traders who sold land on. But in the recession we started building and it has rolled on from there. But we didn’t have good quality control in place and we do better now, it has been a learning curve. On [another scheme] we have better designers and quality. (Housebuilder 2a Large Site)

Summary

The evidence suggests that there are key pinch points in the planning process for new housebuilding. This is particularly the case in LPAs where planners are difficult to contact and slow to respond, which can be caused by a lack of resources or internal culture where customer service is not a focus, nor is there strong leadership from the top. There has been a loss of experienced officers and some planners lack experience in dealing with applications for large developments.

Lack of a pre application process can lead to greater likelihood of applications being rejected for not being policy compliant. However, pre application discussions can be both lengthy and very costly to developers. The amount of information required by LPAs can be burdensome. In some cases the planning performance targets can lead to perverse incentives, such as LPAs refusing applications that will eventually be approved because they cannot do so within the statutory timeframe. The need to engage with statutory consultees can lengthen the application process.

Elected members can be a pinch point, particularly where they turn applications down that officers have recommended for approval, often where there is strong local opposition to new development. Some LPAs have high appeal rates, particularly where there is no adopted local plan or five year land supply. Appeals are very slow and lead to high costs for both LPAs and developers.

One of the sources of delay in new housebuilding can be the large costs and time taken by post determination processes. This relates mainly to the speed at which S106 agreements are put in place and the speed in discharging conditions by LPAs.

Some delays on new housebuilding are caused by site specific issues such as high levels of contamination. Housebuilders were criticised, and were critical of themselves, for not always producing high quality designs and for not consulting with local people, leading to opposition to housebuilding. There has been a loss of small to medium builders from the industry through the recession which has reduced overall housebuilding capacity and small builders can find access to finance difficult and cannot compete with large housebuilders on large sites, unless they are divided into smaller plots. Housebuilders control the rate at which developments are built out and will only build at a speed that they feel is appropriate to the local market.

8) Discussion and conclusions: constraints and delays on new housebuilding

1) Nature of land acquisition

The nature of land acquisition makes a difference to the speed at which sites are built out. Land traders may purchase long term strategic land and secure an outline planning consent on the site, but will sell the land on to housebuilders who are likely to make a reapplication to the LPA because they want to change the scheme e.g. to include their own standard house designs, or feels that the housing density is too high. The size of a site can make a difference as smaller builders are not able to compete with the major housebuilders for development on large sites, unless such sites are divided into smaller plots.

2) Review of systems and changes in culture

The case study LPAs with high approval rates of new housing development and with speedy decision making had undergone an internal review of their planning processes and had made changes in their approach and overall culture. There had been a focus on improving customer service, reducing waste in systems and fostering a culture of trust and openness with applicants. In most cases the changes had followed from consultation with housebuilders about what would improve the application process.

The case study LPAs which appeared to have slow decision making processes, reflected in being below average on meeting their planning performance targets, had clear reasons as to why this was the case. One LPA which has a very high approval rate of applications had reviewed its systems and approach and had decided to focus on customer service and on getting applications for good development through the planning application process in partnership with developers, but without a strong focus on meeting the statutory targets. One LPA does not have a formal pre application process so all discussions with the developers, all amendments and putting in place of necessary arrangements such as negotiating S106 agreements, is taking place within the statutory period, meaning that the targets are not met, but approval rates are high. Two LPAs that have slow decision making statistics do not have a five year land supply or adopted plan, both have high appeal rates and both have elected members who frequently do not support officer recommendations to approve development and have strong local opposition to new housebuilding.

The LPAs with above average processing of applications within the statutory period and high approval rates have a strong emphasis on pre application discussions and most aspects of the application, including the S106 agreement, are put in place before the application is formally submitted. They have clear leadership from the top and supportive elected members.

3) Planning performance targets

The speed of decision making and the refusal rate of applications are two indicators of how processes and outcomes differ between authorities. However, it is clear from the research that the planning performance targets do not tell the whole story; they may mask both good and bad practice and can be misleading about practice and outcomes without more information about what actually occurs in each LPA. The targets are regarded in some cases

as useful, but LPAs need to focus on providing good customer service, not just on meeting targets.

The actual time taken to reach a planning consent may not necessarily be different between LPAs which meet the targets and those which do not. The difference may be what takes place within and outside of pre application discussions, unless appeals on decisions are involved which take much longer.

In one case study LPA the lack of a formal pre application process means that the LPA cannot hit the targets as all the detailed work cannot be completed within 8/13 weeks. This does not mean that the same discussions are not taking place as in the LPAs that do hit their targets, but in these LPAs they are within pre application discussions and so this time is not reflected in the statistics.

The research highlighted some examples of poor practice that housebuilders find very frustrating. This includes LPAs refusing an application because the target for a decision within the statutory period would not otherwise be met, with a request for the developer to reapply with the same application.

Overall the time might not vary from a developer first contacting a LPA and consent being granted between LPAs meeting their targets and those which do not. However, both developers and LPAs believe that it is better to have pre application discussions and formal applications which are likely to be approved within the statutory period, than refusals of applications and re applications simply to meet targets.

4) Open for business and leadership from the top

The interviews with housebuilders and LPAs found that within the LPA it is important to have strong pro-development leadership from the top, from Chief Executive level down to planning officers. LPAs which are 'open for business' have high approval rates. Development is welcomed and elected members are supportive of officer recommendations. In some cases officers are 'empowered' to use delegated powers on occasion in order to speed up the outcomes.

5) Pre application discussions

Housebuilder views on pre application processes were mixed. Pre application discussions can be costly and take up a lot of time, meaning the formal application is registered quite late in the overall process, and can require a lot of information to be collated and supplied by the applicant which can be regarded by housebuilders looking to secure outline planning consent as a burden.

On the one hand housebuilders were very positive about LPAs which they felt were quick to respond, easy to contact, made clear what they were looking for in an application, carried out any necessary consultation and engagement with other parties and worked with the developer to produce an application that would be approved once it was formally submitted. However, they (and some of the LPAs) were critical of LPAs where they felt the planning charges were acting as a revenue stream without an increase in resources or customer service. Housebuilders commented on the large costs and time taken during pre application discussions. It was also pointed out, however, that the time from pre application to

application is not just down to the LPA, the developer may be slow in taking an application forward because of changing market conditions.

6) Staff skills and resource constraints

The loss of experienced planning officers and constraints on resources meaning that officers struggled to cope with workloads or were only available part time, were highlighted as a source of delay. For major developments, some LPA planning officers were unfamiliar with handling very large applications and this could lead to delays.

7) Delays caused by consultation with stakeholders

Consultation takes time and can be a source of delay. Planning applications can require input from a number of different stakeholders and receiving feedback in a timely manner can be difficult. Environmental matters in particular were highlighted as a considerable source of constraint and delay, especially where objections on environmental grounds were continually being made against all proposed development in the district.

8) Delays caused by elected members

Delays are caused when elected members refuse applications that planning officers have recommended for approval, often after lengthy pre application discussions. LPA officers in some areas said that members made decisions based on non technical reasons, sometimes in response to local politics and nimbyism. This can place great pressure on planning officers. Some LPAs provide ongoing training for members which has a positive impact.

9) Appeals - lack of a five year land supply and an adopted plan

Appeals are both costly and slow. The lack of a five year land supply and an approved plan makes a LPA vulnerable to appeals. Housebuilders and LPAs said that there are some LPAs where it is expected by all parties that an application will go to appeal to get consent, where elected members do not want to make planning decisions or where local nimbyism to new development is strong.

10) Delays in post determination processes

One of the sources of delay in new housebuilding can be the large costs and time taken by post determination processes. This relates mainly to the speed at which S106 agreements are put in place and the speed in discharging conditions. Housebuilders felt that some LPAs lack the capacity to process S106 agreements quickly and do not respond fast enough to acknowledge the discharge of conditions.

The negotiating and signing of S106 agreements can be slowed by delays by both LPAs and developers. However, the process was thought to be smoother and faster when the S106 was agreed during pre application discussions and ready by the time of application.

Some LPAs lack sufficient resources to proactively monitor development post consent and any monitoring is done reactively in response to complaints.

11) Delays caused by site issues

Some delays on new housebuilding are caused by LPA or site specific issues such as high levels of contamination which are more difficult and uncertain sites to develop. Many of the housebuilders interviewed felt that there will always be a place for small housebuilders in the

market because there will always be small sites that the larger builders are not interested in. However, some raised the issue of the loss of smaller builders through the recession and the financial constraints on small housebuilders in buying land and funding development.

12) Issues with house design and quality

Both LPAs and housebuilders themselves highlighted some areas where the housebuilders could perhaps make changes which would speed up processes and make applications more likely to be successful. These suggestions were mainly around improving housing and scheme design and consultation with stakeholders and local people to gain support for new development. There were also delays on the part of housebuilders in negotiating S106 agreements. LPAs also said that some developers would submit outline applications with little detail, or applications without any pre application discussion, that were not policy compliant and therefore slow down the process from application to consent.

13) Build out rates

Although beyond the control of the planning system, build out rates on developments are shaped by the rate at which housebuilders believe that new homes can be sold. They can also be constrained by shortages of materials and skilled labour lost in the downturn.

14) Impact of delay

The major housebuilders described long delays in achieving consents and all illustrated how the whole process had become substantially elongated over the last two decades. Delays occur in pre application discussions, from registration to determination (though several pointed out that the 13 week rule had had an impact), and after determination, during discussions on S106 matters (which can take nine months) and pre commencement conditions. The time taken up in pre applications and post consent discussions far outweighs the time taken up from the formal registration of an application and its determination.

However, housebuilders said where that planning authorities operate well; it can shave 18 months off the process from starting pre applications to opening the first show house.

15) Policy change

The major housebuilders generally thought the NPPF had been positive and most urged that the government should not bring in further change. However, changes that would be welcomed include:

- Lessening the detail needed at pre applications and determination
- Introducing customer relationship management processes in LPAs
- Having performance targets for big applications
- Reducing non statutory consultations
- Meeting members early in the process i.e. before determination
- Making it a legal requirement to have and to keep an up to date local plan
- More training for elected members

But several pointed out that if there was no local plan nor a five year supply they were likely to get permission under the NPPF approach.

16) Speed of decision making and outcomes

Based on the evidence from the case studies in this research, what achieves speedy successful planning consents appears to be:

- An adopted local plan and five year land supply.
- Planning applications that are sufficiently detailed, policy compliant and, particularly for large schemes, have been consulted on with local people.
- A pro development attitude amongst Chief Executives, planning officers and elected members.
- A culture within a planning department of dialogue with developers and a focus on providing good customer service.
- Sufficient capacity and skills within planning departments, particularly in dealing with large sites.
- A clear pre application process but with the capacity for developers to discuss a potential project informally with LPAs.
- Efficient consultation processes.
- Early negotiation of S106 agreements.
- Efficient discharging of conditions post consent.

Appendix A) Literature Review

The nature of planning constraints on new housing

1. Introduction

This literature review explores what is already known about constraints on housing delivery.

Not all problems relating to the delivery, or lack of delivery, of new homes can be attributed to planning. Therefore this review of existing literature tries to separate out the non-planning constraints from those that clearly relate to the planning system. Some of the latter are inevitable because planning is a regulatory system that restricts the free use of land. Indeed, one American commentator noted that if supply was not constrained by planning, then planning clearly was not working properly (Nelson, 1985). Non-planning constraints include those relating to the nature of the housebuilding industry, site conditions, availability of finance, economic conditions and so on.

This review starts by looking at the development process. It goes on to explore non-planning constraints followed by what can be clearly identified as planning constraints. It notes that the government has and is putting in place policies to try to address such identified constraints, and it also briefly considers the available data on planning outcomes by local authority.

The Barker Review Interim Report (Barker, 2003) considered a range of factors that might constrain housing supply. The main ones were:

- Industry constraints such as the competitiveness of housebuilders, capacity constraints relating to skills and innovation and the availability of finance.
- The role of policy levers such as tax, regulation through the planning system and housing subsidies.
- Constraints on the supply of land, including the housebuilding industry, its response to risk and the speculative nature of land leading to a reluctance to build out large sites quickly.
- The increasingly complex nature of sites (especially brownfield), where significant remediations may be required.
- Land ownership and the incentives to bring land forward for development along with the difficulty of site assembly, where ownership is fragmented.

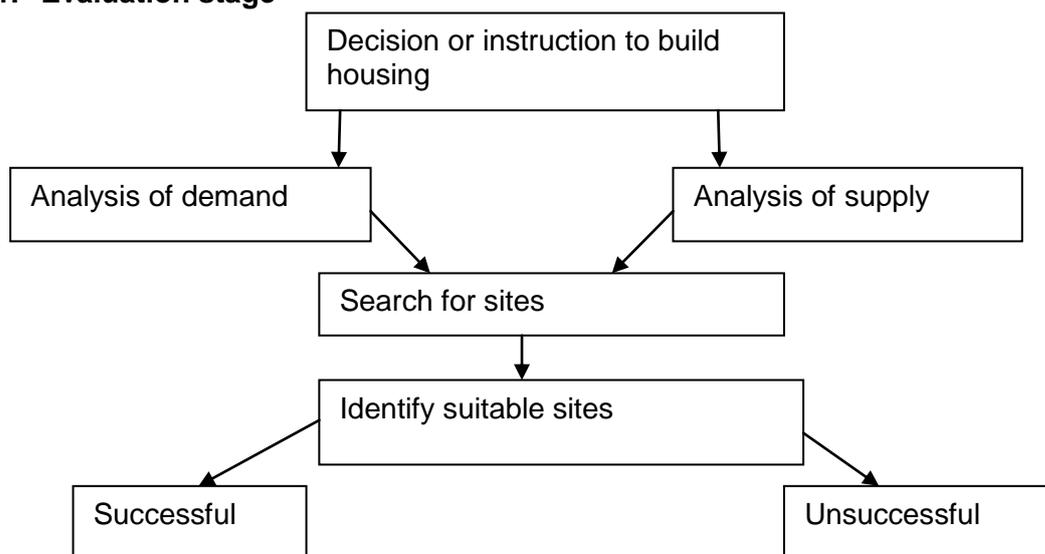
- The planning system and its influence over the amount of land which is made available and whether development is viable through the delivery of necessary infrastructure.
- Land use is also politically contentious. (Barker, 2003, pages 10-11)

The OECD (Andrews, 2011) argues that new housing supply responsiveness tends to be lower in countries where it takes longer to obtain a building permit (planning permission). However, the time is the same for GB and for Japan, yet supply responsiveness is much higher in Japan. So it is not just the planning system. Population density is highest in the Netherlands, which has the lowest responsiveness (price elasticity of supply) apart from Switzerland. So perhaps population density plus planning constraints have the greatest restrictive impact. However, the OECD does not explore this idea further. Nevertheless, planning delay has consistently been highlighted as a constraint on new housebuilding.

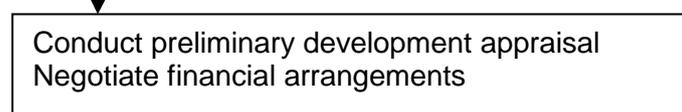
2. The development process

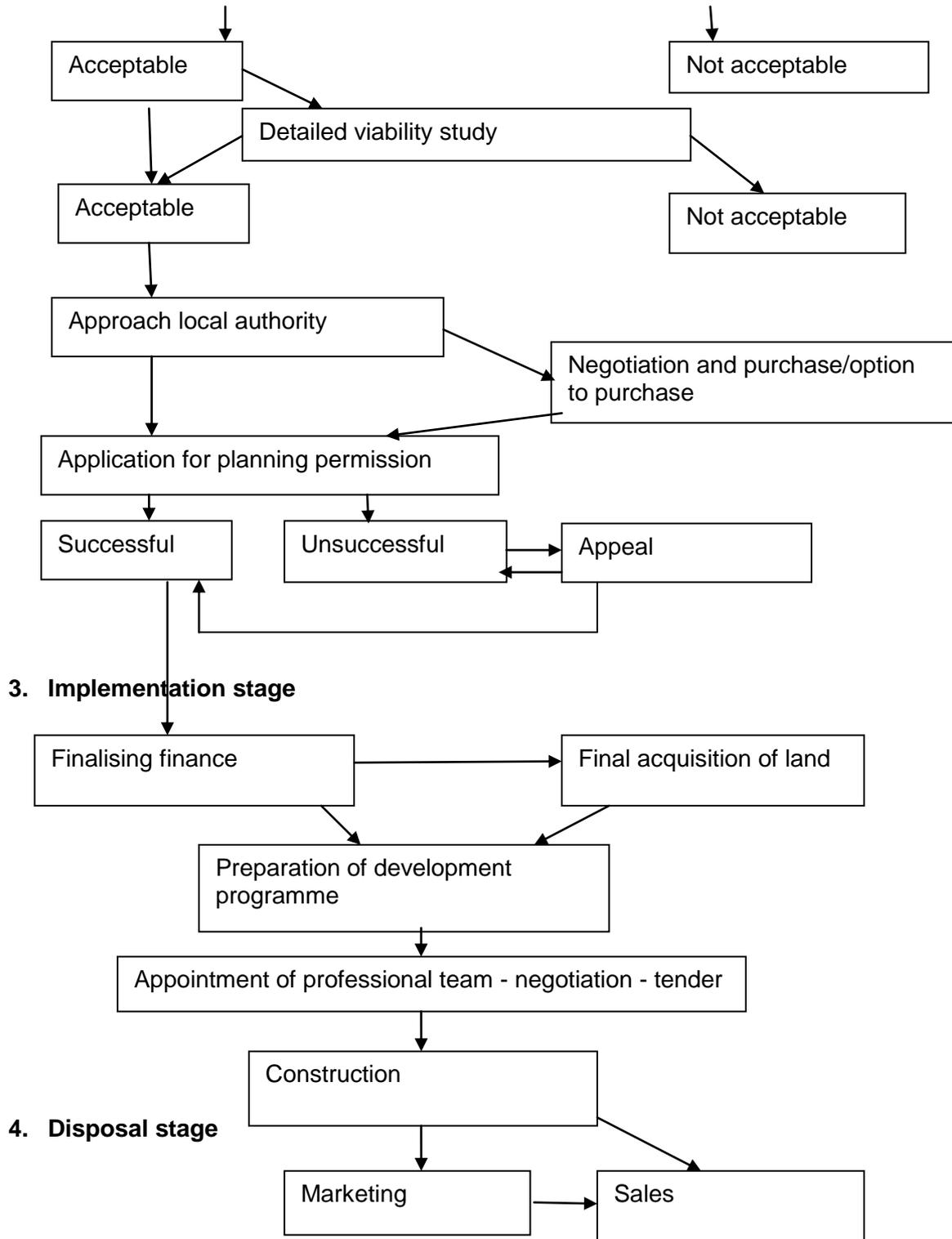
While this project is concerned with the nature of *planning* constraints, it is worth reviewing the development process. The process of delivering new housing has been characterised as comprising four fundamental stages: evaluation, preparation, implementation and disposal (Cadman and Austin-Crowe, 1978). This model was intended primarily to serve as a simple introductory illustration of the main tasks involved in most projects. It has subsequently been refined by various writers, many of whom depict the development process as a flow diagram which maps out some of the detail in terms of events and decisions. For example:

1. Evaluation stage



2. Preparation stage





(Source: Adapted from Gore and Nicholson, 1991)

The disposal stage will almost certainly overlap with construction, particularly on large sites.

Large housebuilders will already have land held on option, so the preparation stage is accordingly shorter. They will also have most of, if not all, the professional team and contractors will relate almost solely to labour, including site management.

Other, smaller, housebuilders may lack the resources to hold land banks and have to search for land for each development. One constraint may be their inability to compete with the large developers for sites, or that the land most likely to be allocated for housing is already tied up by the larger operators. A further constraint is that although the planning system can and must allocate land for housing (indeed, LPAs should have identified a five year supply), planners cannot compel a landowner to bring forward allocated land for development.

Further complications include ongoing negotiations with planners, not least because the planning permission may have had conditions attached which usually comprise aspects that had not been finalised before the planning decision (to accept the application) has been made.

Constraints and delays affecting the speed at which a proposed site is built out may occur well before planning is involved. These include the need for land works to remodel the land to make it more suitable for housing, for example a large site in a flood plain or a disused quarry or steep hillside will all require major land works to ensure safety and stability. For brownfield sites, there may be soil or water contamination to address or deep workings to fill in and make good.

From this it may be seen that two key constraints on housing development are land supply and availability of finance at rates that accord with the preliminary development appraisal. Most large developers hold land banks so their decisions are more about which sites to bring forward at the current point of time – which will of course depend on housing market conditions in the localities of the different sites. Smaller developers are more concerned about land supply, and interviews on previous projects have told us that they often have good relationships with local land agents and indeed, larger developers, and will be able to purchase sites that are too small for larger companies. This is also true for developing housing associations, who have told us of land agents coming to them saying ‘this site has your name on it’ within a particular locality. In other words, profit oriented developers are not the only actors in the land market.

Following the planning decision, a relationship with the LPA may continue during and after construction, particularly if there are conditions attached to the planning consent and also for large sites. Many very large sites will be broken up by the owner/developer and sold to other developers. At this point the individual developers will make new planning applications for ‘their’ part of the development and may well seek to re-negotiate conditions and obligations. Most local authorities will agree to this, particularly when prices are rising, as it provides a further chance for them to negotiate increased community or other benefits.

3. Non-planning constraints on housing delivery

Non-planning constraints on new housing thus include land supply, development finance, the characteristics of the housing market, the time taken to build, volatility, risk and capacity, the availability of infrastructure, the supply of skilled labour and materials, and the nature of the site itself. Taking each in turn:

3.1 Land supply

Only land supply can be deemed to be affected by planning, and even then there are other factors to consider. While there is very little data on who owns land in the UK, we know from a range of sources that these include public sector institutions such as universities, government departments and local authorities, as well as private institutions such as railways, extractive companies such as aggregates and open cast mining, the Crown, and many private companies whose main business is not land or development and who therefore may have little expertise or experience and indeed, little wish to sell or develop their land. However, allocating land for housing development in a plan can exercise the minds of such land owners because it raises the potential value of their land. At the same time many active developers have land banks that include options on land in locations that might, on a range of factors, seem likely to be allocated for housing at some point in the future, and if not, they are prepared to take the risk and propose such land for housing, especially when given the opportunity of the development and adoption of a new local spatial strategy.

3.2 Land banking

The Callcutt Review of Housing Delivery (2007) notes that builders have been criticised for holding large land banks and not building them out quickly enough. Yet because of the standard business model within the industry, land banks are essential to reassure shareholders that the company is able to continue building smoothly in the future. Therefore, action to force the faster build-out of land banks will put production at risk rather than adding to it. However, the public sector could stipulate faster build-out rates when selling public land.

Callcutt quotes Kate Barker (2003) as saying that 'the underlying constraint on housing is the supply of land' (page 10). But Callcutt argues that there is a lack of knowledge about the actual land supply. There is a perception that builders deliberately tie up land in their land banks and build out slowly to keep prices high.

Callcutt acknowledges that the perception that housing land is in short supply is a key element in the current speculative housebuilder business model. Most other industries such as manufacturing use 'just in time' supply chains to minimise the amount of capital tied up in stock. There are few opportunities for developers to do this. The time from planning to completion on a study of 509 London schemes averaged just under three years (34.7 months) and ranged from 30 months to 44.6 months. This did not include time spent in the pre-application process which took a further 15 months on average, and 25 months for large schemes over 150 units.

This means that other things being equal, developers have a strong incentive to build out as quickly as possible (page 36). However, builders must also protect their future land supply in

order to stay in business, hence land banks. Many prefer 'short term' or 'oven ready' land with planning permission which is more expensive but less risky. Others choose 'strategic land' that has not been identified for housing in any plans and take the risk of being able to get planning permission in time to derive the anticipated value from the development.

To minimise the quantity of capital tied up in land banks, most developers acquire options. The cost of options affects the eventual profit because the landowner is effectively ensuring a share in this future profit. But the use of options makes it difficult to estimate the real size of land banks. Developers may 'talk up' their land banks in annual reports in order to reassure their shareholders and the reality may be rather different. Callcutt argues that is not reasonable to criticise holding land banks, and provides estimates of the ownership of land that suggests measures to get land banks built out faster may not hit the right target – only eight percent of land is owned by housebuilders themselves, although they may buy land from other owners including commercial and mixed developers and non-property companies including the public sector, at a later stage.

3.3 Development finance

Development finance was known to be readily available in the years of boom leading up to the global financial crisis (GFC). Since then many housebuilders have folded or been absorbed, along with their land banks, by larger survivors of the crash. Small and medium sized (SME) builders were particularly badly affected, and those that remain continue to find access to finance difficult and expensive.

3.4 Delays due to the characteristics of the housing market

A recent review of constraints on new housing commissioned by the housing charity Shelter (FTI Consulting, 2012) focused on whether there are other characteristics of the housing market that may also constrain housing supply outside of the planning system. The study found that there are aspects of delays in terms of the characteristics of housing supply which would lead to an asymmetric response to changes in prices even in a completely free market. These relate to the nature of housing supply which must meet different and changing demands in terms of size, type and location. Housing demand is not the same as housing need, and the market will only respond to demand, therefore the market would not be expected to meet the full extent of housing need.

3.5 Delays due to the length of time taken to build

A further aspect is the length of time taken to build a dwelling and hence the time that capital is tied up in land and construction costs (unless sales can be completed 'off-plan'). This is unlike almost any other form of production (apart from commercial property). Where other industries increasingly use 'just in time' methods to respond to changes in demand, retaining low stocks of goods and producing them almost to order, housebuilding cannot do so. While the construction industry does respond to changes, e.g. building larger versus smaller homes, building homes for first time buyers or executive homes, it cannot respond very quickly, because once the building has started being constructed, only small cosmetic changes are possible.

Callcutt states that 'it is almost an article of faith, universally held by housebuilders, that there is a limit of 35-50 homes which can be sold from one outlet in a single year; to achieve more rapid built-out requires prices to be reduced' (page 41). There is no theory behind this,

just observation and experience. Yet reflecting this rule of thumb, primary purchasers of large sites often split them into smaller parcels to sell to other builders. Each builder opens a local office, so build-out rates across the site increase. It is not entirely clear why different developers on the same site can achieve what a single developer cannot. It could be associated with different marketing strategies, design, wider range of product types and sizes, and possibly quite small differences in location. Rates of sale on flats are higher, because developers mitigate the risk by selling 'off plan' at lower prices.

Callcutt therefore recommends that when selling large amounts of public land, authorities should divide it into smaller parcels and sell to different builders in order to increase build-out rates. One might also add – if faster build-out rates means accepting lower prices, then the expectations of both landowners and developers, including their shareholders, need to be adjusted downwards, thus benefitting purchasers in both the new and second hand markets for homes.

The review also notes that SME builders are being priced out of the market and recommends that LPAs should allocate a proportion of small sites that such builders can access because in the past they have delivered a significant proportion of new housing. They have been struggling since the GFC, not just for sites but also for finance, and access to cheaper finance for SMEs should also be encouraged. In addition, the costs and time taken for obtaining planning permission on small schemes is out of proportion to their value.

3.6 Delays due to volatility, risks and capacity

It has long been argued that supply is slow to respond to an economic recovery following a slump, but quick to cease production when a boom turns into a downturn. Indeed, during the 1970s and 1980s, it was argued that supply still had not recovered during the boom before the next slump arrived (Muellbauer and Murphy, 1997). This response is partly about risk and not wanting to tie up capital without confirmation that the slump is over, but also about the loss of capacity during a slump – skills and materials. To the extent that this is cumulative over successive boom/slump cycles, it is perhaps not surprising that the UK housebuilding model cannot produce the homes required. This is confirmed by more recent work such as the FTI Consulting report (2013, page 15). Recent data shows that large housebuilders dropped production faster than smaller builders in the face of the recession, and appear far more able to expand rapidly now their market has recovered.

Callcutt (2007) identifies four types of risk that developers face:

- i. Project risk – the risks that the estimated costs of the project will over-run. There is a whole range of site-related costs to manage.
- ii. Market risk – the risk that the estimated prices of the completed units will not materialise.
- iii. Planning risk – will planning restrictions or conditions limit the value of the development? This risk is mitigated by purchasing land with planning permission but it raises the overall cost of the scheme.

- iv. Economic risk – for example, 1973, the end of the 1990s, and 2007 onwards. The IMF has suggested that because UK house prices have risen far higher than incomes, the country ‘is vulnerable to a price correction’ although it admits that a lack of supply could continue to hold prices up.

If the individual developer has miscalculated any of these elements of risk, the outcome of the development may be delayed or very different from originally planned. In particular, the developer may have to go back to the planners to renegotiate the whole scheme, for example, to change the mix of size and types to those that are selling better, or to try to increase the density of development in order to compensate for lower prices than anticipated.

3.7 Delays due to the lack of infrastructure

The lack of infrastructure – from roads to parking, from hospitals to schools, from dentists and doctors to parks and bus stations – has been identified by successive governments. To some extent this was addressed by S106 negotiations during which many local authorities entered agreements with developers to deliver some of this infrastructure (see for example, Crook et al, 2010). However, one problem was that the initial developer effectively ‘pays for’ the infrastructure and later developers were ‘free riders’ as were those building small schemes that fell below the size threshold for S106 contributions. The current alternative is the Community Infrastructure Levy (CIL) which LPAs apply across the whole district, and small sites can be included. However, some of the delays are caused by the utilities which are outside local authority control.

3.8 Skill/labour and material shortages

Ball (1996) argued that supply is sluggish because of labour shortages, particularly skilled labour. Volatility in the housing market impairs the efficiency of the industry, making it difficult to make long term investments in things such as training. UK housebuilding techniques are labour intensive and innovation is discouraged. Sub-contracting, although an efficient use of labour, creates further problems for innovation and training. Site based training is increasingly rare and the numbers of apprentices and trainees have been falling, largely because of sub-contracting. In a recession, the older, more experienced people retire, leaving a lack of expertise to train newcomers.

Material shortages were confirmed in the most recent RICS survey (RICS Construction Market Survey, Q3, 2013) where respondents expressed fears that such shortages could constrain growth in housebuilding output.

3.9 The nature of the site

A final factor that has been highlighted in early literature is the nature of the site. While all precautions are taken to identify problems such as ground conditions, proneness to flooding, slippage, subsidence and so on, it is only when the contractor is on site that the extent of remedial operations may become fully clear. This will naturally cause additional delays and increase costs. However, it is not known how extensive such problems are, apart from general concerns about too much building in flood plains and ‘brownfield’ land being more expensive to develop partly because of remedial work that may be required.

4. Planning constraints

Most developed countries have planning systems which aim to control urban sprawl and protect agricultural land (Oxley, 2004). By definition, such policies aim to constrain and limit development. To the extent that this is effective, all such planning systems act as constraints. If residential development is not permitted in the green belt, for example, the supply of housing within the green belt will be limited and its price will rise relative to housing located in areas without such constraint.

As already noted, planning acts as a constraint on land supply, while the role of planners is to maintain a balance between the extent of that constraint and the ability to build new homes to meet demand and need. Thus planning authorities need to ensure a five-year land supply pipeline (supply of land allocated for housing) and where possible, to have identified a further pipeline that, year on year, can be brought into the five year supply. If this is not in place then housebuilding may be affected.

4.1 Planning delays

Elements of planning constraints leading to delays include:

- Poorly specified policies which are unclear to prospective developers.
- Inadequate resources, especially skilled and experienced staffing.
- Different LPAs charge different fees, fee structures are vague and hard to understand.
- Time taken in S106 negotiations.
- Time taken to determine CIL rates.
- A silo mentality within the LPA so that planning and housing do not talk to each other (or to other relevant departments).

However, planning delay has long been a cause of concern. The Killian-Prety Review of Planning Applications (2008) identified the following key areas of concern:

- Proportionality – that requirements and processes for smaller scale developments were out of proportion to the scale or impact of the scheme.
- Process – the pre-application stage and discharging conditions following planning permission were particularly problematic aspects of the overall process.
- Engagement – the non-involvement of some parties, especially elected members and some statutory and non-statutory consultees, was not working properly.
- Culture – the target regime was having some harmful unintended consequences for behaviour and outcomes.
- Complexity – the national policy framework and the complexity of the legislation governing the consideration of planning applications was of particular concern.

The review made 17 detailed recommendations, mostly accepted by government, to make the application process more proportionate and effective, improve engagement with third parties and to achieve changes in culture and tackle unnecessary complexity, all areas of planning that were argued to be constraining development.

4.2 Proportionality

Considerably expanding the scope of permitted development for non-householder applications would remove some 15,000 minor commercial developments a year from the need to obtain planning permission. This would benefit small changes, such as minor extensions and alterations, to shops, offices, and public buildings including schools, universities and hospitals. This recommendation would also remove nearly 40% of minor non-residential developments from the need to apply, and while this would reduce the fee income of LPAs, they also recommend financial incentives for better performing LPAs (ibid). A similar set of recommendations would considerably reduce information and validation requirements from householder and minor developments with corresponding savings of time and resources. Further recommendations to improve the quality of advice to those proposing development and reduce the number of enquiries LPAs must deal with.

4.3 Process

Drawing on evidence from 64 case study LPAs, the Review made further recommendations aimed at improving pre-application discussions, including stronger national policy and guidance, a strong presumption that for major developments there will be pre-application discussions, greater encouragement of the use of Planning Performance Agreements for major applications, better incentives through revisions to performance targets, and a more consistent approach to fee charging. The Review argued that the approach to planning conditions should be improved, so that unnecessary conditions are avoided and the process of discharging them is more transparent. Reasons for the growth in conditions included a lack of engagement at the pre-application stage, the lack of time to resolve issues because of the time targets regime and the applicants wish to leave matters of detail until the principle had been agreed. The recommendations would result in the need for fewer conditions, reduced demands on LPA resources and reduced delays associated with the discharge of conditions.

Further recommendations concern the negotiation and agreement of planning obligations. There has been concern that negotiating planning obligations is very time consuming and creates uncertainty for developers. Some changes will follow from the introduction of the CIL and the review recommends that the relationship between CIL and S106 needs to be made clearer. They also recommend addressing and agreeing issues that would need to be covered by planning obligations much earlier in the process, at pre-application stage, and encourage greater use of standard agreements and clauses.

4.4 Engagement

A constraint highlighted in the Review was engagement with stakeholders such as elected members. Recommendations to improve engagement include statutory and non-statutory consultees, measures to improve the engagement of elected members through improved training for both members and planning officers (on the role of elected members), and measures to improve the engagement of the local community. There are also recommendations on alternative dispute resolution approaches which could also reduce

demands on the Planning Inspectorate through avoiding the need for appeal in some circumstances.

4.5 Culture

Measures to improve the standard of applications received, including the development of 'accredited agents' for householder and minor developments; measures to address the shortage of resources and skills in planning departments; and measures to revise the timescale-based performance targets are all included in recommendations to encourage the right behaviours and culture among applicants, agents and LPAs.

4.6 Complexity

The final two recommendations deal with some of the underlying causes of many of the issues identified by the Review. Much of the unnecessary complexity is rooted in the national planning policy and legislative framework. It was also recommended to reduce the number of wider policy objectives that planning is expected to deliver, to remove duplicative objectives and to prevent adding ad hoc objectives without strong and compelling reasons for doing so.

4.7 Further planning delays

The introduction of targets for processing planning applications with associated sanctions and rewards has provided an incentive to planning authorities to deal with applications more quickly.

The NAO found that there were some perverse incentives arising from the use of targets. These include:

- An incentive to LPAs to delay validating submitted applications to prevent the 13 week period from starting (according to developers).
- Authorities could either reject applications, or get the applicant to withdraw their application and re-submit at a later date, to meet the target.
- A lack of incentive for LPAs to deal with applications that missed the target. For those of the NAO's 100 cases not approved within 13 weeks, approval took on average a further 27.6 weeks.
- There was an incentive to attach unresolved issues as conditions to permissions so that approval could be given within 13 weeks.
- Less emphasis was placed on monitoring the discharge of conditions, including the date of the start of construction. This monitoring was poor for many of the 11 case studies.

5. Policy responses

The Government has stressed that the planning system should actively support economic growth and it is concerned that some aspects remain burdened by unnecessary bureaucracy that can constrain growth. It has already taken steps to address issues of land supply and new house building, including:

- A strong presumption in favour of development.
- The New Homes Bonus.
- An increasing role for the Homes and Communities Agency (HCA) to bring forward public land for development.
- Greenbelt swaps.
- The Community Infrastructure Levy (CIL).
- Neighbourhood planning (part of the Localism Act).
- The planning guarantee (part of the Growth and Infrastructure Act).

5.1 Presumption in favour of development

A strong presumption in favour of development clearly supports the growth agenda.

5.2 New Homes Bonus

The New Homes Bonus was introduced to provide an incentive to local communities to enable more new housing to be built in their localities. The intention was to highlight the beneficial effects of new homes by providing financial rewards to LPAs for the homes they had built (and the empty homes brought into use). The policy has been criticised for rewarding past planning decisions rather than those taken in the current period and for being too small to make any real difference (see for example, Morton, 2012, page 16).

5.3 Role of the HCA

Increasing the role of the HCA in assembling publicly owned land for development has been suggested by a range of commentators who argue that using public land not only makes best use of an otherwise wasted asset but enables greater control by the public sector over what is built. For example, it has been suggested that government and other agencies could stipulate faster build out rates on public land, provided they can justify any loss this might incur (Callcutt, 2007, page 8).

5.4 Green belt swaps

These are currently encouraged by government. Although green belts are often seen as sacrosanct, in actuality the LPA is free to revisit their boundaries at any time, and some have done so without swaps, for example, to rationalise the boundary once new infrastructure has been built. In other cases poor quality land in the green belt has been released for housing in return for more suitable land to be designated as a country park, for example (Monk et al, 2013).

5.5 CIL

The Community Infrastructure Levy was introduced by the previous government and implemented by the coalition government. It aims to provide a standardised, transparent levy on new development to help pay for essential infrastructure and to overcome the issue

whereby under S106 contributions, the early developers build the infrastructure while later developers were 'free riders'. It could help address delays in housing delivery due to a lack of infrastructure.

5.6 Neighbourhood planning

This was introduced in the Localism Act 2011 which itself was part of the coalition government's intention to decentralise government. It allows neighbourhoods – defined as parishes, wards or other groups of residents and businesses who form a neighbourhood forum – to draw up their own plan for the area (with assistance from the LPA). The plan can be formally adopted following a majority in a referendum of local people. Neighbourhood planning can also be used to permit development without the need for planning permission including major development schemes or extensions to existing development across the whole area. They also require a referendum majority before they can come into force. Community Right to Build Orders gives permission for small-scale, site-specific development by a community group rather than a neighbourhood forum.

5.7 The Growth and Infrastructure Act 2013

The Act has speeding up the planning system as one of its main aims. It provides for applications for planning permission to go directly to the Secretary of State (planning inspector) where the LPA has a record of very poor performance in terms of approving applications in good time. It introduces a limit to the amount of information LPAs can require to be submitted with a planning application. It allows for planning obligations (S106 agreements) to be renegotiated to make a development economically viable.

5.8 The planning guarantee

As part of the Plan for Growth in March 2011, the government committed to a 'planning guarantee' that no planning application should take longer than one year to reach a decision. The guarantee does not replace the existing targets of 13 weeks for major applications and 8 weeks for minor. LPAs and the Planning Inspectorate where an appeal is made, are given 26 weeks to determine applications. This includes time for an appeal to be determined if the initial application is rejected by the LPA. The planning guarantee therefore allows the Secretary of State to determine applications where the relevant LPA has a record of very poor performance.

5.9 Limit to information requirements

The government is concerned that the amount of information required by some LPAs is not reasonable or proportionate to the scale of the proposed development and creates further delays and increased costs for applicants, particularly hampering small and medium sized developers. Therefore the limits require that the information:

- Must be reasonable having regard to the nature and scale of the proposed development.
- May require particulars or evidence about a matter only if it is reasonable to think that the matter will be a material consideration in determining the application.

5.10 Renegotiation of planning obligations

The Act allows for the modification or discharge of affordable housing elements of S106 agreements in order to make a development viable. In effect it will allow developers to insist on renegotiation of such agreements where they can demonstrate that the existing agreement is no longer viable. The term 'economically viable' is not defined but the Act stipulates that where a first application is made for an agreement to be modified, the LPA may not amend it to make the revised obligation more onerous than the original one. IN an subsequent applications, it may make the obligation more onerous, but only providing that this does not make the development economically unviable.

6. Recent policy proposals and announcements

A House of Commons Library Standard Note on *Planning Reform Proposals*, last updated 14 January 2014 (Smith, 2014), outlines the key announcements that are relevant to housing delivery which include:

- Reviewing the planning policy guidance which supported the old policy framework (CLG Press Release 3 July 2002).
- Speeding up the process for determining planning appeals (ibid).
- Extending permitted development rights for agricultural buildings and retail units to be converted into homes without the need for planning permission (CLG Press Release 6 August 2013).
- A review of the nationally significant infrastructure regime (National Infrastructure Plan 2013).
- Consultation on whether to introduce a statutory requirement for LPAs to have a local plan in place (ibid).
- Reducing the number of planning applications where statutory consultation is required (ibid).
- Reforming the system of discharging planning conditions (ibid).
- Proposals to consult on increasing the threshold for designation for LPAs of having a record of very poor performance from 30% to 40% decisions made on time (HM Treasury Autumn Statement, 2013).
- Proposals to consult on introducing a new 10 unit threshold for when section 106 contributions can be requested, to assist small builders (ibid).

The Growth and Infrastructure Act 2013 set out to reduce delays in the planning system and to make it easier for new developments to be built. In particular, it allowed for planning

obligations (S106 agreements) relating to affordable housing provision to be renegotiated in order to make a development economically viable again (Smith et al, 2012). Since the Act was passed a number of consultations, responses and further guidance have been published including:

- Planning performance and the planning guarantee consultation (Nov 2012).
- Planning performance and the planning guarantee: government response to consultation (June 2013).
- Improving planning performance: criteria for designation (June 2013).

In addition, the Autumn Statement 2013 said that the government will consult on increasing the threshold for designation from 30% to 40% of decisions made on time, meaning that more LPAs will risk designation.

Further proposed reforms have been announced which are not related to the Act but stem from other government announcements. These include a review of planning practice guidance by Lord Taylor of Goss Moor published in 2012 (Taylor Review, 2012) which concluded that the previous guidance was no longer fit for purpose and recommended that it be cut to the essential and clearly defined and described as Government Planning Practice Guidance. Following this the government consulted on the recommendations in the Taylor Report and responded to the consultation by accepting the majority of the recommendations, with the exception of those on signposting best practice material produced by the planning sector and the immediate cancellation of the old guidance. The government did not want there to be a gap or perceived gap in guidance so would not cancel the old guidance until the new guidance was in place.

Since then draft planning practice guidance has been produced but not yet been finalised. It is available on the planning portal.

Further reforms to the Community Infrastructure Levy were published in 2013 for consultation. These changes include:

- Relief from CIL for homes built or commissioned by individuals, families, or groups of individuals for their own use that will be owner occupied. The aim is to make it cheaper for people to self-build their own homes.
- Changes that will ensure councils provide greater clarity on how they have set their levy and greater transparency on what developers will pay.
- Allowing LPAs to accept levy payments in kind from developers providing infrastructure, to ensure timely delivery of the infrastructure
- Ensuring that where planning permission is phased, CIL payments will also be phased to help get development going as soon as possible.

- Enabling councils to make discounted sale housing exempt from CIL.
- Removing the current vacancy test, so that CIL will not generally be payable on buildings that have been vacant for a certain period but are undergoing refurbishment – but it would still be payable if the refurbishment involved an increase in floorspace.
- Allowing LPAs that have not adopted the levy to continue to pool contributions from different planning obligations for an extra year. This gives LPAs until April 2015 to take on board any regulatory changes that arise from this consultation.

7. The nature of data on planning outcomes

The NAO has criticised the quality and quantity of data on planning outcomes. While acknowledging that the introduction of targets with associated sanctions has provided an incentive to LPAs to deal with applications more quickly, the records only show the number of applications that met the target (decided within 13 weeks) not how long it took each application. Decisions to reject are quicker than approvals – in the 11 case study authorities, 8% of rejections were decided within 13 weeks compared with only 49% of approvals. For 100 approvals examined in more detail, the average time was over 26 weeks.

The statistics do not include the time taken before submitting an application. The NAO study (2008) found that for schemes of more than 10 houses (major schemes) this can be lengthy. In the 11 case studies, the average was almost 98 weeks from pre-application discussions to the start of construction – which can be merely a ‘spade in the ground’. The NAO found that the information provided by DCLG is limited:

- There is no breakdown between outline planning permission (which will require further work and a further application before building can start) and full planning permission (which allows work to start immediately).
- The statistics do not separately identify repeat applications where a developer with an approved proposal submits a new application for a different scheme on the same site. In 55 of the 100 cases examined, the NAO found that earlier applications had been made, and in some cases approved, for different schemes on the same site.

In attempting to select case study LPAs for this study, the availability of data was shown to be limited. Residential applications were only given separately from all major applications for the most recent year. Yet the data surely exists for earlier years.

Interestingly, when data on speed of decision and proportion accepted was compared with data on housing outcomes such as completions or sales, authorities that appeared to meet the targets did not necessarily build more homes than those that failed to meet some of the targets. One interpretation might be that authorities can ‘tick the boxes’ without any fundamental changes in their procedures and processes. The Killian Pretty Review (2008) criticised the increasing use of conditions, which enable a decision to be met within 13 weeks yet leaves many issues still to be resolved and then, once resolved, monitored to

ensure that they have been delivered. While this may suit some developers who are keen to get their proposal agreed in principle without spending time negotiating details, other research has shown that many LPAs are poor at monitoring (Crook et al, 2010). Indeed, the research found that those who invested in proper monitoring S106 contributions and how they are spent did better than those with poor monitoring resources.

8. Conclusions

The key constraints on new housing include land supply, planning delay, finance, labour and materials. Additional constraints include detailed aspects of individual sites which may have hidden costs not known at the time of the appraisal. Treating these aspects cause delays and additional costs. Of all the constraints identified, only land supply and delays associated with obtaining planning permission can be attributed to the planning system. It is these that the research will concentrate on.

However, much research effort has previously been invested in examining the nature of these causes of delay, and many of the recommendations of previous research have been accepted by government and either implemented, or are planned to be implemented. A notable exception is the use of targets to increase LPA performance which has been criticised by the Killian Pretty Review and the National Audit Office for introducing perverse incentives that do not produce the intended results. Instead of reviewing the target approach, the government is proposing to increase the targets, potentially bringing more LPAs at risk of designation.

Further, the evidence is that the data used to monitor LPAs against the targets is poor. The statistics mask the actual processes that applicants have to go through in order to obtain planning permission, so that it remains difficult to unpick the pinch points and problems that cause delays. In some cases delays may be welcomed by applicants who are not yet ready to progress with the proposed development. It is hoped that such processes may be uncovered in the primary research.

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Appendix B) Interviews with major national housebuilders

Our sample of six covered a range of regional and of national volume housebuilders with annual sales ranging from circa 500-1,000 within one region to over 10,000 across all the UK regions, but did not include any SME housebuilders (i.e. small local builders, with annual sales of 20 to 100 and working on small sites). Those interviewed were the most senior land and planning staff of the companies, several sitting on the main board. They had a very great deal of experience in leading the task of acquiring land and negotiating planning consents.

Interviewees indicated that many SME builders had gone out of business since the GFC (as a result of falling sales, the costs of obtaining permission and the difficulties of securing bank finance) and this resource meant that small allocated sites in local plans were in danger of not being taken up and small windfall sites were not being brought forward.

They themselves had generally recovered from the GFC and in most cases had addressed their post GFC debt problems by either selling land or selling parts of their business. All now had their balance sheets under control; most were able to borrow to buy land and were experiencing increasing sales due in part of the range of government initiatives. As land prices were now lower than at the height of the boom years, some were quickly building up their land banks again. Many were using debt funding to do this. One had been involved in an equity for debt swap to get back onto even keel, post GFC.

Except in one case, the sample developers had land banks with a mix of 'strategic', 'pre-application' and 'consented land'. The first were sites usually unallocated in local plans where the house-builders had identified potential and were taking through the process to get land allocated in a plan and seek consent. Risk was managed by securing options on these sites and, if successful in gaining consent, they would be acquired at a discount on market value (80 to 90 percent was mentioned). Interviewees commented that strategic sites placed them in stronger positions with more flexibility and two sample members which had tended to focus on acquiring consented land were now building up their strategic land bank, both to exercise more long term control but also to 'ride out' fluctuations in land prices better. Having good networks in local areas was crucial to identifying land (and knowing the competition) and to buying it). In most cases the proportion of strategic land used for development in any one year appeared to be around a third.

'Consented land' was land that was acquired with permission, usually from land traders or other developers who had secured planning consent for the sites. Housebuilders acquiring this type of land would typically apply for a new consent to ensure the site had permission for a scheme which met their business objectives and enabled them to secure more value from the sites. The one developer who focused on acquiring only strategic land did so to maximise control.

In between these two extremes was land acquired to develop as soon as possible meaning that the developer would go immediately into the pre application process and might well go for a hybrid permission conflating outline and detailed planning permission. This was more the norm in the South where land ripe for development was seen as being in short supply.

The mix of strategic to consented/short term land varied between our sample (and would also vary over time). In some cases the time line for bringing sites on stream varied between 3 (consented) and 20 (strategic) years. In cases where the developer looked to obtain planning permission as soon as possible the timeline might take one to two years for the planning permission on larger sites and then site related infrastructure might take another year. Many were looking for circa 5 years worth of consented sites to maintain momentum. Others were more interested in there being a steady stream as they had no wish for capital to be tied up for so long.

Finding and securing strategic sites was a long term exercise with the time taken from first identifying strategic sites to opening up a show house often being as long as a decade (and sometimes two decades was quoted for large sites). The time needed to identify sites was often not well understood by planners i.e. a process of research and negotiations with land agents/owners etc, long before starting up formal pre applications discussions with a planning authority. Even short term/consented sites might require three years or more of negotiations etc with planning authorities before opening up a site and putting in the infrastructure. All this means that house-builders need at least 5 plus years worth of short term/consented land in their land bank (in general they need sites with a capacity worth five times they targeted annual sales) if they are to have the raw material on which to build. Those focusing on acquiring consented land from land traders can work with a three year supply but these are tending to opt for more strategic land to get more control as land dealers' consents are often far from what the house-builders need (tend to be too high density).

Almost all our sample experience long delays in achieving consents and all illustrated how the whole process had become substantially elongated over the last two decade. This did not matter as much to those who were using consent to establish valuations (often private owners, utilities and indeed public landowners) but it was for those who wanted to get on and build. Partly these delays are the product of more information requirements and partly it is a 'process' problem compounded by staff reductions (e.g. meetings cancelled; phone calls not returned etc). Taking our entire sample together, getting from initial identification to opening a show house on strategic land can now take 10 to 20 years and up to five years or more depending on infrastructure requirements and the size and make up of sites on allocated and consented land. Delays occur in pre application discussions, from registration to determination (though several pointed out that the 13 week rule had had an impact), and after determination, during discussions on S106 matters (can take 9 months) and pre commencement conditions, including design and materials matters. The time taken up in 'pre apps' and 'post consent' discussions far outweighs the time taken up from the formal registration of an application and its determination. One indicated that its costs could rise 20 to 25 percent during negotiations as a result of S106 obligations, design and materials requirements, often requiring viability studies to be re-run and discussions re-opened with land owners and their agents about prices. These fixed costs made dealing with small sites problematic as the same costs had to be loaded onto fewer dwellings compared with larger sites.

Housebuilders' frustration with these delays is substantial and they pointed to what they saw as excessive requirements for documentation during 'pre apps' and post determination and the large numbers of occasions when elected members turned down officer

recommendations at determination stage. Some of our sample was willing to go to appeal, including on these cases, and these were generally having appeals allowed with costs being awarded against the planning authorities. It was pointed out that only large house-builders (500 plus sales pa) could afford the costs of mounting appeals. Others did not appeal, wanting to maintain good working relationships.

One counter-example was of an organisation working mainly on large sites providing a mix of houses and apartments and putting in considerable site specific services. They took a very structured approach to the process, working closely with the planning department on an almost daily basis and speaking to members as early as possible. They saw this as a positive way of dealing with the planning process but noted it could be slowed down by the certainty that their application was 'for real'.

House-builders are spending substantial sums during the whole process, not just on appeals (figures of £2/300k were quoted for sites yielding only 50 dwellings and £1m or more being spent on larger sites). Another quoted £1,500 per dwelling to get to determination. They were frustrated with the lack of senior leadership in local authority planning teams and felt that there was no longer the professional respect for planners amongst elected members, particularly now that many local planning authorities have abolished independent planning departments and chief planning officer posts.

Some in our sample pointed out a tendency amongst planning authorities to increasingly focus their 5 year supply on a few key sites. Since the market demand on each site was capable of producing only a limited number of sales each year this concentration was reducing total house-building output. This was one factor which had resulted in much greater competition for the fewer sites coming forward. Not all agreed that sites could not generate more than 2/3 sales (4/6 in south) per month but those that did saw this as a problem when there were few sites per local authority. One with large sites split them into two sites with different and distinctive products and could maximise sales this way i.e. could get 3/6 out of the two instead of 2/3 or even 8 instead of 4.

Our sample gave us examples of planning authorities that performed much better than the average and those that performed worse but if there were market opportunities in poorly performing authorities they would, nonetheless, seek to acquire land and consents. The challenge all faced was how to deal with the particularities of each planning authority. The differences between authorities increases the costs housebuilders faced as they have to tailor the approach to each authority.

For most of our sample 'good' authorities had up to date plans, a five years supply of housing land, and excellent professional, well led planning officers and local authorities that were keen to see specific sites develop as soon as possible. 'Bad' authorities were without plans (and several indicated member reluctance to be tied to adopted plans), inexperienced and inadequate numbers of staff with poor leadership, and 'nimby' attitudes amongst elected members. Good planning authorities can shave 18 months off the process from starting pre apps to opening the first show house.

Some pointed to the short-term benefits of there being no up-to-date plan and no 5 year land supply as this could mean that they would win on appeal given the NPPF requirements.

However, some also pointed to the problems of political uncertainty in the run up to the election.

Our sample had clear views about changes that would help them. Primarily these were about good practice and (with one exception) not about changing policy. They generally thought the NPPF had been a positive change (and one referred to the positive nature of the London Plan as well) and most urged that the government should not bring in further change. Changes that would be welcomed include: lessening the detail needed at pre apps and determination (de-burden and de-risk the early stages which cost developers hugely), introduce CRM processes and have performance targets for big applications, reducing non statutory consultations (and meeting members early in the process i.e. before determination), making it a legal requirement to have and keep up to date a local plan, more training for elected members, and removing obligations to produce zero carbon homes. One pointed to the valuation problems affecting the disposal of public land. But several pointed out that if there was no local plan nor a five years supply they were likely to get permission under the NPPF approach.

There was also a general feeling that many planners had little idea of how house-builders operated and the critical market factors they needed to take into account to run their businesses and thus produce the housing we need. One was in despair saying it was almost as if planners and members did not think they had any responsibility for meeting housing need. There was also a strong feeling that members' negative 'nimby' attitudes and desire to address the details of applications (materials to be used in construction etc) were key issues that had to be addressed if we were to build the houses we needed.

Finally there were increasing concerns about CIL, especially on its impact on viability and the concerns that CIL is being used to 'buy off' local residents and not pay for the infrastructure needed to support new sites.

Above all house-builders value certainty: they can live with the time taken provided they can achieve more certainty of outcomes, as they progress along the decision timeline. The problem of the last few years is there has been neither market nor planning certainty and it is difficult to get everything going again especially as so many construction trades have (permanently) left the industry.

Appendix C) LPA interview schedule

Questions on LPA general processes

1. Policy
2. Status of plan
3. At what stage in the process are you approached by housebuilders (minor/major application)?
4. Do you know the proportion of applications that come in from land traders (who then sell on consented apps to housebuilders) and housebuilders (who may want to re-plan as conditions change but who do intend to build and sell on land for which they get consent)?
5. Process for pre application discussions?
6. And what kind of discussions take place during pre apps?
7. Who is involved?
8. Do you deal directly with community groups during the process?
9. How long does it take, on average, from pre apps to application? How does it vary by type of site, size, greenfield/brownfield?
10. How long does it take, on average, from application to consent? How does it vary by type of site, size, greenfield/brownfield?
11. The planning performance targets for approvals within 13/8 weeks – what are your views on these? Useful/problematic? Priority in meeting them? How do you ensure you meet them?
12. How often do you get reapplications for the same site? Circumstances? E.g. original speculative developers having a go at consent to sell on to housebuilders etc who have to re-plan and come back with a further application, or on-sales on large sites.
13. How long do post determination times and processes take, on average, processes e.g. on S106 discussions and agreements and discharge of conditions?
14. How far does this vary between green and brown field sites? How far does it vary in terms of site size and if complex comprehensive schemes involved? What about mixed use?
15. What are the key blockages in the process?
16. At what stage can things go wrong?

17. Do any issues arise over S106 negotiations?
18. Are there are issues with elected member reactions to applications and/or decisions post pre apps? E.g. officers might get a report to Committee within a reasonable timescale, but consideration might then be deferred (repeatedly), for various reasons, depending upon how controversial the application is locally.
19. Any particular elected member concerns? E.g. political implications.
20. Do developers ever go to appeal to get consent?
21. How long does this add to the process and what costs are involved to the LPA?
22. Do housebuilders ever say that particular issues or LPA requirements are problematic e.g. S106 or argue that design requirements increase costs and hence reduce residual values?
23. What is your experience of CIL charges and how far are these problematic?
24. Do you monitor sites post consent?
25. What is good practice in ensuring delivery of new housing? On side of both LPA and applicants?
26. What slows the process down?
27. What is the priority for improving matters?
28. What has changed over the past few years?
29. What has the impact of the NPPF been?
30. Any issues with or thoughts on the impact of the S106/CIL transition?

The four development schemes

Small
 Medium
 Large
 Mixed

1. Nature of the scheme (number units, type, size, density, nature of the site)
2. Housebuilder name and type, if worked with them before, contacts
3. Process:

4. When/how approached by housebuilder?
5. Pre-application discussions?
6. When formal application made?
7. Any issues?
8. Any changes or negotiations?
9. Who involved – elected members?
10. Any S106/CIL?
11. Any conditions?
12. Monitoring?

Appendix D) Site summaries

LPA	Site	Summary	Pre application	Application	Approved
1a	Large mixed	34 hectares, redevelopment of factory site, phased development, current phase 380 units, S106	Y	2004	2006
1a	Large	26 dwellings, 0.6 hectares, S106	Y August 2011	December 2012	February 2012
1a	Medium	Redevelopment of pub site, 8 dwellings. 2011 application withdrawn as details could not be agreed. Local objections	Y	2011	2011
1a	Small	Demolition of bungalow, several applications for 2 or 3 houses, local objection, appeal by applicant	Y	2011, latest August 2013	October 2013
1b	Large	120 dwellings on former public open space. May 2013 developer chosen as the council's preferred partner for delivery	Y	August 2013	September 2013
1b	Mixed	6.8 hectares, council owned brownfield land. 217 dwellings	Y	August 2013	October 2013
1b	Medium	1.2 hectares former school site, 217 dwellings, some contamination	Y	July 2011	December 2011
1b	Small	Bungalow on land adjacent to applicant's house	Y	Entire process took 68 days	
2a	Large	9.64 hectares, public sector owned land, 399 residential units plus commercial and care home, phased development, around 30 related applications over the last eight years in respect of reserved matters and discharge of conditions, main applicant sold phases to other housebuilders	Y 2005		Phases still being built out
2a	Large mixed	145.8ha public sector owned brownfield land plus	Y 2011	January 2013	July 2013

		109.2ha of 'SANGs' land. 3850 residential units, employment, schools, local centre, waste facility, open spaces.			
2a	Medium	Demolition of garage, five 3 bedroom houses	Y	2012	2012
2a	Small	Pair of bungalows	Y		
2b	Large	Demolition of Community College on 2 sites, erection of 114 dwellings, outline consent obtained by County council	N	May 2012	2013
2b	Mixed	48 flats, 4 houses & 477m2 retail	Not known	December 2004	Approved on appeal May 2009
2b	Medium	Demolition of 2 bungalows, erection of 7 houses & 5 flats	Y February 2012	Revised application December 2012	Approved April 2013
2b	Small	10 No. New terraced houses with associated car parking and landscaping	N	December 2010	Refused, allowed on appeal July 2011
3b	Large	Demolition of existing care home, day centre & 2 houses to erect 32 bungalows & 14 apartments by housing association		April 2013	June 2013
3b	Mixed	Mixed use development comprising 11 x Class B1 (b), B1 (c) and B8 units totalling 3,368 sqm (GIA) of floorspace and 239 dwellings, riverside park and habitat creation scheme, associated land raising, access and estate roads, sub-station, landscaping and flood mitigation measures		October 2012	March 2013
3b	Medium	10 dwellings		January 2012	March 2012
3b	Small	1 house on site with existing outline consent (2010)		January 2012	March 2012
3c	Large 1	116 dwellings. Local	Y 2008	2009	

		objections, residents formed action group. Went to judicial review.			
3c	Large 2	74 dwellings. Local objections.		2009	2010
3c	Medium	20 dwellings. Local objection, residents formed action group.			2012
3c	Small	Three 3 bed dwellings.		2011	2012
3d	Large	Up to 504 residential units including affordable housing	Y	August 2012 Appeal lodged Jan 2013	February 2014
3d	Mixed	Up to 260 dwellings, school, new road link and junction	Y	Feb 2013	October 2013
3d	Medium	54 dwellings including 16 affordable	Y	Outline approval March 2011 New application August 2013	Reserved matters approved November 2012
3d	Small	49 homes plus infrastructure work	Y	August 2011	April 2012

Appendix E) Planning constraints data

The approach taken in analysing the data was to compare authorities and to consider the authorities with the most positive processes and outcomes as those which:

- Make the highest percentage of major residential decisions within the statutory 13 weeks
- Make the highest percentage of minor residential decisions within the statutory 8 weeks
- Grant the highest proportion of major residential decisions
- Grant the highest proportion of minor residential decisions

Conversely the authorities considered to have the weakest processes and outcomes are those which:

- Make the lowest percentage of major residential decisions within the statutory 13 weeks
- Make the lowest percentage of minor residential decisions within the statutory 8 weeks
- Grant the lowest proportion of major residential decisions
- Grant the lowest proportion of minor residential decisions

There is only one year of residential planning decision data available on the DCLG website. The data used are:

Table P136: District planning authorities - Planning decisions on Major and Minor residential development by authority
Year ending September 2013

The speed of decision making and the refusal rate are two indicators of how processes and outcomes differ between authorities.

In the tables below the authorities which grant the greatest and smallest proportion of decisions within the statutory 13 weeks for major decisions and within the statutory 8 weeks for minor decisions have been identified. The authorities which grant the largest and smallest proportion of major and minor decisions have also been identified.

The national average number of major decisions per authority is 19 with 15 granted on average. The average number of minor decisions per authority is 138 with 104 granted on average. District type and population have been added to aid comparison.

Table 1: Major Residential Decisions Percentage within 13 weeks (positive process/outcome)

	Planning Authority	Total Major residential decisions	Number granted	Percentage granted	Percentage within 13 weeks	Percentage over 13 weeks	District type	Population	Region
	England	6,253	5,155	82	54	46			
1.	Derbyshire Dales	8	3	38	88	12	NM	71,100	EM
2.	Birmingham	60	56	93	88	12	MD	1,073,000	WM
3.	Warwick	32	26	81	88	12	NM	136,000	WM
4.	Chiltern	8	2	25	88	12	NM	92,600	SE
5.	Rushmoor	25	25	100	88	12	NM	93,800	SE
6.	Copeland	9	9	100	89	11	NM	70,600	NW
7.	Staffordshire Moorlands	18	12	67	89	11	NM	97,100	WM
8.	Huntingdonshire	9	5	56	89	11	NM	169,500	E
9.	Hinckley and Bosworth	25	20	80	92	8	NM	105,100	WM
10.	High Peak	19	11	58	95	5	NM	90,900	WM
11.	Richmondshire	5	4	80	100	-	NM	52,000	YH
12.	Chesterfield	6	6	100	100	-	NM	103,800	EM
13.	Cannock Chase	2	2	100	100	-	NM	97,500	WM
14.	Coventry	31	30	97	100	-	MD	318,600	WM
15.	Stevenage	3	3	100	100	-	NM	84,000	E
16.	Gravesham	2	1	50	100	-	NM	101,700	SE
17.	Tandridge*	3	2	67	100	-	NM	83,000	SE
18.	Purbeck	4	2	50	100	-	NM	45,000	SW
19.	Broads Authority	2	2	100	100	-			
20.	New Forest NPA	2	2	100	100	-			

Table 2: Minor Residential Decisions Percentage within 8 weeks (positive process/outcome)

	Minor decisions	Total Minor residential decisions	Number granted	Percentage granted	Percentage within 8 weeks	Percentage over 8 weeks	District type	Population	Region
	England	46,262	34,821	75	61	39			
1.	Nottingham	107	88	82	86	14	UA	305,700	EM
2.	Southend-on-Sea	150	71	47	86	14	UA	173,600	E
3.	Dartford	49	37	76	86	14	NM	97,400	SE
4.	Stockton-on-Tees	61	50	82	87	13	UA	191,600	NE
5.	High Peak	103	75	73	87	13	NM	90,900	EM
6.	Rochford	77	51	66	87	13	NM	83,300	E
7.	Hammersmith and Fulham	191	149	78	87	13	L	182,500	L
8.	Rushmoor	55	46	84	87	13	NM	93,800	SE
9.	South Bucks	203	146	72	88	12	NM	66,900	SE
10.	Harlow	27	16	59	89	11	NM	81,900	E
11.	East Staffordshire	121	103	85	90	10	NM	113,600	WM
12.	Three Rivers	73	52	71	90	10	NM	87,300	E
13.	Newham	117	51	44	91	9	L	308,000	L
14.	Warwick	85	67	79	92	8	NM	136,000	WM
15.	Watford	46	33	72	93	7	NM	90,300	E
16.	Thurrock	62	28	45	94	6	UA	157,700	E
17.	West Somerset	56	46	82	95	5	NM	34,700	SW
18.	Corby	26	19	73	96	4	NM	61,300	EM
19.	Coventry	52	39	75	98	2	MD	318,600	WM
20.	City of London	6	6	100	100	-	L	7,400	L

Table 3: Major Residential Decisions Percentage over 13 weeks (weak process/outcome)

	Planning Authority	Total Major residential decisions	Number granted	Percentage granted	Percentage within 13 weeks	Percentage over 13 weeks	District type	Population	Region
	England	6,253	5,155	82	54	46			
1.	Melton	1	1	100	-	100	NM	50,400	EM
2.	Newark and Sherwood	6	6	100	-	100	NM	114,800	EM
3.	Bromsgrove	15	13	87	-	100	NM	93,600	WM
4.	Adur	2	2	100	-	100	NM	61,200	SE
5.	Gosport	1	1	100	-	100	NM	82,600	SE
6.	Fenland	22	18	82	5	95	NM	95,300	E
7.	Mid Devon	10	8	80	10	90	NM	77,800	SW
8.	Halton	23	23	100	13	87	UA	125,800	NW
9.	Blaby	15	12	80	13	87	NM	93,900	EM
10.	Malvern Hills	16	6	38	13	87	NM	74,600	WM
11.	Basingstoke and Deane	8	6	75	13	87	NM	167,800	SE
12.	Fareham	7	5	71	14	86	NM	111,600	SE
13.	Worthing [#]	7	6	86	14	86	NM	104,600	SE
14.	Hambleton	13	9	69	15	85	NM	89,100	YH
15.	King's Lynn and West Norfolk	13	8	62	15	85	NM	147,500	E
16.	Blackburn with Darwen	6	6	100	17	83	UA	147,500	NW
17.	Corby	6	6	100	17	83	NM	61,300	EM
18.	Wolverhampton	21	19	90	19	81	MD	249,500	WM
19.	North Devon	16	14	88	19	81	NM	93,700	SW
20.	Ribble Valley	15	12	80	20	80	NM	57,100	NW

Table 4: Minor Residential Decisions Percentage over 8 weeks (weak process/outcome)

	Minor decisions	Total Minor residential decisions	Number granted	Percentage granted	Percentage within 8 weeks	Percentage over 8 weeks	District type	Population	Region
	England	46,262	34,821	75	61	39			
1.	London Legacy Development Corporation	1	1	100	-	100			
2.	Isles of Scilly	2	2	100	-	100	UA	2,200	SW
3.	Mendip	214	175	82	12	88	NM	109,300	SW
4.	Bromsgrove	68	49	72	13	87	NM	93,600	WM
5.	Crawley	37	28	76	14	86	NM	106,600	SE
6.	Yorkshire Dales NP	19	14	74	16	84			
7.	Winchester	123	86	70	18	82	NM	116,600	SE
8.	Fylde	45	39	87	20	80	NM	75,800	NW
9.	Shropshire	431	371	86	20	80	UA	306,100	WM
10.	Castle Point	64	47	73	20	80	NM	88,000	E
11.	Exmoor NP	14	10	71	21	79			
12.	East Cambridgeshire	113	89	79	23	77	NM	83,800	E
13.	Barrow-in-Furness	21	17	81	24	76	NM	69,100	NW
14.	Torbay	120	94	78	24	76	UA	131,000	SW
15.	North Norfolk	163	146	90	25	75	NM	101,500	E
16.	Mid Devon	122	99	81	25	75	NM	77,800	SW
17.	Blackburn with Darwen	26	20	77	27	73	UA	147,500	NW
18.	South Lakeland	98	91	93	27	73	NM	103,700	NW
19.	Blaby	49	43	88	27	73	NM	93,900	EM
20.	Eden	115	98	85	28	72	NM	52,600	NW

Table 5: Major Residential Decisions Percentage Largest Proportion Granted (positive process/outcome)

Planning Authority	Total Major residential decisions	Number granted	Percentage granted	Percentage within 13 weeks	Percentage over 13 weeks	District type	Population	Region
Darlington	8	8	100	75	25	UA	105,600	NE
Sunderland	24	24	100	46	54	MD	275,500	NE
Barrow-in-Furness	9	9	100	67	33	NM	69,100	NW
Blackburn with Darwen	6	6	100	17	83	UA	147,500	NW
Burnley	6	6	100	67	33	NM	87,000	NW
Bury	17	17	100	82	18	MD	185,100	NW
Copeland	9	9	100	89	11	NM	70,600	NW
Halton	23	23	100	13	87	UA	125,800	NW
Hyndburn	4	4	100	75	25	NM	80,700	NW
Sefton	20	20	100	70	30	MD	273,800	NW
Wigan	21	21	100	71	29	MD	317,800	NW
Wyre	11	11	100	27	73	NM	107,700	NW
Doncaster	26	26	100	38	62	MD	302,400	YH
Bolsover	12	12	100	42	58	NM	75,900	EM
Boston	5	5	100	80	20	NM	64,600	EM
Chesterfield	6	6	100	100	-	NM	103,800	EM
Corby	6	6	100	17	83	NM	61,300	EM
Gedling	9	9	100	56	44	NM	113,600	EM
Lincoln	10	10	100	50	50	NM	93,500	EM
Mansfield	13	13	100	54	46	NM	104,400	EM
Melton	1	1	100	-	100	NM	50,400	EM
Newark and Sherwood	6	6	100	-	100	NM	114,800	EM
Oadby and Wigston	2	2	100	50	50	NM	56,200	EM
South Holland	5	5	100	20	80	NM	88,300	EM
Cannock Chase	2	2	100	100	-	NM	97,500	WM
Tamworth	10	10	100	60	40	NM	76,800	WM
Walsall	34	34	100	68	32	MD	269,300	WM
Braintree	16	16	100	69	31	NM	147,100	E

Brentwood	6	6	100	50	50	NM	73,600	E
Castle Point	5	5	100	60	40	NM	88,000	E
Colchester	14	14	100	57	43	NM	173,100	E
Forest Heath	4	4	100	25	75	NM	59,700	E
Ipswich	2	2	100	50	50	NM	133,400	E
St Edmundsbury	8	8	100	25	75	NM	111,000	E
Stevenage	3	3	100	100	-	NM	84,000	E
Watford	7	7	100	57	43	NM	90,300	E
Bexley	9	9	100	44	56	L	232,000	L
Brent	16	16	100	38	62	L	311,200	L
City of London	3	3	100	67	33	L	7,400	L
Kingston upon Thames	6	6	100	50	50	L	160,100	L
Newham	2	2	100	-	-	L	308,000	L
Redbridge	6	6	100	67	33	L	279,000	L
Wandsworth	36	36	100	56	44	L	307,000	L
Adur [#]	2	2	100	-	100	NM	61,200	SE
Eastbourne	12	12	100	33	67	NM	99,400	SE
Gosport	1	1	100	-	100	NM	82,600	SE
Rother	4	4	100	25	75	NM	90,600	SE
Rushmoor	25	25	100	88	12	NM	93,800	SE
Tonbridge and Malling	25	25	100	32	68	NM	120,800	SE
Cheltenham	8	8	100	25	75	NM	115,700	SW
East Dorset	6	6	100	33	67	NM	87,200	SW
Gloucester	19	19	100	37	63	NM	121,700	SW
Poole	4	4	100	25	75	UA	147,600	SW
Broads Authority	2	2	100	100	-			
Lake District NP	4	4	100	25	75			
New Forest NPA	2	2	100	100	-			
Yorkshire Dales NP	2	2	100	50	50			

Table 6: Minor Residential Decisions Percentage Largest Proportion Granted (positive process/outcome)

	Planning Authority	Total Minor residential decisions	Number granted	Percentage granted	Percentage within 8 weeks	Percentage over 8 weeks	District type	Population	Region
	England	46,262	34,821	75	61	39			
1.	Burnley	19	19	100	53	47	NM	87,000	NW
2.	City of London	6	6	100	100	-	L	7,400	L
3.	London Legacy Development Corporation	1	1	100	-	100			
4.	Isles of Scilly	2	2	100	-	100	UA	2,200	SW
5.	Northumberland NP	4	4	100	75	25			
6.	Halton	35	34	97	31	69	UA	125,800	NW
7.	Preston	89	84	94	44	56	NM	140,200	NW
8.	Richmondshire	88	83	94	51	49	NM	52,000	NW
9.	Middlesbrough	43	40	93	72	28	UA	138,400	NW
10.	Allerdale	117	109	93	65	35	NM	96,400	NW
11.	Copeland	75	70	93	72	28	NM	70,600	NW
12.	South Lakeland	98	91	93	27	73	NM	103,700	NW
13.	St. Helens	58	54	93	86	14	MD	175,300	NW
14.	Tamworth	41	38	93	76	24	NM	76,800	WM
15.	Telford and Wrekin	116	108	93	40	60	UA	166,600	WM
16.	Wolverhampton	88	82	93	58	42	MD	249,500	WM
17.	County Durham	233	215	92	80	20	UA	513,200	NE
18.	Wigan	114	105	92	78	22	MD	317,800	NW
19.	Wandsworth	965	887	92	67	33	L	307,000	L
20.	Carlisle	106	96	91	60	40	NM	107,500	NW

Table 7: Major Residential Decisions Percentage Smallest Proportion Granted (weak process/outcome)

	Planning Authority	Total Major residential decisions	Number granted	Percentage granted	Percentage within 13 weeks	Percentage over 13 weeks	District type	Population	Region
	England	6,253	5,155	82	54	46			
1.	Spelthorne	11	6	55	64	36	NM	95,600	SE
2.	North East Derbyshire	14	7	50	43	57	NM	99,000	EM
3.	London Legacy Development Corporation	2	1	50	50	50			
4.	Merton	10	5	50	20	80	L	199,700	L
5.	Arun	22	11	50	41	59	NM	149,500	SE
6.	Chichester	28	14	50	43	57	NM	113,800	SE
7.	Epsom and Ewell	6	3	50	67	33	NM	75,100	SE
8.	Gravesham	2	1	50	100	-	NM	101,700	SE
9.	New Forest	8	4	50	63	37	NM	176,500	SE
10.	Purbeck	4	2	50	100	-	NM	45,000	SW
11.	Peak NP	2	1	50	50	50			
12.	St Albans	26	12	46	81	19	NM	140,600	E
13.	Mole Valley	13	6	46	54	46	NM	85,400	SE
14.	Derbyshire Dales	8	3	38	88	12	NM	71,100	EM
15.	Malvern Hills	16	6	38	13	87	NM	74,600	WM
16.	Richmond upon Thames	3	1	33	33	67	L	187,000	L
17.	Wokingham	13	4	31	54	46	UA	154,400	SE
18.	Chiltern	8	2	25	88	12	NM	92,600	SE
19.	Christchurch	4	1	25	25	75	NM	47,700	SW
20.	Maldon	7	1	14	29	71	NM	61,600	E

Table 8: Minor Residential Decisions Percentage Smallest Proportion Granted (weak process/outcome)

	Planning Authority	Total Minor residential decisions	Number granted	Percentage granted	Percentage within 8 weeks	Percentage over 8 weeks	District type	Population	Region
	England	46,262	34,821	75	61	39			
1.	Hounslow	161	84	52	66	34	L	254,000	L
2.	Redbridge	153	80	52	37	63	L	279,000	L
3.	Brighton and Hove	275	144	52	44	56	UA	273,400	SE
4.	Maldon	146	74	51	34	66	NM	61,600	E
5.	Bromley	305	155	51	42	58	L	309,400	L
6.	Luton	62	31	50	84	16	UA	203,200	E
7.	Christchurch	62	31	50	53	47	NM	47,700	SW
8.	Harrow	183	88	48	77	23	L	239,100	L
9.	Spelthorne	62	30	48	74	26	NM	95,600	SE
10.	Southend-on-Sea	150	71	47	86	14	UA	173,600	E
11.	Epsom and Ewell	32	15	47	50	50	NM	75,100	E
12.	Merton	109	50	46	52	48	L	199,700	L
13.	Thurrock	62	28	45	94	6	UA	157,700	E
14.	Greenwich	51	23	45	76	24	L	254,600	L
15.	Newham	117	51	44	91	9	L	308,000	L
16.	Lewisham	143	61	43	64	36	L	275,900	L
17.	Barking and Dagenham	37	15	41	41	59	L	185,900	L
18.	Brent	154	62	40	60	40	L	311,200	L
19.	Enfield	140	55	39	63	37	L	312,500	L
20.	Hillingdon	195	64	33	73	27	L	273,900	L

Results

The authorities which grant the greatest proportion of decisions within 13 weeks for major decisions *and* within the statutory 8 weeks for minor decisions are (positive process/outcome):

1. Warwick
2. Rushmoor
3. High Peak
4. Coventry

The authorities which grant the greatest proportion of decisions over 13 weeks for major decisions *and* over the statutory 8 weeks for minor decisions are (weak process/outcome):

1. Bromsgrove
2. Mid Devon
3. Blaby
4. Blackburn with Darwen

The authorities which grant the greatest percentage of both major and minor decisions are (positive process/outcome):

1. Burnley
2. City of London
3. Halton
4. Copeland
5. Tamworth
6. Wigan
7. Wandsworth

The authorities which grant the smallest percentage of both major and minor decisions are (weak process/outcome):

1. Maldon
2. Christchurch
3. Spelthorne
4. Epsom and Ewell
5. Merton

There are no authorities on all lists.

Some authorities are on more than one positive process/outcome list:

On 3 lists:

1. Rushmoor
2. Copeland
3. City of London

On 2 lists:

1. Warwick
2. High Peak
3. Richmondshire
4. Cannock Chase
5. Chesterfield
6. Coventry
7. Stevenage
8. Broads Authority
9. New Forest NPA
10. Newham
11. Watford
12. Corby
13. Burnley
14. Halton
15. Wigan
16. Tamworth
17. Wandsworth

Some authorities are on more than one weak process/outcome list:

On 2 lists:

Bromsgrove
Mid Devon
Blaby
Malvern Hills
Blackburn with Darwen
London Legacy Development Corporation
Spelthorne
Merton
Epsom and Ewell
Christchurch
Maldon

Some authorities are on more than one positive process/outcome are also on a weak positive process/outcome list:

Newham on Minor Residential Decisions Percentage within 8 weeks and Major Residential Decisions Percentage Largest Proportion Granted but also on Minor Residential Decisions Percentage Smallest Proportion Granted.

Corby on Minor Residential Decisions Percentage within 8 weeks and Major Residential Decisions Percentage Largest Proportion Granted but also Major Residential Decisions Percentage over 13 weeks.

Halton is on Major Residential Decisions Percentage Largest Proportion Granted and Minor Residential Decisions Percentage Largest Proportion Granted but also Major Residential Decisions Percentage over 13 weeks.

The LPAs identified were then separated into a shortlist by speed of decision and approval rate from which the final sample was selected.

