PLANNING PROCEDURES

MEMORANDUM BY THE MINISTER OF HOUSING AND LOCAL GOVERNMENT AND MINISTER FOR WELSH AFFAIRS

During a previous discussion in Cabinet on possible means of moderating land values (C.M. (64) 25th Conclusions, Item 2) it was suggested that some contribution towards reducing prices might result if it were possible to release land for development more freely. In particular it was urged that an undertaking by the Government to simplify and accelerate planning permission procedures would justify to public opinion the Government's policy on land values in relation to development in urban areas.

2. Subsequently I was invited by the Land Values Committee to circulate a Paper on planning procedures and to consider what statement of the Government's objectives in simplifying and improving the processes could be made to Parliament before the summer recess. But in view of the earlier discussions in Cabinet my colleagues might now find it helpful to have this Paper at the same time as the Chancellor's Memorandum on Land Values (C.P. (64) 125). The paper on planning procedures is therefore attached as an annex to this Memorandum.

3. The Paper makes three main points:

(a) Planning procedures as such have no effect on the price of land, though any delays caused by planning procedures can be expensive.

(b) A fundamental review of the planning system has been under way for some months, and in this review my Department and the Departments of the Minister of Transport and the Secretary of State for Scotland are being assisted by the recently appointed Planning Advisory Group, comprising Departmental representatives and administrative, professional and financial experts drawn both from local authorities and private practice.

(c) Having announced already that this review has been put in hand there is not much more that I can say to Parliament at this stage. Instead I would propose to take an opportunity, which is likely to be offered in a speech at the beginning of September to one of the main professional bodies concerned with this subject, to discuss some of the defects of the present planning system; in doing so I would make it clear that the Government envisaged changes in planning procedures during the next Parliament.

K. J.

Ministry of Housing and Local Government, S.W. 1,
29th June, 1964.
1. This paper deals with the procedure for obtaining planning permission, the handling of appeals where permission is refused, and the development plan system which sets the framework within which planning control operates.

2. Planning procedures as such have no effect on the price of land. Prices are governed not by the methods of control, but by planning policies, which determine whether or not planning permission is granted. But it is true that planning procedures can cause delay and that delay is expensive.

3. Any simplification must retain safeguards for the individual. We have recognised this in implementing the recommendations of the Franks Committee and in setting up the Council on Tribunals. But it must be borne in mind that changes in procedure designed to protect the individual have undoubtedly been an added cause of delay in the handling of planning appeals and development plans.

Planning Permission

4. Local planning authorities deal with about 400,000 planning applications a year in England and Wales. About 84 per cent are granted and of those refused—about 64,000—12,000 go to appeal. Of these 12,000, about 25 per cent are withdrawn. On the whole, the system works smoothly and is generally accepted as fair and effective.

5. The local planning authorities are the county and county borough councils. But district councils with more than 60,000 population can claim the right to deal with planning applications; and counties may delegate this function to districts of smaller size.

6. Planning authorities must give their decision on a planning application in two months (three months in cases fronting a trunk road). If a decision is not given in two months, the applicant can appeal to the Minister without further ado. Out of a total annual number of 12,000 appeals, less than 1 per cent are appeals on the ground that the local planning authority failed to give a decision within two months. But this does not give a complete picture. In many cases the applicant agrees to delay in the hope of finally getting his application approved. We have no complete figures to show how widespread this practice is, but our best guess is that it may occur in about 20 per cent of all applications.

7. If planning applications are to be dealt with democratically through the local government machine, we have to have regard to how local government works in practice. The frequency of committee and council meetings are an important factor. Moreover, many councils advertise contentious applications in the local Press before dealing with them (which is a good thing): and planning committees often carry out site inspections. It would obviously be wrong to put pressure on local planning authorities the effect of which might be to cause applications to be dealt with peremptorily; indeed, there are already criticisms that too many applications go through “on the nod”. Meanwhile there is everywhere an acute shortage of planning staff. Pressure on over-burdened authorities might well result in more dismissals and—in consequence—more appeals.

8. In any case, whether a planning application takes two, three or more months to go through, the effect on land prices is minimal. A developer does not have to wait until he is ready to start work before applying for permission. He can do so at any time—even before acquiring the land. It is the refusal of authorities to allow development in pressure areas—often enough in execution of nationally agreed policies—which affects prices.

9. Many minor forms of development are already exempt from planning control, and the only likely simplification at the planning application stage would consist in further exemptions. It must be said, however, that the pressures to which I am subject are usually in the opposite direction. Either I am asked to bring under control developments which are now free, or it is claimed that local planning authorities ought to give more notice of applications before them and allow third parties more scope to intervene. The result of such measures would be to slow down and complicate the process.
10. On the whole, given the way the local government machine has to work and the acute shortage of planning staff, I do not see much hope of substantial improvement at the application stage.

Planning Appeals

11. The annual intake of appeals has grown steadily from 4,456 in 1953 to 12,207 in 1963 in England and Wales. The intake in the first quarter of this year was the highest ever. Over the past five years the average time taken to deal with an appeal has increased from 27 weeks to 31 weeks. Most of this time is accounted for by the delay in holding an inquiry. This is due to a variety of causes: difficulty in recruiting enough Inspectors with the right qualifications, the increasing complexity of the large cases, shortage among local planning authorities of staff who can handle these inquiries, and the effect of procedural rules which now require six weeks’ notice to be given of an inquiry and make it difficult to rearrange dates in the event of cancellations. The average time taken to decide appeals after the inquiry is five to six weeks, which is not unreasonable in view of the volume of the work, the days required to complete and type the enquiry report, and the need for care in arriving at decisions.

12. Some time ago my Department put in hand a study of the possibility of decentralising the bulk of the appeal work to local tribunals or appeal boards which would be responsible, under general Ministerial direction, for the decisions. This is not only because to deal centrally with thousands of appeals each year is bound to be a slow process. It is also because it is unsatisfactory that a Minister should be personally responsible for such a vast amount of detailed case-work. As a result of the examination which has been made the Department is satisfied that decentralisation of much of the work would be feasible; and the possibility of doing so has already been referred to in the House of Commons (Hansard, March 6, cols. 1782/83).

13. Such a system would enable decisions on the more straightforward appeals to be issued either on the spot or within a few days by the tribunal hearing the parties. (Manning the tribunals would be a real problem, but presumably it could be done.) The more important or difficult appeals would be sifted out and would come to the Minister as at present—perhaps between 10 per cent and 20 per cent of the total. I think such a change would be widely welcomed (though there have been no discussions so far with the local planning authorities, and their attitude is not certain); but legislation would be required and the form of this cannot be settled until we are clearer about certain other far-reaching changes that are now being considered in the planning system—in particular development plans.

Development plans

14. While it may take six or seven months to deal with a planning appeal, it may take two years or more to deal with a development plan submission. There are 82 county maps, nearly 700 town maps and over 300 comprehensive development area maps either approved or submitted but not yet approved. All these maps have to be reviewed every five years and amendments to them may be submitted at any time. Since they cover a period of up to 20 years ahead, and may attract hundreds or even thousands of objections, they are complex and very difficult to handle. There is no doubt that the formidable burden of this work is hampering the Department in its wider planning responsibilities and slowing up the effective working of local planning. The delay is particularly disturbing in proposals for comprehensive re-development, where delay can be fatal to the commercial success of a scheme. Yet the burden is inescapable under the present system; development plans provide the framework within which the authorities exercise their control over development.

15. The fact is that the present development plan system (devised 20 years ago) which provides for detailed Ministerial control over local land use planning, is not well adapted to the planning for rapid growth and change which is now needed.

16. For these reasons, my Department is already undertaking a fundamental review of the system, and I have recently announced the formation of a new Planning Advisory Group, comprising a team of local authority planners,
engineers, treasurers and clerks, together with private consultants, and representatives of my Department, Ministry of Transport and the Scottish Development Department to assist in this. The Group has been asked to consider the whole purpose, content and status of development plans and the extent to which Ministerial approval of these plans is necessary.

Conclusion

17. The main causes of delay in planning procedures at present are the time taken to deal with planning appeals and the process of amending development plans and dealing with Comprehensive Development Areas. Far-reaching changes are being considered in both these procedures. I have already said that this examination has been put in hand, and there is not much more that I can say at this stage. But I would propose to take an opportunity during the next two or three months to say it more fully, bringing together the changes being considered in both the appeal and the development plan procedures, and making it clear that the Government envisage a major amendment of procedures during the next Parliament.