PLANNING COMMITTEE: Thursday, 25 April 2024

Report of: Corporate Director of Transformation, Housing & Resources

Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for Planning & Community Safety

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SUBJECT: COMMITTEE MEMBER UPDATE - AN ACCELERATED PLANNING SYSTEM – CONSULTATION / CHANGES TO PLANNING ENFORCEMENT REGIME

Wards affected: (All Wards);

1.0 PURPOSE OF THE REPORT

1.1 To inform Planning Committee of a Government consultation designed to create an "accelerated planning system".

2.0 RECOMMENDATIONS

2.1 That the Planning Committee consider and agree the proposed responses to the consultation questions attached at Appendix A to this report and for these responses to be submitted to Government prior to 1 May 2024.

3.0 BACKGROUND

3.1 The Government have stated that the planning system requires considerable reform to deliver the growth the UK needs, be it in respect of housing, commercial development and other key infrastructure.

3.2 The current 8 and 13 week determination targets for non-major and major planning applications date back to the 1990s, were of an arbitrary nature, and have not been changed to reflect the pressures and demands on planning services since that time.

3.3 In 2013, the Government amended relevant legislation to allow for extensions of time, which would [if mutually agreed with applicants] allow the determination period for planning applications to be extended. Local Planning Authorities (LPAs) have become increasingly dependent on these extensions of time (EOT) to help maintain performance levels, but this has not prevented several LPAs from being

designated into special measures under Section 62(A) of the Town and Country Planning Act 1990. (LPAs that fail to determine 60% of major applications and 70% of non-major applications measured over a 2 year period each September are at such risk. LPAs can also be placed at risk based on poor appeal performance).

3.4 In March 2024, Bristol and St Albans became the latest LPAs to be designated, in addition to Chorley and Uttlesford, the latter of whom have been under designation since February 2022. Where an LPA is placed in special measures, applicants may choose to submit certain major and non-major applications to the Planning Inspectorate, removing decision-making powers at a local level.

3.5 It is clear from these recent designations that Government is taking LPA performance and the speed of their decision-making extremely seriously. Not only does it remain incumbent on LPAs to continue to ensure performance is sustained under the current system, but the changes also proposed by the latest consultation will sharpen the focus on LPA performance, and place additional pressure on LPAs to deliver timely decisions.

3.6 The Council is not currently at risk of designation based on poor performance, but it is vital that the service remains alive to these proposed changes and is prepared to review working practices and resources to maintain this position.

3.7 The full detail of the consultation and proposed responses are presented below to the Planning Committee for approval and submission to Government. This report outlines the proposals and key issues that will inform the Council's response.

4.0 CHANGES PROPOSED BY DLUHC

4.1 The proposed changes are summarised as follows:

- the introduction of a new Accelerated Planning Service (APS) to offer a new application route with accelerated decision dates for major commercial applications and fee refunds wherever these are not met;

- changes in relation to extensions of time agreements, including a new performance measure for speed of decision-making against statutory time limits, and an end to the use of extension of time agreements for householder applications and repeat agreements for the same application for other types of application;

- an expansion of the current simplified householder and minor commercial appeal service for more written representation appeals;

- and detail on the broadening of the ability to vary a planning permission through section 73B applications and on the treatment of overlapping planning permissions.

<u>Accelerated Planning Service (APS)</u>

4.2 Under this system, all LPAs will be required to offer an APS for major commercial applications. The applicant would pay a higher planning fee to the LPA which will

be required to determine such applications within 10 weeks (rather than the 13-week statutory time limit), with a guarantee that the fee would be refunded if the application is not determined within this timescale.

Speed of decision making

4.3 The consultation proposes that the new performance thresholds would be:

- *Major applications – 50% or more of applications determined within the statutory time limit; and*

- *Non-major applications – 60% or more of applications determined within the statutory time limit.*

4.4 Accordingly, the Government's intended acceleration of the planning system is accompanied by what would actually be a more generous, but more difficult to achieve performance target.

4.5 The consultation also details that LPAs would be at risk of designation for speed or decision-making in stated circumstances.

Changes to extensions of time

4.6 At present, LPAs can agree EOTs with applicants, provided they do so mutually. It is also possible to agree multiple extensions as circumstances change, whether it is necessary to secure further amendment, to carry out further consultation, or in the event that an applicant cannot provide information to the LPA in a timely manner, in which case they can also request an extension.

4.7 The Government has clearly stated that the use of EOTs is masking poor performance in that they are used to bolster performance rather than for their original purpose, i.e., to allow negotiation of better outcomes. However, the need for EOTs is based on current performance targets that have not been updated to reflect the modern-day realities of LPA decision making, including the greater complexity of planning applications (notably through recent measures to secure mandatory bio-diversity net gain), and the increased emphasis on public scrutiny on planning decisions over the same period.

4.8 The proposal is to remove the ability to secure extensions of time on householder applications, to encourage their more efficient, timely determination, and to allow only one extension of time for other applications, abolishing the facility to undertake repeat extensions.

Simplified Process for Written Representation Appeals

4.9 Where applicants are refused planning permission, they currently have access to an independent appeals process via the Planning Inspectorate (PINS).

4.10 At present, PINS run an expedited written representations procedure (Fast Track) - Householder Appeals Service (HAS) and the Commercial Appeals Service (CAS), which affords a simplified process for determining these less complex,

small-scale cases by removing opportunities for the main parties and other interested parties to provide additional information at appeal stage.

4.11 The Government is seeking views on whether this process could be expanded to cover more written representation appeals as they believe most are straightforward and can be considered without the need for further representations. Where this is not the case, the Planning Inspectorate would retain the power to change the appeal procedure to a hearing or inquiry or to follow the current non-simplified written representation procedure.

Section 73B and "overlapping applications"

4.12 This is a more complex matter in respect of recent Supreme Court judgment but in summary, is a response to the significant legal implications brought by the difficulty of submitting overlapping or “drop in” permissions following the Supreme Court decision in Hillside Parks Ltd v Snowdonia National Park Authority [2022].

4.13 The proposals in this element of the consultation would enable a developer to make an application for development which could vary both the description of the development and the conditions of an existing planning permission, providing the development was not ‘substantially different’ from the existing development (a section 73B application). This would provide greater flexibility than a current section 73 application (restricted to the variation of conditions) and a section 96A application (limited to non-material changes to a permission).

4.14 Implementation of these proposals would require changes to secondary legislation covering the consultation, information requirements, procedural matters, the application fee and other planning legislation. The Government also intends to prepare guidance on the use of the route to aid applicants and planning authorities.

4.15 The consultation recognises that for both developers and planning authorities, a key issue will be the ‘substantially different’ test. Factors such as location, scope of existing permissions on the site and the nature of the proposed changes could all be relevant. At this stage the Government has indicated it does not intend to provide prescriptive guidance on this matter, as it would risk planning authorities’ ability to make a local judgement based on the individual circumstances of the case. However, views are invited on whether guidance should have a role in promoting common approaches across planning authorities. Views are also invited on overlapping consents and whether the Section 73B application route would be appropriate in these circumstances.

5.0 ISSUES

5.1 The proposals for an APS are understandable, but LPAs are often faced with applications of poor quality, lacking information and thereby giving rise to more questions than answers. Poor submissions cause confusion and consternation for statutory consultees and the wider public alike, and the requirement for LPAs to determine more quickly is not balanced by further measures to secure prompt consultation responses and swifter responses from the public. A solution designed to improve the speed and efficiency of the planning process should therefore be cognisant of these issues.

5.2 For all planning applications, and in particular those to be considered under the APS, there will be no limited to no opportunity for negotiations that may need to be placed before Planning Committee to avoid the fee being returned. This pressure would increase the likelihood of substandard approvals or refusals grounded on a lack of available information, leading to more service complaints and an increased number of appeals. Officers would therefore suggest that Government should consider making pre-application enquiries for applications under the APS mandatory.

5.3 The proposed EOT measures also raise cause for concern. The table below sets out the performance thresholds for special measures and how LPAs across the country would be performing without the facility to agree extensions of time.

APPLICATION TYPE	NATIONAL THRESHOLD	CURRENT NATIONAL PERFORMANCE
Major applications	60% in 13 weeks	19%
Non-major applications	70% in 8 weeks	37%
Householder applications	70% in 8 weeks	56%
Total non-major / householder	70% in 8 weeks	49%

[Data from the Government dashboard which sets out how LPAs are performing with and without EOTs]

5.4 An LPA could therefore quickly find itself under threat of designation of special measures if they are unable to deliver one time extensions for major and non-major applications and will likely find itself undertaking the same measures it currently does to respond to a new set of thresholds as set out in paragraph 4.3 above.

5.5 Like all LPAs, the Council is heavily reliant on the appropriate use of EOTs to adequately address the complex nature of individual applications and thereby maintain performance. If it were unable to justifiably negotiate EOTs [as proposed in the consultation], and if mitigating action were not taken, there would be a real risk of being designated under special measures. This will be true of most LPAs and indicates that the proposals have not fully understood how an LPA must currently work.

5.6 However, in the light of the consultation and the probability of the measures being moved forward, it is appropriate that the Council provides a response. Resources and processes will have to change if these more stringent measures are introduced. It will therefore be necessary to review how decisions are made and mitigate against the potential consequences, which would include:

- Increased service complaints
- Increased numbers of refusals and resulting appeals
- Significant pressure on drafting and completion of Section 106 Agreements
- Impacts on staff morale and recruitment
- Demand for staff resources whilst competing with other LPAs
- Poor decisions based on reduced ability to negotiate
- Potential further legal challenges
- Increased risk of fees being returned

- The appearance of a more inflexible, unresponsive service.

5.7 The proposed changes to the written representation appeal process are identified to reduce burdens on LPAs in response to the additional pressures the other changes will create. However, there is no present requirement to present a written statement for certain categories of appeal, and LPAs already rely on Officer reports as a time saving measure. Most time on appeals is spent by LPAs writing letters to interested parties on behalf of the Inspectorate and filling in appeal questionnaires. Officers therefore consider the administrative burden of appeal processes would be better reviewed as a whole rather than by way of smaller interventions that may have little impact.

5.8 The proposed amendments to introduce Section 73 are broadly welcome subject to further guidance / legislation that makes precise what can be regarded as 'substantially different', and clarification on the fee schedules.

6.0 CHANGES TO ENFORCEMENT PROCESS

6.1 On 2nd April 2024, secondary legislation by way of the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (LURA) (Commencement No. 4 and Transitional Provisions) Regulations 2024 were made. These regulations bring the majority of the enforcement provisions provided by LURA into force.

6.2 The following changes will therefore come into effect as of **25 April 2024** and all references to individual sections below are to the LURA.

Time limits for enforcement

6.3 Section 115 changes the time limits for taking enforcement action in England by revoking the four-year time limit which applied to operational development and change of use of any building to use as a single dwellinghouse. The time limit for taking enforcement against all breaches of planning control in England will now be ten years. There is a transitional provision that states that where the operational development was substantially completed before 25th April 2024, or where the change of use to a dwelling occurred before 25th April 2024, the four-year rule would still apply.

Duration of temporary stop notices

6.4 Section 116 changes the duration of temporary stop notices in England from 28 days to 56 days.

Enforcement warning notices

6.5 Section 117 provides local planning authorities (“LPA”) with the power, in England, to issue an enforcement warning notice where it appears to them that there has been a breach of planning control, and there is a reasonable prospect that, if a planning application is made for the development concerned, then planning permission would be granted. The LPA can take further enforcement action if an application is not received within the specified period.

Restriction on appeals against enforcement notices

6.6 Section 118 reduces the circumstances in which an appeal against an enforcement notice can be made where an application has already been made to regularise the breach. In short, it effectively removes the ground (a) so that there is only one opportunity to obtain retrospective planning permission. This change does not apply to appeals against enforcement notices that were made and have not been withdrawn before 25th April 2024.

Undue delays in appeals

6.7 Section 119 provides the Planning Inspectorate (in England) with the ability to dismiss appeals against enforcement notices and appeals relating to certificate of lawfulness where the appellant is responsible for undue delay in the progress of the appeal. This change does not apply to enforcement notice or certificate of lawfulness appeals that were made before 25th April 2024.

Penalties for non-compliance

6.8 Section 120 increases the penalties that relate to several planning enforcement offences. This change applies to offences committed after 25th April 2024. The following penalties will be applied moving forward.

- The penalty for non-compliance with a breach of condition notice is increased from £2,500 to an uncapped fine.
- The penalty for non-compliance with a section 215 notice (requirement to maintain land) is increased from £1,000 to an uncapped fine.
- The daily fine for non-compliance with court orders has increased from £100 to £500.

6.9 A further enforcement power which relates to listed buildings will also be effective from 25th April 2024. Section 103 of LURA amends the Planning (Listed Buildings and Conservations Areas) Act 1990 ("LBA 1990") by giving LPAs the power to issue temporary stop notices in relation to listed buildings where they suspect that unauthorised works have been carried out. The temporary stop notice can require that works stop for up to 56 days to allow the LPA to investigate the suspected breach. Section 103 also creates an offence for contravention of a temporary stop notice.

6.10 Another heritage enforcement change is contained in Section 105 of LURA which amends the LBA 1990 so that in England, LPAs are required to consult with the Historic Buildings and Monuments Commission before serving a building preservation notice. Section 105 also amends the LBA to remove the right to claim compensation for building preservation notices. Section 105 comes into force on 25th July 2024, but does not apply to building preservation notices that come into effect before 25th July 2024.

7.0 CONCLUSION

7.1 The changes proposed by Government will have profound impacts on the Planning Service and those Council services on which the planning process is dependent. It is therefore important that WLBC responds accordingly. The consultation response, if agreed by Planning Committee, will be presented to DLUHC prior to the 1 May 2024 deadline.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 There are no direct implications for sustainability from the recommendations in this report. Options are being considered but no formal decision is being made.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 There are no direct financial or resource implications arising from this report.

10.0 RISK ASSESSMENT

10.1 There are no direct risks arising from this report.

11.0 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no direct implications for health and wellbeing from the recommendations in this report.

Background Documents

An accelerated planning system - link to consultation
Debate on reform of the planning system - House of Commons Library (parliament.uk)
The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (legislation.gov.uk)

Equality Impact Assessment

This report does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

APPENDIX A – RESPONSE TO DETAILED QUESTIONS SET OUT BY CONSULTATION

NO	QUESTION	PROPOSED RESPONSE
1	Do you agree with the proposal for an Accelerated Planning Service?	No – not in the form suggested. Whilst there is persistent criticism of the speed of the planning system, time is often taken trying to resolve poor quality submissions, and the WLBC experience is that consultees are also becoming increasingly over-burdened with the system such that response times and quality is affecting the delivery of planning outcomes. The need to manage public expectation and engagement with the planning process is also greater than it has ever been. The responsibility for the slowing of the planning system is not solely with LPAs.
2	Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?	Yes – if the process is to be trialled these would be the most appropriate applications.
3	Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?	No – these applications are typically very complex and require levels of time and resource that are not compatible with accelerated decision making.
4	Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?	Yes.

5	Do you agree that the Accelerated Planning Service should: a) have an accelerated 10-week statutory time limit for the determination of eligible applications Yes / No / Don't know. If not, please confirm what you consider would be an appropriate accelerated time limit b) encourage pre-application engagement Yes / No / Don't know c) encourage notification of statutory consultees before the application is made Yes / No / Don't know	a) No. National performance figures minus the facility to secure extensions of time highlight that it is unrealistic to deal with complex major planning applications even within the current statutory 13 week period. Such applications will also require the securing of Bio-Diversity Net Gain and other planning obligations via Section 106 Agreement which will place significant pressure not just on LPAs but on other Council Services (e.g., Legal) to respond promptly. There are also constitutional requirements to be met and accommodating request for applications to be "called in", which would also pressure the timeframes for determination further. b) Yes. It is considered that candidates for the APS should provide evidence that they have used the pre-application advice service, failing which they should continue via the current established process. c) Yes, but this will not overcome the point that various non-statutory consultees may also raise significant relevant issues, including Environmental Health, Contaminated Land, Heritage etc.
6	Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?	Yes. To reflect the wider requirements of the process and the need to engage more swiftly with consultees. There needs to be certainty around any percentage uplift but it is considered that a minimum uplift of 50% would be appropriate.
7	Do you consider that the refund of the planning fee should be: a. the whole fee at 10 weeks if the 10-week timeline is not met b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks	None of the above. To incentivise the process and to ensure all parties are invested in delivering a timely outcome, it is suggested that for such applications a 13 week timeframe be applied and if the decision is made within this time frame the LPA would retain the uplift but refund the uplift only after the 13 weeks expire. Moving forward this would be more easily rolled out to a wider range of planning applications. A serious concern is that LPAs may feel they need to determine the application to retain the uplift but are then minded to refuse owing to a lack of time to resolve outstanding issues, particularly in the face of ongoing financial resource pressures. This will lead to more appeals and further delays to the planning process of a different nature.

	d. none of the above (please specify an alternative option) e. don't know Please give your reasons	
8	Do you have views about how statutory consultees can best support the Accelerated Planning Service?	The main issue with statutory consultees is that neither developers nor LPAs can always easily engage with them at pre-application stage and they will often provide their own service which may allow them to be satisfied with proposals but with advice offered sitting entirely outside the wider planning context. It would also be important to ensure that they have their own support and professional skills / resources to offer the LPA a timely response. It would be beneficial within the APS if a system were to be devised that mandates a prior approach of applicants to the relevant statutory consultees and whilst this would also bring further resource pressures of their own, it would also encourage greater certainty over planning processes as and when the application is made.
9	Do you consider that the Accelerated Planning Service could be extended to: a: major infrastructure development Yes / No / Don't Know b. major residential development Yes/ No / Don't know c. any other development Yes / No / Don't know.	See in part the answer to Question 7 which suggests a trialled 13 week system allowing for uplifts and incentives to deliver more prompt outcomes – it would be appropriate to consider this for commercial applications before any wider roll out but the APS should not be extended until there is certainty over how it will work across a narrower range of planning applications.

	If yes, please specify If yes to any of the above, what do you consider would be an appropriate accelerated time limit?	
10	Do you prefer: a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route) b. the mandatory option (which provides a single Accelerated Planning Service for all applications within a given definition) c. <u>neither</u> d. don't know	Neither. WLBC are concerned that this process would give rise to certain applications receiving potentially preferential treatment over others, particularly where existing resources are at a premium. It would also be likely that any gains from the speeding up of certain decisions will come at the expense of others being slowed down leading to continued criticism of the speed of decision making. For reasons expressed in previous answers it is not considered preferable to offer either option.
11	In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?	Yes. Typically, such applications will require more detailed complex information and there may be merit in devising a specific national checklist to cover key documents including transport assessments / statements, travel plans, sustainability assessments, flood risk assessments, heritage statements, Section 106 Heads of Terms, etc.
12	Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?	WLBC's experience is that whilst speed of decision making is important, developers are keen not only to receive timely decisions but expect negotiation to ensure successful outcomes. A new performance measure is required but it risks appearing arbitrary and not based around the practical reality of LPA decision-making.

13	Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?	No. It appears arbitrary and is not based around the day to day realities of LPA decision making. It also reduces the statutory timeframes currently in place (60% and 70% respectively) and whilst accepting that the new targets would not be centred on extensions of time, they do not appear to focus on the overarching aim of delivering a faster planning service.
14	Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on: a) the new criteria only – i.e. the proportion of decisions made within the statutory time limit; or b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria c) neither of the above d) don't know	c) Whilst not supporting the introduction of these criteria, it is considered that LPAs need to be given time and resource to develop and improve skills further in advance of any changes to designation measures, in which case option (b) would be preferred over the longer period.
15	Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?	Yes. It is a more accurate and better barometer of more recent performance. However, noting this shortens the current period, it may give rise to further volatility in performance across authorities, particularly those who receive a smaller number of major applications. It is therefore important that the criteria make it wholly clear how performance is to be measured, and if designation is intended that LPAs are offered reasonable opportunity to prepare an improvement plan and in turn, on designation, are informed of any required actions to allow such designation to be removed.

16	Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?	Yes. This will afford time for LPAs to adjust and respond to the new performance measures.
17	Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?	Yes, in the absence of any suggested more suitable or obvious alternatives.
18	Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?	No. In theory, this could prompt applicants to ensure they get their application right at the first time of asking, and invest further in the pre-application advice service, but in practice, it will likely place huge pressure on LPAs to negotiate in limited time. Often, it is applicants faced with the possibility of a refusal who ask for the extension of time themselves to allow for longer for the decision to be made. If extensions of time are to be curtailed it is likely to mean that applications will have to be determined as submitted with likely increased frustration and complaint. Applicants can also no longer benefit from a "free go" if their original application was submitted prior to 6 December 2023 and the need to submit a further £258 would likely do little to appease these frustrations.
19	What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?	It is accepted that the planning process should not accommodate repeated extensions of time, however, the reality for major planning applications is that they take considerable time particularly where a Section 106 Agreement is required. If there is to be a prohibition on the use of repeat extensions of time this should not extend to major applications.
20	Do you agree with the proposals for the simplified written representation appeal route?	Yes – but it will have limited practical impact on officer time and resource, given officer reports already explain the LPA's grounds for refusal in further detail. If this is to be continued it should be on the basis that Appellants are afforded no further opportunity to comment or evolve their case during the appeal process.
21	Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded	No - it is not appropriate for the process to extend to applications for Certificate of Lawfulness, which can often require the testing of evidence on oath.

	form the simplified written representation appeal route?	
22	Are there any other types of appeals which should be included in a simplified written representation appeal route?	Yes. The simplified route could readily be used to deal with appeals made under the Prior Approval process (e.g., larger householder extensions, telecommunications, various commercial changes of use, etc).
23	Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?	No. It is however important that LPAs make clear to all engaging with the planning process that in the event of a refusal and subsequent appeal that all comments must be made at application stage.
24	Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?	Yes – see Q21 above. Equally, the Inspectorate should also reserve the right where it is necessary to invite the respective parties to prepare a statement if there is a clear change in circumstances, e.g., adoption of new Local Plan policies, matters arising under Habitat Regulations, etc.
25	Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?	Yes. The current timeframes for appeal submission are acceptable but WLBC would ask for consideration of the timeframes being reduced by 50% for all appeals relating to retrospective planning applications (i.e. 6 weeks for householder applications, 12 weeks for other applications).
26	Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?	Yes. The Town and Country (Development Management Procedure) Order 2015 (as amended) should be revised to ensure that the applicants and LPA are agreed on a description before the application is made valid – unless the LPA proceeds to validate based on that supplied.
27	Do you have any further comments on the scope of the guidance?	No.

28	Do you agree with the proposed approach for the procedural arrangements for a section 73B application?	Yes.
29	Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?	Yes. However, see the answer to Q31 below.
30	Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?	No. It is an unnecessary complexity.
31	What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?	There is a wider issue that the fee payable for a Section 73 application simply does not cover the cost of dealing with the matter. So whilst the fee should be the same for both Section 73 and Section 73B it is suggested that the fee should be either £293 or half that of the original application (based on the current fee rates), whichever is the higher fee of the two.
32	Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?	Yes.
33	Can you provide evidence about the use of the 'drop in' permissions and the extent the Hillside judgment has affected development?	No response.
34	To what extent could the use of section 73B provide an alternative to the use of drop in permissions?	It is not an unwelcome move but there needs to be clarity for all concerned to avoid such applications entering further time consuming legal arguments.
35	If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?	Subject to such an order making the process clear for all parties at the outset, this could potentially prove helpful.

36	Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?	None.