



Monday, 9 December 2024

Report of Councillor Phil Dilks, Cabinet  
Member for Planning

# **Revisions and Amendments to Planning Applications and Extensions of Time Procedure for Planning Applications**

## **Report Author**

Emma Whittaker, Assistant Director of Planning

 [emma.whittaker@southkesteven.gov.uk](mailto:emma.whittaker@southkesteven.gov.uk)

## **Purpose of Report**

To seek feedback on the proposed “Revisions and Amendments to Planning Applications and Extensions of Time” procedure and to recommend to Cabinet that the procedure is adopted.

## **Recommendations**

### **The Committee is recommended to:**

- 1. Review and provide feedback on the proposed “Revisions and Amendments to Planning Applications and Extensions of Time” procedure**
- 2. Recommend to Cabinet that the procedure is adopted.**

## **Decision Information**

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Connecting communities  
Sustainable South Kesteven  
Enabling economic opportunities  
Housing  
Effective council

Which wards are impacted?

(All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications from the proposed procedure although it is recognised that there could be an increase in the use of the Council's pre-application advice service which is a chargeable service.

*Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer*

### ***Legal and Governance***

- 1.2 There are no legal or governance issues resulting from the proposed procedure. The Council is legally required to determine applications and there are statutory timescales set out in the Town and Country Planning Act (1990) (as amended). The Council is not required by law to request or accept amendments to applications during consideration.
- 1.3 If recommendation 2 is agreed, Cabinet will be asked to approve the procedure as they approve procedural and policy documents that fall outside of the Policy Framework documents that are reserved for Full Council.

*Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer*

## 2. Background to the Report

- 2.1 The Planning Service plays a key role in delivering many of the ambitions in the Corporate Plan (2024-2027) including Enabling Economic Opportunity and facilitating the delivery of housing to meet the needs of our residents. The Corporate Plan also sets out our ambition to be an Effective Council and in doing so we will seek to continuously improve our service delivery and customer experience.
- 2.2 Performance is monitored by the Council through quarterly reports setting out how the Council is performing against Key Performance Indicators (KPIs). For Development Management (determination of planning applications), this data relates to the speed of decision making. In addition, the Council reports quarterly

performance to the Ministry for Housing, Communities and Local Government (MHCLG).

- 2.3 Statutory time limits for applications for planning permission are set out in Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). There are different time limits for different types of application however the most common are 13 weeks for major applications (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies) and 8 weeks for most other types of applications.
- 2.4 Where a planning application takes longer than the statutory period to decide the Council is able to agree a new deadline through an Extension of Time (EoT) agreed with the applicant.
- 2.5 Where an application takes longer than the statutory time limits and no EoT has been agreed, an applicant can lodge an appeal with the Planning Inspectorate against non-determination.
- 2.6 The previous government introduced the “planning guarantee” which essentially means that no application should spend more than a year with decision-makers, including any appeal. For major applications this means that in practice, applications should be determined within 26 weeks and non-major applications within 16 weeks.
- 2.7 Typically extensions of time to planning applications are used to for the following reasons:
  - To process amendments to applications,
  - For additional information to be submitted,
  - Negotiations to S106 agreements (planning obligations)
  - Committee decisions.
- 2.8 As mentioned in paragraph 2.2, MHCLG collects quarterly statistics on a number of different performance indicators relating to decisions on planning applications. This includes collecting data about the proportion of applications determined with an EoT.
- 2.9 Tables 1 and 2 below show the Council’s performance in relation to the proportion of applications with an Extension of time. In comparison to both our CIPFA peers and Lincolnshire neighbours, the Council’s use of extensions of time is high.

Table 1

2023/24		Nearest Neighbours	
	Total Decisions	Total Number of Decisions with an EoT	Percentage of decisions with an EoT %
<b>Amber Valley</b>	885	505	57
<b>Bassetlaw</b>	661	294	44
<b>Braintree</b>	1,112	475	43
<b>Breckland</b>	973	319	33
<b>Broxtowe</b>	542	190	35
<b>Chorley</b>	564	218	39
<b>Gedling</b>	488	223	46
<b>High Peak</b>	436	266	61
<b>Hinckley and Bosworth</b>	698	279	40
<b>Newark and Sherwood</b>	839	350	42
<b>South Kesteven</b>	979	655	67
<b>Stafford</b>	879	453	52
<b>Stroud</b>	1,213	450	37
<b>West Suffolk</b>	1,038	588	57
<b>CIPFA Peers Average</b>	<b>808</b>	<b>376</b>	<b>47</b>

Table 2

2023/24		Lincolnshire	
	Total Decisions	Total Number of Decisions with an EoT	Percentage of decisions with an EoT %
<b>Boston</b>	290	138	48
<b>East Lindsey</b>	1,029	434	42
<b>Lincoln</b>	394	134	34
<b>North Kesteven</b>	634	231	36
<b>South Holland</b>	687	225	33
<b>South Kesteven</b>	979	655	67
<b>West Lindsey</b>	662	267	40
<b>Lincolnshire Average</b>	<b>668</b>	<b>298</b>	<b>43</b>

2.10 It is already clear that both applicants and officers use extensions of time to negotiate amendments or seek additional information to address concerns raised by consultees and/or third parties. Processing amendments or additional information can have a knock-on effect of increasing workloads for officers causing further delays in the system.

2.11 Both the previous and current Governments have been clear that there needs to be significant planning reform. The Levelling Up and Regeneration Act (LURA) (2023) introduces a number of changes of which further regulations are required

before they come into effect. In the King's Speech (July 2024), Government clearly set out its intentions to continue planning reforms “*to accelerate the delivery of high-quality infrastructure and housing*”. It is therefore clear that there remains an emphasis on reform and on improving the speed of decision-making.

- 2.12 Paragraph 38 of the NPPF is clear that Councils should act positively and creatively in relation to proposed development and that decision makers at all levels should seek to approve applications for sustainable development where possible. However, it is also recognised (paragraph 39) that early engagement has a significant potential to improve the efficiency and effectiveness of the planning system for all parties. Whilst the Council cannot require developers to engage at the pre-application stage, we should encourage the take-up of the pre-application services that we offer. Pre-application discussions are a chargeable service and therefore a source of income for Council's. It should be noted that increasing the speed of decision-making does not mean approving poor quality applications. The use of the pre-application advice service would also identify what information should be submitted with an application reducing the likelihood of additional information being required during the decision-making stage.
- 2.13 The Council is not under any obligation to request or accept amendments to applications where they are voluntarily sent in by the applicants. Sometimes, applicants will review consultee comments on an application and submit additional information to try and address the concerns raised. This approach can make it difficult for case officers to manage the process and determine applications in the statutory time limits. Often, amendments that have not been requested by the case officer do not resolve all of the concerns with an application causing either further delay.
- 2.14 The draft “Revisions and Amendments to Planning Applications and Extensions of Time” procedure (**Appendix A**) sets out the proposed approach to when amendments will be requested/accepted and when an EoT will be agreed with an applicant. This document will provide clarity for applicants and officers about this process and allow officers to manage applications effectively. The procedure is also designed to improve the speed of the Council's decision making and direct more applicants to the Council's formal pre-application advice service.

### **3. Key Considerations**

- 3.1. It is clear that there is a desire of Government to reform the planning system including accelerating the delivery of housing, infrastructure and economic growth.
- 3.2. The planning team is currently heavily reliant on the use of EoTs on planning applications allowing both applicants and officers to negotiate amendments and seek additional information, amongst other things. There will still be a need to use some extensions of time, for example where Committee is required to make a

decision or to conclude negotiations on a legal agreement. However, the majority of applications should be straight forward and be determined within the statutory time limits. Customers should instead be encouraged to seek pre-application advice before submitting an application to establish any areas of concern and/or policy conflict.

- 3.3. The procedure will also provide clarity for officers and customers about when amendments to applications or additional information will be requested/accepted. This should help reduce further delays in processing applications and support better case management.

#### **4. Other Options Considered**

- 4.1 The Council could choose not to adopt the process and continue with the current arrangements. However, this approach is unlikely to reduce the use of Extensions of Time and prolong the decision-making process for applicants. This could also lead to inconsistencies when processing amendments. This approach has therefore been discounted.

#### **5. Reasons for the Recommendations**

- 5.1. The adoption of an approach to accepting revisions and amendments to planning applications and the use of extensions of time will provide clarity for applicants and officers. It will create consistency across the team about processing amendments and improve case management; this should also speed up decision-making. Officers will be able to refer applicants to the procedure in the event of any complaints about refusal to accept amendments to an application. The procedure would be published on the Council's website.
- 5.2. Encouraging the use of the pre-application advice service will provide applicants with guidance before they submit an application which should improve the quality of applications. At the pre-application stage, concerns with any proposal will be identified along with guidance about other stakeholders to consult and what documents will need to be submitted with an application. It will also generate income for the Council which will support the resourcing of the planning team.

#### **6. Background Papers**

Michael Gove – [Written Ministerial Statement 19 December 2023](#)  
[King's Speech 2024 \(The King's Speech 2024 - GOV.UK\)](#)

#### **7. Appendices**

- 7.1 **Appendix A: Draft “Revisions and Amendments to Planning applications and Extensions of Time” procedure**