



THE CHELSEA SOCIETY

PRIVATISATION IN PLANNING APPLICATIONS

The Chelsea Society joins the Kensington Society in expressing deep concern about new clause 43 introduced by the Government at a very late stage in the progress of the Housing and Planning Bill through the Commons. If enacted the clause would authorise the Secretary of State to make Regulations to transfer an important part of the planning process from local authorities to private planning consultants. In our view this is not necessary and is wrong in principle.

The clause has not been scrutinised in the Commons, and stakeholders have had insufficient opportunity to be heard before the clause is debated in the House of Lords on 26th January 2016 (as clauses 145-148). In our view the House should reject this draft legislation even though it provides only for pilot schemes.

The Government does not intend to deprive local planning authorities of the right and duty to decide planning applications, rather the intention is to allow Applicants for planning permission to choose and pay a planning consultant to do the preparatory work instead of the planning officers, and to make the recommendation to the Committee to grant or refuse permission.

The Government do not appear to accept that this change would have any effect on the decisions made by planning committees, but in our view they seriously underestimate the influence of the preparatory work and of the report to Committee and the crucial recommendation. Committee members will usually have local knowledge, but they are not planning professionals and will not usually have in-depth knowledge of planning law and practice. Nor do they have the time to analyse each application in detail, and they are reliant to a significant extent on the report and recommendation of their officers.

At present, although the Applicant must pay fees to local authorities for work done by their planning officers, the Applicant is in no sense the client of the officers. Their duty is to be impartial and to give the Committee objective advice on the application of planning law and policy to the facts of the particular case. By contrast, no matter how professional the planning consultants and their firms may be, they will be in competition with each other for business, and they would not be human if they did not wish to be selected for this profitable work by Applicants (who all want their applications to be granted). It would be of considerable value to the consultants to have a track record for successful planning applications, and they are not likely to recommend refusal of the application.

In addition, many of these consultants and their firms will already have established commercial relationships with developers who use them to advise on property matters, including applications for planning permission, and to market and sell the results of the development for the best price obtainable. Again, they would not be human if they did not wish to obtain the best possible results for those developers who choose their firm to prepare planning applications, even if different individuals within the firm are doing the work.



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It is therefore clear to us that a conflict of interest would be inevitable. This conflict would itself undermine confidence in the planning system by the public, who rightly expect that justice must not only be done but must be seen to be done. It could also result in flawed decisions by planning committees with serious and long-lasting consequences for the built-environment and for local communities.

The purpose which the Government seem to have in mind is to speed up the planning system. This is a laudable objective but it would be better achieved by the recruitment and training of more and better planning officers for local authorities. Insofar as there are insufficient planning officers to deal with the workload, local authorities should be encouraged to employ more of them by being enabled to recover their full cost from planning fees. Local authorities must also accept responsibility (as most of them do) to make sure that their planning officers are used efficiently.

Whilst speed is desirable, it is more important to get the planning decision right, because there is no way of curing planning permissions which should not have been granted. It is essential to allow sufficient time for local people and their amenity societies and residents' associations to be properly informed, to consult their members, and to give their considered advice to the local planning authority.

The planning system is only one factor in the process of providing new houses and other buildings. Many other factors, such as finding suitable land, raising finance, environmental remediation, legal work, and economic viability can all cause delays.

Chairman of the Planning Committee

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