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Planning Time and Performance Project

The Use and Impact of Extensions of Time (EoTs) in Planning Practice in England

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The Use and Impact of Extensions of Time (EoTs) in Planning Practice in England

Executive Summary

This report presents the main findings from a Royal Town Planning Institute (RTPI) early career research grant funded project on the subject of planning time and performance. The research was commissioned and joint funded by the RTPI and RTPI South-East region and conducted independently by the University of Reading.

The research focussed on the use and impact of Extensions of Time (EoTs) in the planning determination process in England. The project forms part of a wider research agenda on the role of time in and for planning, being pursued at the University of Reading (see Dobson and Parker, 2024; Parker and Dobson, 2023; 2024; 2025).

Extensions of time are typically negotiated to allow more time to determine a planning application beyond the statutory timescales. They have become a frequently used tool available to planners and applicants, but to date there has been limited research on EoTs.

EoTs are used here as a lens to evaluate a range of internal and external issues that additional time is trying to bridge and 'fix', such as planning resourcing and complexity. This topic provides a window into the operation of the planning system more generally to assist in understanding why and how issues and challenges are produced and managed in practice.

Time is the resource that often gets the least attention and, despite serial claims of 'delay', there is little detail on *what time is being used for and why?* This report considers a range of planning symptoms that EoTs are masking in the decision-making process.

Main findings

The research uncovered **five** themes in relation to the use of EoTs set across issues of: ***negotiation and gaming in the system***; ***local planning authority resourcing*** and the commercial cost of extensions; the ***role of evidence and expertise*** that comes from statutory consultees; the ***politics and practice culture of planning*** and experience and confidence of planners; and ***the use of other related tools*** used to manage decision-making times beyond the statutory period, such as 'pre-apps' (pre-application advice) and PPAs (Planning Performance Agreements). In precis, the following points are notable:

1. *Proactive negotiations and gaming the system*

- The principle of agreeing to an extension of time, where they formed part of proactive negotiation, was viewed as appropriate and legitimate to help navigate and resolve complexity in the decision-making process.

- The main frustration concerned poor communication during the statutory period and also post-hoc requests and use of EoTs for performance statistic purposes.
- In some instances, EoTs were perceived as being misused; but can often provide a useful tool to assist decision-making and to resolve issues that require time beyond the statutory timeframe – especially to keep negotiations going on an application rather than risk a straight refusal when the deadline approaches.
- What appears to be missing is clarity and rules to orchestrate appropriate EoT use - given the many reasons *why* and *when* they may be used in the process.

2. Local planning authority resource and commercial costs

- Local Planning Authority (LPA) case officers are using EoTs because they cannot process high volumes of applications within the statutory determination period.
- The widespread use of EoTs was regarded as a product of an under-resourced and pressured practice environment, exacerbated by retention and recruitment issues - with local planning authorities needing much more resource / capacity.
- Commercial costs for planning consultants in managing applications were challenging, and the use of EoTs could add to this - a review of processes and project management may be warranted but sits beyond the scope of this report.
- The financial costs and social impact on minor applicants was emphasised.

3. Consultees, evidence and expertise

- The timing of third-party statutory consultee responses was seen as a main source of additional time taken, and often exceeded the 21-day consultation period. This led to delays in case officers being able to process applications.
- There was a view that too much evidence and expertise is being required for planning applications, especially minor applications; and that some matters could be dealt with by other means, including conditions or other measures.
- The additional complexity in the system, such as with BNG, and lack of capacity in expert areas such as ecology, highways / transport and drainage were cited as constraints that have affected both the public and private sectors.

4. Politics, culture and experience

- The political and cultural context surrounding planning decisions was viewed as leading to a more cautious and risk adverse approach to making decisions and which precipitated more EoTs.
- Confidence and experience of LPA case officers was seen as important in weighing-up the planning balance and coming to an overall decision, but the

pressures of member and public scrutiny was viewed to result in a more cautious approach and possibly an over-reliance on third party evidence and expertise.
- There appears a need for better support and training for public planners to be confident in their professional judgement and to balance issues, as well as better recognition of alternative means to resolve or address minor issues.

5. Plans, Pre-apps and PPAs

- The use of EoTs must be seen in their context, particularly given other means of negotiating and creating space for resolving issues and application failings.
- The role and utility of pre-apps and PPAs were cited alongside EoTs, as they can be a means to develop common ground and shape shared understanding and timeframes for applications through to determination.
- A mixed picture was presented on the value of such tools and agreed parameters may be improved if they are made public to ensure greater accountability for all.

Key conclusions and recommendations

Overall, the operation of EoTs reflects the need for additional time in the planning process as it stands. Often statutory deadlines cannot be feasibly met; not least due to a lack of planning resource and capacity, growing system complexity and expertise / evidence, the role and timeliness of statutory consultees, officer experience and confidence in a complex and diverse planning environment, and the political and public influence on practice culture. Such extensions are required for many different reasons, highlighting why they are now a common practice. Greater understanding and oversight of when and why such tools are used in practice to overcome system-wide challenges is needed.

The study also underscores that the use of EoT agreements in the planning decision-making process need to be understood better by policy-makers and within the wider context of the many challenges and issues facing the planning system as a whole. These findings support the idea that *improving the quality of the decision-making process for all* is equally as important as simply 'measuring' performance based on timescales alone.

This window on the development management system currently emphasises the need for a system-wide approach to reform, given the many internal and external pressures on the system and on planners. A series of recommendations emerge from the work set across five actions, essentialised to questions of ***funding, scope, training, information*** and a need to understand these issues further via more ***research***.

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The use and impact of Extensions of Time (EoTs) in planning practice in England

1. Introduction

1.1 Scope and Context

This report presents the main findings from a Royal Town Planning Institute (RTPI) early career research grant funded project on the subject of planning time and performance - which has focussed on the use of Extensions of Time (EoTs) in the planning determination process in England. The research was commissioned and joint funded by the RTPI and RTPI South-East region and conducted independently by the University of Reading.

The project forms part of a wider research agenda on the role of time in planning being pursued at the University of Reading (see Dobson and Parker, 2024; Parker and Dobson, 2023; 2024; 2025). This work has been prompted overall by the sustained criticisms the planning system has faced from successive UK governments over the time taken to create local development plans and determine planning applications. Concerns over speed and delay have been a recurring feature in planning reform agendas, and have continued under the latest Starmer-led Labour government as part of the push for growth.

The brief for the project was to undertake work on 'timescales in planning' given that the planning system timescales and duration have been understudied in practice. The work therefore responds to the RTPI call to 'promote research concerning time and temporality in the planning system in Britain today', and 'in the context of 'Extensions of Time', the actual LPA timelines from submission to determination amidst planning officer shortages and resource cuts'. Given the brief, the project has a focus to investigate planning time and performance in practice using the case study of EoTs in order to better understand the decision-making process. Due to the scale and resources, a focus on the planning consultants who work to intermediate between applicants and local planning authorities (LPAs) was decided upon. Further work to examine the approaches taken by LPAs would also be of use in shaping future change, but as this report highlights EoTs and their use are symptomatic of a wider set of issues in planning than merely 'missing deadlines'.

This topic provides a window into the operation of the planning system more generally and helps develop understanding of when, why and how issues and challenges are produced and managed in practice. As a tool available to planners and applicants, EoTs are used here as a lens to evaluate the resourcing and system complexity that additional time is used to bridge and attempt to 'fix'. In doing so, the report considers the range of planning symptoms that EoTs are masking in the decision-making process.

Attention is drawn to time as the resource that tends to get the least consideration and, despite serial claims of 'delay' associated to planning, there is little detail on *what time is being used for and why?* Given the concern over lack of detail the report opts to keep in the text extensive participant quotes - especially where important matters of detail aid understanding of the use for EoTs and what is driving their need in planning practice.

1.2 A brief history of time (in planning)

The concern with planning time and 'delay' in England goes at least as far back as the 1975 Dobry Report (Parker and Dobson, 2024; 2025), and has featured strongly in many UK government administration's attempts to reform the planning system since that time. The most recent iterations since the early 2020s have focussed on attempts to facilitate 'project speed' (Johnson, 2020; MHCLG, 2020) and foster an 'accelerated' planning system (Gove, 2023; DLUHC, 2024) under the previous Johnson and Sunak Conservative administrations. The new Labour government under Keir Starmer elected in July 2024 has also prioritised creating a faster system. As a result the speed of planning is still front and centre under the Labour government - as it was under Conservative governments since 2010, and still with a key focus on housing and growth.

In his speech, '*Falling back in love with the future'*, then Secretary of State Michael Gove stated that "*we will now be just as rigorous and robust in rooting out the delays, blockages and bad practice in our planning system as ever*" (19th December 2023, no pagination). This was then followed by an open consultation titled '*An Accelerated Planning System*' published by DLUHC on 6th March 2024. This consultation sought views on proposals to '*introduce a new Accelerated Planning Service for major commercial applications with a decision time in 10 weeks'* and to *'change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments'*. As well as extend the simplified written representations appeal process and further implement 'section 73B'[1] measures for applications to vary permissions. The July 2024 UK General Election brought in a change of government, with their own priorities and agenda for planning reform, but the question of time taken in planning and calls for greater speed and growth remain one of the main government objectives for the planning system. The consultation on the revised NPPF (2024) and proposed Planning and Infrastructure Bill sets the context under which the research project was undertaken.

The challenge of addressing planning time and performance is set within the funding context of much reduced resource within local planning authorities. Steele and Bauer (2022, p.8) demonstrate the extent of the resourcing challenge faced by planning departments in highlighting that, across England, '*local authority net expenditure on planning fell by 43%, from £844m in 2009/10 to £480m in 2020/21…amount[ing] to just*

[1] Section 73B of the 1990 Town and Country Planning Act.

0.45% of local government budgets allocated to planning services'. Such sustained reductions in local authority planning resource over the past 15 years has led to staffing capacity and recruitment issues. Steele and Bauer further show this has resulted in a downward trend in performance, whereby '*In 2009, approximately 85% (354,000 of the 415,000) decisions were made within statutory time limits and without performance agreements (PAs), however by 2021 this figure fell to 49% (209,000 of the 427,000)*' (2022, p.12). This emphasises the increasing reliance of LPAs on performance agreements, such as EoTs, in order to (or appear to) achieve government performance targets in this new funding context (cf. Dobson and Platts, 2020, for more on resourcing planning).

Whilst the lack of funding has been the most obvious element raised in relation to planning performance, time has been an all-too-often overlooked part of the question of resources in planning (Parker and Dobson, 2023). The extent to which performance agreements are the 'new normal' and used as a coping strategy in resource constrained authorities, and the sustainability of such an approach in the long-term, remain salient. It is unclear if more efficiency measures or the standardisation of practices can paper over the cracks; where LPAs are reliant on using 'time stretches' to plug their resource gaps. Furthermore, any increase in resource will take time to embed into the system and before any medium-to-long term improvements in performance can be seen in practice (cf. Vivid Economics, 2020; Public First, 2024; for more on investing in planning).

1.3 Extensions of Time (EoTs)

'Extensions of Time' (EoTs) are negotiated agreements between LPAs and applicants to create a bespoke arrangement on an extended timeframe for the determination period of a specific planning application. They are intended to extend the decision-making time to one that goes beyond the statutory 8-week minor or 13-week major (or 16-week when requiring Environmental Impact Assessments) determination period (i.e. timescale from the LPA registering submission of a valid planning application to decision notice letter).

The NPPF (2024, Para. 48) makes clear that '*Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing*'. Whilst the Town and Country Planning Development Management Procedure Order (England) 2015 states the statutory time period for planning decisions:

> '*(a) in relation to* ***an application for major development, 13 weeks**** *beginning with the day immediately following that on which the application is received by the local planning authority; (*16 weeks where EIA is involved)*
>
> *(b) in relation to* ***an application for development which is not major development, 8 weeks*** *beginning with the day immediately following that on which the application is received by the local planning authority; or*

> *(c) in relation to any development, unless the applicant has already given notice of appeal to the Secretary of State,* ***such extended period as may be agreed in writing between the applicant and the local planning authority***'.
>
> (DMPO, 2015, Article 34, emphasis added).

These clauses in the NPPF and planning law highlight the recognition by government, at least to some extent, of the need for some degree of flexibility and discretion in the decision-making process where there may be challenges in meeting the statutory timescales and for which an extension agreement is necessary. This makes their use in practice somewhat of a grey area because, despite the continuous and marked emphasis placed on planning performance through meeting statutory timescales, the need for such extensions have, until recently, been viewed as acceptable by the UK government.

In 2013 government acknowledged that delay could be produced for various reasons and therefore the need to allow for some form of bespoke timescales in planning, such as the use of EoT agreements: '*We accept that parties other than the local planning authority can be a cause of delay – but such circumstances again point to the need for bespoke timetables to be agreed between the parties where justified*' (DCLG, 2013, para. 36).

The National Planning Guidance (2014) went on to set out the expectations for EoTs:

> '*Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should consider entering into a planning performance agreement before the application is submitted.* ***If a valid application is already being considered and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time****. Any such agreement must be in writing and set out the timescale within which a decision is expected. The timetable set out in a planning performance agreement or extension of time may be varied by agreement in writing between the applicant and the local planning authority'* (DCLG, 2014, para. 003, emphasis added).

The government view on EoTs was rehearsed again in 2023, stating that:

> '***Extension of time agreements are useful in exceptional circumstances to allow additional time for unforeseen issues to be resolved to the benefit of all parties. However, the reasons should be legitimate.*** *Currently, extension of time agreements do not count against a local planning authority's performance figures for speed of decision-making and therefore can mask instances where local planning authorities are not determining applications within the required statutory periods…We understand that the existing metrics and the use of extension of time agreements do not adequately reflect*

> *performance of planning departments or the experience of customers'* (DLUHC, 2023, para. 49-50, emphasis added).

Yet government did attempt to put in place a 'planning guarantee' as a hard deadline:

> '***The planning guarantee is the government's policy that no application should spend more than a year with decision-makers, including any appeal***. *In practice this means that major planning applications should be decided in no more than 26 weeks and non-major applications within 16 weeks. Appeals should be determined within 26 weeks.* ***The planning guarantee does not replace the statutory time limits for determining planning applications'*** (DCLG, 2014, para. 002, emphasis added).

This 'guarantee' was underpinned by the stick that the determining LPA would lose the planning application fee if a decision was not made within the 16- or 26-week timescale – unless there was an agreed extension of time in place: '*Under the Planning Guarantee, the planning application fee must be refunded to applicants where no decision has been made within a specified time, unless a longer period has been agreed in writing between the applicant and the local planning authority*' (DLUHC, 2023, para. 042).

The subsequent government consultation on an 'Accelerated Planning System' in March 2024 sought to curb the use of EoTs to only a small number of cases and for major developments only. The outcome of this consultation was derailed by the election of the Labour government in July 2024, but the speed of decision-making and delivering growth remain as government priorities for planning reform under the Starmer administration.

EoT use in practice

The recent government concern to clamp down on the use of EoTs was precipitated by the statistics highlighting the increasing use in local authority planning decision-making. This more common practice is contra to the original intention for EoTs to only be used as an exception or last resort where statutory timings cannot be met for 'legitimate' reasons. In providing practice guidance, the Planning Advisory Service (PAS) asserts that '*for the overall credibility of the planning system,* ***extensions of time should really be the exception and efforts made to meet the statutory timescale wherever possible***' (PAS, *Good practice*, emphasis added). Yet the use of EoTs now appear far from as 'exceptions'.

According to government planning performance statistics reporting for 2023-2024 (Table P120), district planning authorities in England decided 332,965 planning applications, and of these 129,716 decisions were accompanied by a performance agreement – amounting to **38.9% of total planning application decisions** made by LPAs in England. This highlights that EoTs have become a common feature or standard practice within local authorities, and are being applied to a significant number of planning applications.

Year	Number of applications received	Number of applications decided	Number of applications accompanied by a performance agreement	Number of applications accompanied by a performance agreement decided in time
2014-15	473,906	409,845	25,774	21,722
2015-16	474,301	425,190	56,730	48,163
2016-17	486,681	439,940	89,692	79,240
2017-18	470,058	431,207	105,468	93,518
2018-19	447,128	406,253	117,112	104,867
2019-20	424,451	391,263	123,420	110,700
2020-21	431,446	369,333	139,013	125,342
2021-22	459,274	423,465	172,108	154,398
2022-23	395,466	377,045	164,014	148,626
2023-24	350,531	332,965	141,647	129,716

Source: *Created from government planning application performance statistics – Table P120 District planning authorities - planning applications received, decided and granted, performance agreements and speed of decisions in England.*

Moreover the concern that the use of performance agreements such as EoTs skew the local authority planning statistics can be seen in the contrasting figures that **92% of all applications accompanied by a performance agreement** were decided 'in time' in 2023-2024; but where **38% of minor applications** were decided within the statutory time period of 8 weeks and **20% of major applications** decided within the statutory time period of 13 weeks – **'rising' to 85% and 90% respectively with performance agreements**. This underscores the discrepancy between local authority decision-making 'performance' percentages with and without the use of performance agreements – where applications using EoTs are still counted as decisions made 'on time' regardless of how long they then take beyond the statutory determination period otherwise applied.

The aim of this project is to present a qualitative analysis of the use and impact of EoTs in planning practice, rather than a quantitative evaluation of the statistics by LPA and year; however the latest government collection of planning application performance statistics can be found here Planning applications statistics and the live tables on planning application statistics can be found here Live planning application tables (MHCLG, 2025).

While EoTs appear to be a widely used tool, to date they are an under-explored tool that has remained a largely hidden and unregulated aspect of planning practice. This is especially so because there is no prescribed guidance or form for an EoT agreement. What exists are the following basic parameters that they need to meet, as follows:

- *'to be agreed between the council and the applicant or agent acting on the applicant's behalf;*
- *to be recorded in writing;*

- *to set out an end date by which time the planning application will be completed determined and a decision letter issued – including the completion of a s106 agreement;*
- *to encapsulate a realistic timetable assuming that both parties are working with goodwill to complete satisfy issues and* ***determine the application in the shortest time given the resources available****'. (PAS 'Decisions – positive planning', no date, emphasis added).*

These latter points about agreeing 'a realistic timetable', 'working with goodwill' between the parties and being subject to the 'resources available' add a further layer of ambiguity to the use of extension agreements, these being subjective and open to interpretation.

The Planning Advisory Service also note the benefits of EoTs in keeping the decision process ongoing, where the "*interests of neither the applicant, the council nor the wider economy are served by councils prematurely refusing permission for an application just because the 13 or 16 week threshold is approaching*"; and also given '*the development industry appreciates a clear service offer from councils and is willing to accept a longer time scale to work through legitimate issues if it is made clear as early in the process as possible thereby avoiding late surprises*" (PAS, 'Decisions', online, no pagination).

This highlights that the time taken may not the main concern per se, but rather achieving a favourable outcome that benefits all parties and provides certainty over the process is more important (see Dobson and Parker, 2024). In such cases, EoTs can constitute a legitimate option to foster good planning and facilitate a more flexible approach that is not unduly hemmed-in by standardised timescales that treat all proposals the same irrespective of the specific nature of the site and scheme and issues and actors involved.

However, less positively, and set in the context of significant planning officer shortages and resource constraints, the more flexible use of time might be the only available option for LPAs to meet both applicant demand and government performance measures – and where the use of extensions is the only pragmatic solution available to planning officers.

1.4 Participants and Data

The primary data presented in this report is based on 10 extensive research interviews with experienced private sector planning consultants, evaluating their understanding and experience of time and performance in decision-making. The rationale for focusing on private sector planners was to ascertain their perspective occupying the position between the local planning authority and applicant in managing the application process and in either making or responding to various requests for EoTs. The participants ranged from 'one man band' independent consultants, through to those working with a small team in regional firms and up to the largest consultancies operating nationally and

internationally. This provided a good mix of perspectives from the lone independents to those operating within larger organisational and well-resourced teams on a range of schemes. All the participants were senior planners with decades of practice experience, and the majority had previous significant experience working in public sector planning.

The data is primarily focused on the use of EoTs because they sit close to the heart of the time and performance agenda and this is the main aspect of the project brief. There has been limited research to date looking at:

- when the EoTs are used,
- why they are needed,
- how often they feature and
- what they are used for in practice.

This project provides a first attempt to shed light on these questions. The role of other negotiated time and performance-based agreements, such as pre-application advice (pre-apps) and planning performance agreements (PPAs), were also included as a reference point for evaluating EoTs, as part of a wider set of discretionary tools that operate outside of or beyond the statutory requirements for decisions in 8 or 13 weeks.

The study investigates the understandings and experiences of professional private practitioners in relation to the use of EoTs in planning practice, but also set within the wider context of planning challenges that impact upon time-taken and meeting the statutory decision-making deadlines. These included not least the lack of resource and capacity within local planning authorities, along with recruitment / retention and image issues; the expanding scope and scale of planning as a professional discipline, and related increasing expertise and evidence required for (even minor) planning applications; the significant role of internal and external statutory consultees and responses need to progress an application; the influence of politics and planning culture; and role of up-to-date local policy; and value of pre-apps and PPAs for decision making. This project cannot cover these areas in depth, and these are included to contextualise and recognise the system-wide interdependent nature of time-use in planning practice.

The findings and discussion presented in the next section have been organised around five themes identified from the research interviews which form the thematic analysis for the main issues and challenges in practice. These are:

1) *Proactive negotiations and gaming the system*;

2) *Local planning authority resource and commercial costs*;

3) *Consultees, evidence and expertise*;

4) *Politics, culture and experience*; and

5) *Plans, Pre-apps and PPAs*.

As well as a synopsis of the practitioner's reflections on planning time and performance in relation to the use of EoTs but also the wider state and operation of the system overall.

The study does not seek to attribute blame for the state of the current system of EoT use but rather to report the issues identified by the participants. It is counterproductive to place blame on any specific actor or interests alone and instead it is emphasised that a need for a holistic system-wide approach to reforms aimed at improving planning time and performance will be required if positive and long-lasting changes are to be delivered.

This report is now structured into three main chapters. Chapter 1 has set out the scope and context for the project, a brief overview of EoTs and the research participants and data involved. Chapter 2 presents the main findings from the study and discussion of the issues and challenges raised for planning practice. Chapter 3 finishes by setting out the main conclusions and some possible recommendations that could be taken forward.

2. Findings and Discussion

The findings and discussion present the main views expressed on the use of extensions of time (EoTs) and agreements elicited from private sector consultants who regularly mediate between the local authority as policy-maker and decision-taker and their clients as applicants submitting a proposal for planning permission.

Overall the research participant's views on the use of decision-making extensions were generally characterised as a mix of frustration and pragmatism. In attempting to negotiate the permission process, their stance was also balanced with an acknowledgement of the significant impact of reduced funding and capacity challenges within LPAs, and also their reliance on external stakeholders (e.g. statutory consultees) and that wider expertise was necessary to assess and approve or refuse applications. The political context and related practice culture and confidence of planners was also raised as impacting on timescales.

These views are organised and outlined across five themes, and a synopsis of the main reflections from the study, in order to demarcate key aspects of the findings as below:

- *Theme 1 – Proactive negotiations and gaming the system*
- *Theme 2 – Local planning authority resource and commercial costs*
- *Theme 3 – Consultees, evidence and expertise*
- *Theme 4 – Politics, culture and experience*
- *Theme 5 – Plans, Pre-apps and PPAs*
- *Synopsis - Reflections on planning time and performance*

Whilst the central focus of the study was the use of EoTs, what the findings of this study reveal is that these are impacted by and connected to a whole range of system-wide issues and challenges that cannot be neatly bracketed off into an assessment of performance timescales alone. As the following themes demonstrate, the increased use of the EoT mechanism is symptomatic of the multiple wider challenges and issues faced within and beyond the planning system that have grown over time. As such, EoTs should be understand within this broader holistic context. Therefore the final section here also presents an overview of the practitioner's reflections on planning time and performance.

The first theme discusses how in the above context, EoTs have become prone to tactical application. Yet when used well, can also support proactive negotiations for all involved.

2.1 Theme 1 - Proactive negotiations and gaming the system

The original intention behind the need for the EoT mechanism to provide a necessary tool to manage the variety of different issues that can impact upon meeting the statutory periods for planning applications was broadly accepted by the participants in the study. The view was held that EoTs can be a useful measure to be applied as an exception; where both parties (LPA and planning consultant) can see that there is a blockage or issue that needs to be resolved and therefore requires more time to address, beyond the statutory decision period. Yet, despite the policy intention for EoTs to only be used as an exception, they have become an increasingly used and common feature within planning practice.

All of the participants stated that EoTs are very frequently requested and used by LPAs in their professional practice. Estimates from their experience ranged from the lower band of around one-third to an upper band of three-quarters of applications being determined. Taking the middle ground, PC#3 explained that "*I would say certainly more than 50% of the applications I'm dealing with we are in discussions on an extension of time. So it's a very regular occurrence*". For PC#5 all their cases in recent years were subject to an EoT.

This context raises questions over whether policymakers and professional practitioners should be concerned about the widespread or increasing common use of EoTs. If so, there is a need to understand *how* and *why* they are being used, before considering any interventions to either mitigate or otherwise improve the use of EoT provisions in practice.

As the starting point for the use of extension agreements by local authorities, there was a widespread acceptance that the statutory determination timescales were very often unlikely to be met for either a minor or major application in the current system context.

All participants expressed the view that the 8 and 13-week statutory timescale for minor and major application was seldom ever met - in their experience. This was so even for relatively straightforward applications as much as for larger and more complex schemes:

> "*I would say any new dwelling in whatever form that is, whether it's a conversion of an existing building or the redevelopment for new, will without fail take more than eight weeks to deal with…so it is laughable that they say application should be done within eight weeks. I mean I'm fall off my chair if I get even a normal single story rear extension done in eight weeks, let alone anything remotely complex*" (Planning Consultant #4).

> "*[W]e use extensions of time predominantly on our major planning applications rather than minor applications. As you know it's 13 weeks for major applications, and most of our projects that I've worked on always exceed that timescale. Whether it's our fault, our clients fault or issues on the Council side, we'll use extensions of time to formally extend the determination period"* (Planning Consultant #10a).

Similarly, interviewee PC#7 noted, "*I don't think I've had an application determined in the statutory timeframe for, well, I can't remember one for a long time really…I expect it to take 3-4 months or beyond*". PC#5 also stated that, "*100% of the applications we work on do not get determined in eight or thirteen weeks. I've got one application that's four and a half years old*". Moreover PC#8 explained that some LPAs were "*taking more than eight weeks to even validate an [minor] application*" and registered as accepted into the council's system. This is perhaps because it is only from the confirmed receipt of a valid complete application that the clock starts on the statutory determination period for LPAs.

A main difference was expressed as the expectation that 'minors' should be able to be dealt with in a two month time (8 week) period. As PC#7 expressed:

> "*I think that the 13 week timescale for majors is difficult. I would expect a case officer to be able to make a decision within eight weeks on a minor. I don't think it will happen, but I think it should happen. Whereas I think the 13 weeks, for a large scale residential application for example, is a challenge*".

The consultants all expressed what may be viewed as a more realistic and pragmatic understanding of (actual) decision-making times for determination, which was typically well beyond the statutory deadlines. The main frustration with EoTs was not the principle of planning officers requiring more time, which was largely acknowledged as unavoidable given the realities of the existing planning system. Rather, it was the way that EoTs were being requested either late into the statutory 8-week period or most often after the deadline and without warning – often with no prior communication. While the majority of requests for EoTs were made in a professional way, a few shared experiences and examples of 'bad practice' tainted the perceptions of their use by some local authorities.

The negative views typically expressed that EoTs were being abused by local authorities as a tool in order to 'game' the government performance statistics. As PC#6 explained:

> "*There are certain local authorities that are hugely overstretched and literally, you know, they just are swamped. You can't deal with that [volume], so they will massage their [determination] figures badly. And they're in critical need of somebody just going in and just washing through a lot of their applications*".

It was this pressured practice environment that was seen as precipitating the (mis)use of EoTs to maintain the council's decision-making percentage of applications decided 'on time' and to stay above the threshold for 'special measures'[2]. As well as resourcing challenges, it was recognised that the increasing use of EoTs was in large part also a pragmatic response to the growing importance successive UK governments have placed

[2] Measures introduced in 2013 to the Town and Country Planning Act (1990) via the Growth and Infrastructure Act.

on monitoring and performance metrics as the main KPIs for assessing and ranking local authorities and planning departments, and the implications for their rating and budgets.

One of the more critical views expressed was that some LPAs would request an agreement to an EoT just before the point of issuing the final decision notice on an application – effectively bargaining for an EoT at the final moment of the decision-making process in order to secure 'on time' performance and satisfy government determination thresholds - which was seen as effectively 'ransoming' the decision before its release.

PC#1 explained how they understood EoT requests should work:

> *"My understanding of what EoTs are supposed to be used for is that they're supposed to be asked for proactively before the application has gone over time, and … to clearly set out why they [LPA] need an extension and then set out a time scale. So in an ideal world, and what I would accept is correct, would be that on week 7 of an 8 week application, a Council approached me and say, "We're waiting on a consultation response from, like, county highways. They've got a three-week backlog, so we need three more weeks to receive that important representation and then we can determine your application. So let's agree a three-week EoT and you'll have a decision on that date".*

They explained they would be happy with that outcome, seeing it as a legitimate request, but they felt that instead:

> *"In actual fact it's abused and used quite poorly because the application will simply run over its deadline without any word from the officer, often…two or three more weeks will go by, we might be chasing them. We may or may not get any replies to that chasing, but then all of a sudden out of the blue we'll just get a request and it'll say, "We're ready to determine your application now, we need an EoT till this Friday so we can issue a decision". Now at that point I'm thinking well, it's already late, you've given me no explanation for why, there's no justification for asking for the EoT, and now your ransoming my decision. You're essentially withholding a decision that you've already made until I agree to fake that this is 'within time'. So that's my experience of how they're being used"* (Planning Consultant #1).

This use of EoTs was not viewed as a legitimate and negotiated 'mutual agreement' between parties. Requests for an EoT at the last point prior to issuing the decision notice was understood as a ransom because of the pressure for consultants to acquiesce in order to find out the outcome and promptly get back to the client with their decision letter.

In such situations, PC#2 argued that EoTs are:

> *"just given to you as a sort of a fait accompli from local planning authorities. It's not ever really a negotiated idea, its nothing which is there to try and come*

> *to a better solution or give them time, certainly not early on, it is therefore managing their work…they are usually used just as we're coming up to the deadline and often nothing has happened on the application".*

This led to concerns that EoTs were being used in some cases as a means to mask poor performance or excuse delay than improve the process. Indeed, the impact of a lack of communication throughout the statutory period and then retrospective or 'ransomed' use of EoTs served to undermine the relationship and good will between parties:

> *"[I]f the Council requested an EoT at week four, or at any point within the eight week date, I can at least explain to my client, "Look they've asked for something additional", or "they're a bit under resourced" or "they're waiting on third parties"; so I can say, "We need to give them another month, I know it's not ideal, but you know that's reasonable". They would accept that. But what becomes totally unacceptable to us as a practise and our clients is when they hear nothing from the Council for eight weeks, and then another four weeks go by, and then they ask for an EoT. At that point my clients often report phrases like, "this is rude", "this is taking advantage of us" or "this is bad faith". So the whole relationship is then soured…[because this use of EoTs] has nothing to do with providing a reasonable service to me and my client or allowing us collaborative time to overcome problems"* (Planning Consultant #1).

> "*In my experience it is the workloads on case officers, and just the ability to process stuff that's no fault of their own, that's just the sheer workloads that they've got…[but] I think more often than not though, I find on a lot of the projects I deal with, we don't discuss extension of time at all. The dates sort of expire, and then you get to the end and they go, "Right, I'm going to issue the consent, but before I do that you've got to agree to an extension of time". So it almost feels a bit like gun to head time. We're going to issue the consent but, you know, we've done a good job haven't we? And almost that feels morally wrong that you're just playing the game a bit; but inevitably our clients always agree to it just because it's that relationship point*" (Planning Consultant #10b).

These views centred on a lack of communication coupled with post hoc requests for EoTs. PC#2 explained that some email responses from planning officers requesting an EoT post-deadline will include the caveat at the end that "*if I don't hear anything contrary to from you within three days, I will deem that this is acceptance of this extension of time*". They stated that in this position they can't really say no because the client just wants the permission and is worried it will be refused if an EoT is not agreed to or is challenged. The point was made "*whether that's legally correct or not, I never even bother looking into that, because I would have thought an extension of time might well have to come to an agreement where you can't do it by default, by not asking*" (PC#2). This highlights that in some cases the 'negotiation' here may not even need a physical reply but instead a more

passive consent where no response to the council can still be an 'agreement' to an EoT. PC#8 also highlighted such an example where an authority was "*sending out decision notices after the eight week period, but with the decision notice saying, 'Please treat this as a request for an extension of time up to this point'. Which is rather naughty, I think*". They viewed "*the use of EoTs particularly is a means to demonstrate statistical compliance. I mean it's no more or less than that really*" (PC#8). Similarly this approach was seen as "*a hack in order to make every decision look like it's within time; because the minute you get the EoT, it wipes the slate clean and it's as if it's not gone over*" (PC#1).

Another main concern for consultants in agreeing to an EoT was the potential loss of urgency that it could produce; once the statutory determination deadline had passed, there was reduced incentive and pressure for the LPA to make a timely decision. This was because an application subject to an EoT would still be recorded as 'on time' in the performance statistics regardless of whether it was one day over the deadline or a more significant time period that could stretch to months or even years for a decision. The need for a balance was expressed to be both reasonable and maintain working relationships, but while also keeping some pressure on to make sure progress was still being made:

> "*[I]t's more about keeping pressure on officers. I think clients believed if you agree to an extension of time essentially, you know, the foot's off the gas from the case officer's point of view. I think in terms of penalty; it's more for the local authority clearly in terms of government returns and statistics. So it's using that to our advantage where we can, but also keeping officers on board so we get their buy in to it [application]; because what we don't want is to say, "No, we're not going to agree this extension of time", and then they just go, "Right, we have no option but to refuse this then". And that's to no-one's advantage really, theirs or ours…Personally I think that's right. It's sufficient time to be reasonable, but not excessive time that it allows the pressure off [the decision]*" (PC#10b).

The point was also raised that there is no limit to the number of times an EoT can be requested on an application, meaning that they can be (mis)used in an open-ended way to secure consecutive extensions. All participants expressed experience of working on several applications that had already been subject to multiple EoTs. The multiple or continued use of EoTs was expressed by PC#4 in the following:

> "*You agree an extension of time, that date then flies by, then you're chasing. You then agree another extension of time, and it just goes on and on like that until you eventually get a decision…the goal posts just keep getting moved*".

All expressed the frustration of receiving very little or no communication and response from the case officer, and therefore needing to constantly be chasing for an update on an application. In this situation, the planning consultants felt they were torn between maintaining good working relationships with local authorities and case officers, but while also maintaining their responsibility to their clients to keep them updated on progress:

> *"There's absolutely nothing that you can do as an agent to encourage the Council to make a decision on that application other than complaining a lot...and it's actually got to the stage where officers will complain if I chase a decision. The officers will often complain and say, "Do you realise that by you chasing the decision you're delaying us. This is time consuming. You're making it a longer process. So can you please stop?" And that's it. But as an agent, there's nothing else that you can do for your client other than continue to make a fuss and say, "Can you please make a decision?" knowing perfectly well that it means more work for the case officer. And so it's a bit of a catch-22"* (Planning Consultant #7).

PC#3 noted the lack of clarity over extensions where "*Arriving at a revised [decision] date is a horse trade. You know, there's no science or rule behind it as far as I can work out*". This reflects some of the wider criticisms of the discretionary nature of the UK planning system. There is little by way of formal rules for the use of EoTs, other than that they have to be mutually agreed, but the form of this agreement is vague and provides few concrete examples of what an actual EoT agreement looks like between parties. Mostly they are requested via email as part of the update on an impending application decision notice, but it was noted that some councils did provide a formal letter requesting an extension to the applicant. This level of informality was most evident when prompting what an actual EoT negotiated agreement looks like in practice, such as a document or template they had seen, most of the participants were initially confused by the question of their actual form and content. There is no template or requirement to formally record when and why an extension was requested beyond that an EoT was used in the determination of an application. As PC#5 noted, derived from over 20 years in practice "*in all the time I've been working, I've never actually had to provide the agreed EoT to anybody. But one day I will. So that's why we keep it*". This suggests there is no formal record for use of EoTs.

This informality meant that agreeing to an EoT provided no 'firm basis' or 'guarantee' that the application process would continue clear communication and not then go 'cold':

> *"[T]he problem is the extension of time process doesn't really give you any firm basis...it seems almost the worst of all worlds that you don't get a definite answer within eight weeks and your negotiations just go on for months at a time...Often you just don't hear anything back. And some councils don't have any direct contact e-mail anyway for a case officer, and you go to a general one and you'll never hear back from that, it's a waste of time. So it is difficult to hear back and it's that lack of communication just goes into a void...because they've asked for extension of time with no guarantee back from them what's going to happen... just an e-mail which says, "Can we have an extension of time?". And, you know, I've never even realised that they were meant to kind of set out the process and structure saying along the lines of, "We are extending the time within this time frame, we expect this party to do this and this party to*

> *do that" or whatever, which is very interesting really because I just think the assumption is…it's just a backdated decision"* (Planning Consultant #2).

> "*It tends to be multiple extensions of time for applications. So they will initially ask for another two weeks or a month or something, and then I'll chase a response a couple of days before that timetable and, you know, then they'll reply and say, "Oh, sorry I haven't had a chance to look at this yet. Can I have another month please?". And it will just kind of continue to roll on that way…There's absolutely no comeback against the local authority for making a decision late ultimately. So there's two issues I suppose there. One is that there is a statutory time frame, but once you're beyond that, and you've agreed to go beyond that statutory time frame, it's then very difficult to force the local authority to make a decision. Then they're probably more interested in making the decisions on other applications that are still within the statutory time frame so that they can tick that [performance] box*" (Planning Consultant #7).

A more proactive or negotiated approach to the use of EoTs was viewed more favourably, by raising any issues early on in the process so that there is opportunity to discuss and deal with them as needed. However, all participants stated that EoTs were very rarely requested early on in the process by local authorities because busy case officers often did not have time to even get to performing a first review of the application until many weeks into the statutory deadline, with this later start was attributed to high caseloads. This was seen to create a situation where in reality it was only around two weeks of the total eight week determination period where the planning officer actually has time to look into an application in any detail and begin to assess the case; meaning the decision time is often 'crunched down' and needs an extension to recuperate lost time post-deadline:

> *"So it's normally in my experience, when it's [EoT] requested by the Council, it tends to be towards the end of the process [determination timescale]…the impression on my side as a consultant is that is often because that's the first time at which they've actually had the chance to review the submission in any detail. So, you know, this may not be the officers fault per se, but it's then the first time at which they might realise actually there's some things we've got to deal with here before we can make a decision"* (Planning Consultant #3).

Despite these concerns over EoTs, there was also recognition of the positive side of local authorities being willing to negotiate and extend application deadlines, as opposed to resorting to refusal or withdrawal of an application. This was considered useful given that "*no application is ever perfect as first submitted…the Council sometimes are good that, they're asking for more information and they don't just say 'no' in seven weeks and six days*" (PC#2). Consultant #3 also explained that even when an issue has been discovered late on, they would *rather agree an extension of time than face a refusal"* and as a result be happy to agree to it *"because it keeps the negotiation running, or at least opens the*

negotiation, rather than it just being a flat refusal on 8 weeks and start again". Likewise PC#9 stated "*that's why I say 'yes' to extensions of time, so that you can keep the door open [with the local authority], you can keep trying to push it [application] back in a sensible direction. Rather than just bringing the discussion to an end*". This use of EoTs was seen as tolerable where issues needed to be resolved but which would otherwise mean going beyond the deadline – and with all agreeing this was preferable to a refusal.

It was also noted that some councils do not bother with EoTs at all and often will manage the statutory timescales by refusing applications instead "*I do bits in London, and I deal and talk to consultants in London, and I know that there's no negotiation if they [local authority] don't like the scheme, they just refuse it. And that's just bad. That's the process tail wagging the dog*" (PC#6). This was viewed by all as a worse outcome than agreeing an extension to allow a continuation of negotiations, where there was good communication between the local authority case officer and consultant / applicant. This positive attitude to negotiation was expressed by PC#3 as a means to work together towards a decision:

> *"I don't have a particular issue ever in agreeing an extension of time as long as I can see that progress is being made on the application...we're happy to extend because we're working with the officer positively to get hopefully a positive decision for us. And in that scenario, I personally and my clients very rarely have an issue with extending because it feels like you're doing it as part of a positive negotiation...All I really care about is getting my positive approval*".

This demonstrates that the use and value of EoTs in practice is highly dependent on questions regarding their use, in terms both of why and of when they feature in the application process. Furthermore, their effective use appears to hinge on proactive and positive engagement. The participants were typically happy to agree to an EoT where they felt they were being used positively and agreed with the planning officer that there was an issue(s) that requires more time to resolve before the application could be progressed.

Moreover the right to appeal for 'non-determination' was viewed as a 'last resort' that would only increase the time and cost of an application for all parties involved. All the interviewees stated that they would rather resolve any issues within the normal process than go to appeal, which was felt would add at least another 6-12 months onto the timescale before the case review. While the approach of working within the normal process with the case office was preferred by all, some were wary to agree to an EoT when they felt the decision process had stalled and therefore needed to consider an appeal.

> *"I don't advise anyone to appeal against non-determination because it goes on the slow train. I did it once and it took so long, it took over a year to get the non-determination appeal...I mean you've got sort of a relationship with the planning officer and the borough. You know, you sort of feel like you don't want to be appealing, you don't want to go down that road really. Much better just to get the approval from the planning department*" (Planning Consultant #4).

> "*I don't think generally they're [EoTs] used for the purposes of extending a period of time to refuse something. So I think that they are principally used in a positive way…an appeal is not without its risks, commercial and in terms of time…but you can negotiate something with a planning officer or the authority. Whereas an inspector has less scope and only determines what's in front of him at that point in time*" (Planning Consultant #8).

> "*We always have a mind to extensions of time in relation to appeal timescales. So if discussions aren't going very well with local authorities, extending times either in a PPA, which is usually a longer period of time, or on just a normal EoT, we do have to have regard to that because obviously we can't appeal [for non-determination] until that time period is up*" (Planning Consultant #10b).

Overall, the principle of requesting an EoT was broadly accepted where they were being used proactively and positively to assist with navigating the decision-making process. It was only in the cases of non-communication and use of EoTs for performance statistic purposes that they were mainly criticised. This demonstrates a mixed picture where EoTs are in some instances being misused, but also often providing a pragmatic and flexible tool to assist decision-making and resolve issues that would otherwise go beyond the statutory timeframe; as well as avoiding the risk of a refusal or costs of going to appeal. Such agreements rely on good relationships and trust between both parties to work well.

2.2 Theme 2 – Local planning authority resource and commercial costs

Whether an extension agreement was used or not, it was understood that "*the inherent reason why applications go over time is because of capacity, resource and complexity*" (PC#1). The view that planning departments are under-resourced and do not have enough staff to meet their workload was accepted by all as the main barrier to timely decisions. There was an implicit understanding that time and resource pressures are connected; "*those are two of the same things really, aren't they, resources and they [council] haven't got time*" (PC#2). This lack of resource and capacity was also seen to be exacerbated by the additional requirements, and as a result complexity, within the planning system:

> *"[T]he information that you have to submit even with the most straightforward of applications is bonkers really in some cases. I can think of very minor applications where we're being asked to provide biodiversity checklists, sustainability checklists, sustainable design and construction statement, flood risk assessment…I understand why the regulations are there that require those things, but that then means that all of those points have got to be assessed and consulted on. So it's a double whammy really of resources being stretched but also information requirements probably being overly onerous"* (Planning Consultant #3).

> "*What I primarily see EoTs as is a response to a lack of resource within the system. And to some extent, dare I say, excessive complexity in planning; which has broadened where planning reaches out to, or where other disciplines are now focusing their attention. And so lots of other things which perhaps in the past might have been just not perceived as planning issues have become part of the planning process and the issues that we have to determine as planners*" (Planning Consultant #8).

The participants expressed concern over the workload placed on local authority planners and statutory consultees to process applications, particularly when submission volumes were high and as set against a more strained public sector finding and capacity context.

> "*I'm not too sure if national figures for applications have gone up, but I feel like we've been very, very busy submitting planning applications this year, maybe especially so over the last couple of years. You know, if that's happening across the board, there's that pressures on councils and their consultees to review everything and get applications processed efficiently; and with issues with recruitment and staff retention and that sort of stuff happening, it's not easy*" (Planning Consultant #10a).

Moreover, the resource issue was also conveyed in terms of time and quality assurance for DM managers to review case officers reports - to make sure that they are robust and considered legitimate – suggesting this has impacted on senior scrutiny and feedback:

> *"I think part of the issue as well is that the team leaders, the development control managers, they're so under-resourced themselves that they don't have the time to review the work...I've had refusals recently where what the case officer has written is so obviously wrong that I'm just immediately going to my client and saying, "We're going to appeal this and we're going to apply for costs because this is just wrong". And if the team leader read it, they would know it was wrong too. So it suggests that the team leaders aren't reading the reports"* (Planning Consultant #7).

While the reduced funding and capacity within local planning authorities was understood to lead to (greater) use of EoTs as a way to manage increasing pressure on caseloads, the point was made that extensions can have significant cost implications for consultancies when dealing with applications because of a need to manage their client fees and budget:

> *"We quote for planning applications knowing they should take eight weeks. So we allow a budget for a two-month process. And we do have a kind of 'over and above' caveat in there, but clients expect it to be done in two months. And if I said to them, "this could take anywhere between two months and a year", no one would employ us; and they might not even proceed with the project. So we're trying to be honest with them about potential slippage in EoTs, but*

> *fundamentally I can't have an open-ended budget with the client. So I quote for two months, every day it takes longer than that it's normally a loss to me. We can't keep billing the client indefinitely just for chasing the council. It stays on my books, I get clients phoning me all the time, I'm increasingly being chased. It's just on our mind. So it sucks up oxygen out of our business and then costs money, and I can't charge a client for most of that [time]. So it does have financial consequences for us"* (Planning Consultant #1).

Beyond the potential additional business costs that planning consultants face when an EoT is applied to an application, there was also a sense that local authority planners also did not fully appreciate the financial costs of requesting evidence from the applicants:

> *"I just think planning departments should be run more slickly, more like a business...planning officers don't have a clue about the building industry. I think they need to be a bit more savvy as to how financially, you know, they just email, 'Oh, we need X report'. You're like, 'OK, that's another two grand'. That's another 2, 3, 4, 5 grand. You know, 'We need this, this, and this'. It's costing people tens of thousands of pounds just to submit an application, and I don't think planning officers really have a clue about how it is in the real world"* (Planning Consultant #4).

The impacts of additional time taken in the determination process through the use of EoTs were stressed for applicants submitting minor householder applications as having 'real world' consequences for individuals that were just trying to plan projects for their future:

> *"[F]or the client, as a couple of examples, because people often forget about the applicants in this, they might have taken a bridging loan to undertake the project and then they're paying interest on that week in, week out. They might have had a builder lined-up, that builder might have put other projects on hold in order to deliver our projects at the two-month day, and then every delay the builder's like, "When am I starting?". He might then go off and do another project and our client might lose the builder and then that might miss the window for the summer. And then, you know, people might be waiting to build an extension to have a baby, and then their house is still in a terrible state at that point. So there's all sorts of things that happened in people's lives where they want to do these development projects to, you know, further their family life and all of that is on hold while we're waiting for these decisions. And every month that goes by has real world consequences for them and for me"* (Planning Consultant #1).

This raises the wider economic and social costs of relying upon - and putting more pressure on - an already under-resourced and over-stretched public planning profession.

For larger and professional outfits that dealt with major applications and schemes, the point was made that the use of extensions could have significant implications for the way that their business deals and funds are approached and operated; and therefore they need to have a clear understanding over timescales to make sure that these are achieved.

> *'Quite a lot of our clients will go into deals on their sites subject to planning. In the deal it will say you've got to submit the planning application within X amount of time and the long stop date is X amount of time after that. If that's too short for this authority, your deal is screwed on day one if it's going to take more than six months to get a decision out of them. So it has implications not just for the way we [consultants] deal with things, but the way the deals are constructed in the first place. Also, simply the way that some business funds run, some funds have a fundamental pot of money that they have to reinvest every four years. And if you've got some money that's stuck in a planning application that is taking a year longer than you thought it was going to take, and you haven't programmed for that money to come back into the fund in time, then it will fall out of the fund and get lost. So it's really important. In fact, the thing my clients say to me more than ever is if we knew how long it [planning application and decision process] was going to take and could commit to how long it's going to take from the beginning'* (Planning Consultant #5).

PC#2 similarly made the point that extensions are "*a major problem really for speed. Businesses, financial pressures. Clients and developers, they're paying interest on land, on business loans, which they expect to have a decision by a certain date*". The participants articulated a sense of having a more private sector and commercial mentality around the use and value of time for clients, with PC#2 stating, "*working for consultants, if I say that we're going to do something within two weeks, we will do it within two weeks*". As well as lamenting that "*there's a lot of time just chasing up, and eventually that adds up to enough that I put it down on my timesheet, but it's not very satisfying to be charging someone just for sending emails and phoning people [at the council]*" (PC#2).

There was even some suggestion that a more business-like commercial approach, using financial incentives for local authorities that hit client deadlines would improve decision-making timing and support the resourcing challenge to provide a 'carrot' rather than stick:

> "*I think that the key is whether there is a carrot or a stick for the local authority, you know, what are the government judging them on and what is the penalty for them? Or is there an incentive? Probably it [application determination process] would work better for an incentive. So we did one PPA for example, it might not be appropriate nowadays, but it was a few years ago and we actually did it if they [local authority] took it [application] to committee by a certain date then it was sort of a 'win' bonus - so we gave them an uplifted fee at that stage. So it was worth their while doing that otherwise, you know, they would be out*

> *of pocket or substantially in pocket if they met it [client decision timescale]; and so some sort of incentivization if they get things there. I think carrots are obviously easier for people to deal with than sticks, and I think the government too often put in place sticks rather than carrots"* (Planning Consultant 10#b).

Yet, similar to LPAs offering a separate 'fast track' application service for an additional fee, this leads to questions over both decision-making fairness and ethics (i.e. impartiality) and the state and impact (i.e. quality) on existing applications and backlogs.

Despite these commercial concerns, there was an acceptance that planning is complex and cannot provide the certainty or reduced risk compared to other services provided by local councils. As PC#5 expressed:

> *"I think the overriding line is planning is a game, there is no certainty, and it's a risk. And certainly for my clients, most of them understand that there is a risk involved. They would rather there wasn't but, you know, let's say you apply to get a parking permit outside of your house. You fill in a form, you know you're going to get a parking permit. You pay the money and the permit arrives. Done. Planning isn't like that, and neither should it be like that, and that's why there needs to be an understanding of the time and the issues involved in getting to that point [planning permission], but it's almighty frustrating"* .

While all acknowledged that "*planning departments aren't well enough resourced and until they are there's still not going to be enough decisions made quickly enough*" (Planning Consultant #7); the value of adopting a proactive approach and maintaining communication, especially phone calls, were stressed as still being extremely important:

> *"[EoTs] matters because I want to get it done with as quickly as possible because it's time and money to my clients. But I think from the local authority point of view, there's just such an acceptance that resources are so limited, that it [application] will get dealt with when it gets dealt with. The use of extensions of time is just part of that sort of well, 'You know, it'd be nice to do it in eight weeks, but we'll do it when we can'...I think the main thing really is about communications and resourcing; and if you're working with a good officer, that you can ideally pick up the phone to and have a conversation with, then by and large the system works. You know, it's not a terrible system we're operating in. I think it all comes down to resourcing, good officers with the ability and the time to do their job properly, that's what we need. And if you had that, then probably you'd find the use of extensions of time was less regular"* (Planning Consultant #3).

> "*[Some LPAs] have an automated system, for example, which at the end of the 21 day formal consultation period, you get an e-mail saying, 'This is now completed, click here and you can see all the responses'. Now I know we*

> *should be doing that ourselves from our end [consultant], but it is amazingly proactive from a Council…[being] more regular and organised in keeping contact. They also have officers that phone you up and speak to you voluntarily, who are proactive; and I think that makes them more efficient, because you instantly pay attention to them and do what they ask for. You know, a phone call makes such a lot of difference"* (Planning Consultant #9).

Overall the broader issues were acknowledged around paying public planners more and to help recruit and retain people, by making their roles more competitive with the private sector and to prevent more experienced planners being poached by the private sector:

> *"[Y]ou have to rely on that kind of person [working in the public sector], but they then just get poached by planning consultants; because, you know, I would love to have a planning officer. They're brilliant. They've got such amazing experience. But you need good planning officers in the planning departments to be getting you the permissions"* (Planning Consultant #4).

> *"Ultimately, I think it's better resourcing of the planning authorities. If there are more planning officers who are paid better, who want to do their job, care about it and are passionate about it, are well rewarded, and there's enough of them and therefore their caseload reduces. That are prepared to answer the phone when you want to talk to them, and to spend some time going, "Yeah, I think it might be better if you did this", as opposed to just being a post box…I have the utmost respect for anybody that does [planning in local authority], because that is not a fun place to be if you are underfunded all the time…so get more planning officers, pay them more money, make them valued and you will get better and quicker schemes as a result"* (Planning Consultant #5).

The case for more resourcing and support for planning authorities can also be made on the potential benefits that can be achieved from facilitating more efficient private sector engagement in delivering an effective system as well as improved customer experience in gaining permission. These appear to be more important than meeting deadlines alone.

The challenge of planning resource issues was also set against the competing pressures facing national and local government in resourcing other key public sector professions:

> "*It's planning officer resource. My conversations with chief officers are that people leave. Budgets are cut. They either cannot recruit because they've been told there is a recruitment freeze, or because they can't attract candidates…so we do need more resources, but don't we all [public services]; and under that kind of pressure, you know, when it comes down to do you need a nurse or do you need a planner, you're always going to get a nurse aren't you. It's just the emotional decision that's going to be made"* (Planning Consultant #8).

Given there are needs across a whole range of public services, there is a danger that planning could lose out unless targeted and ring-fenced resources are made available. Particularly as local authorities and planners are being asked to do more by government.

2.3 Theme 3 - Consultees, evidence and expertise

The most significant impact on decision-making time taken was waiting for responses from third party statutory consultees. It was frequently noted that statutory consultees are being 'overloaded' and this is causing delays where applications have been approved subject to agreement with the relevant consultee(s). This is significant because there are several statutory third party stakeholders that have a key role in decision-making but that sit adjacent to or outside of the formal planning system. In relation to the role of statutory consultees, the NPPF states that: '*For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs*' (NPPF, 2024, Para. 42).

PC#1 expressed the widely held view that "*probably the biggest hold up in any given planning application is third party consultee responses*". As PC#6 explained, "*local authorities need them [EoTs] because unfortunately planning now consults lots and lots of internal and external consultees, and as budgets are cut, people are stretched, and the 21 days they get isn't sufficient*". PC#5 also noted, '*What delays a planning application? External statutory consultees working on a different time scale…In order for me to prepare amended plans, I have to wait for all of the statutory consultees to come in. So you need all of them to do it quickly'*. This was echoed by PC#3 that, "*One of the sticking points is the time that it takes statutory consultees to respond, they very rarely respond within the three weeks…I have a number of examples where it's not really the planning officer's fault that, you know, the utilities companies or the Highways authority, or whatever it is, hasn't come back to them in time. There's only so much they can chase them*". PC#2 also stated that "*responding to consultation responses is the main delay*" in the determination process. The use of EoTs by local authorities because of the need to hear back from statutory consultees was expressed by all as a significant reason for their requests. These requests for additional time were understood as largely beyond the council's control, and reasonable where the 21-day consultation deadline was missed.

> "*A lot of the local authorities I'm working with at the movement, let's say half their consultants are on time…But I have got quite a few live projects where there's consultees who just aren't meeting any timeframes for comments at the moment. And they tend to be the ones where they will have an impact on the scheme sufficiently enough that we need more time to, like, prepare a rebuttal or change the layout, for example. Highways, drainage and ecology*

> *matters seem to be the ones that just delay everything. Unfortunately there just aren't enough [expert] consultees across the councils and within those departments who are able to meet the deadlines"* (Planning Consultant #10a).

Whilst the consultees are normally seen as part of the council's responsibility in the process, especially where these are still in-house, it was accepted that there are issues where the responses required are beyond the council's control, such as from Historic England for a listed building. Whilst the consultants said they may try to follow-up with the consultee to get a response, a concern was the extent to which the LPA planning officer was also proactively chasing consultees for responses or just waiting for a reply; especially as consultees are typically contacted within the first week of an application being validated, leaving seven out of the eight week period to respond with any issues.

The requirements and timings for survey work was expressed as adding significant time into the decision-making process. A frequent example was bat surveys, which could only be undertaken at a specific time of year (usually in the summer), and so if an application for a property with potential for bats is out-of-sync or misses this window, it will have to wait in hiatus until the following year when the survey can be undertaken again. Conversely, drainage water absorption and soak away tests could only be undertaken in the winter. PC#1 termed these 'seasonal constraints' that did not sync well with decision timings, but it was argued even initial feedback could help to manage these timescales:

> *"Consultee delays are the most regular. That the ecologist is overwhelmed and sunk below their workload is this year's absolute nailed on certainty. I mean it's taken me on some nine months after the application is made to get an initial response from the ecologist. And what happens then often is you've submitted something in May, then in December they say, "Oh, we need you to do another survey, which you can't start until May". So you lose months and months; but if they could give initial feedback, you could still do it"* (Planning Consultant #9).

It was noted that consultation responses need to come back within three or four weeks to give the council (and consultants) time to do everything within the eight weeks period. The participants recognised that planning officers would often get external and internal consultee responses back later than the allocated time, which leaves them less time available within the process, and that dealing with consultee responses also takes time:

> *"It's the statutory consultees, whether they're external or internal…all those documents have to be reviewed by all the various experts, who will then inevitably come back and say they don't agree with it [application]. So then you've got one expert versus another expert saying, "Well, they don't agree". It's then trying to find a common middle ground or getting that resolved…you have got to go back to your architect, get plans amended, or go back to whatever specialist they [council] have to review it [revised scheme]. You know, that's another two months, say. Then they have to then go back to their consultant,*

> *whoever it is, to get that then re-reviewed. That will then take another two months. And that's just one, you know, times that by however many issues that you've got [to review and resolve]. And there just doesn't seem to be any speed. You know there's no sense of urgency"* (Planning Consultant #4).

This was also seen as being compounded by the increasing complexity found within the system, with Biodiversity Net Gain (BNG), nutrient neutrality and habitat regulations (e.g. bat surveys) being frequent examples. This also had impacts on the division of labour and capacity when planners are waiting from responses from a handful of specialists, namely finding ecologists who were seen as gold dust when trying to navigate BNG: '*Particularly with BNG happening now, I mean every application now needs to go to the ecologist. So, you know, usually you have 20 planning officers and one ecologist at the department, and now all 20 planning officers are feeding into that one member of staff*' (PC#1). These were seen as consultee responses creating a 'bottleneck' given the capacity challenges. PC#4 also expressed the challenge of new regulations adding complexity into the system; "*BNG, I mean my God. We're literally, 'What the heck?'. No one knows. The planning officers don't know. We don't know. We're all just sort of the blind leading the blind*". PC#7 similarly pointed to, "*the additional complexity, particularly in terms of biodiversity net gain, I still don't get it and I don't think most planning officers really understand. So they're relying very much on their ecology colleagues, [who] are equally under resourced. So you know, there's no one to give the planning officer the answer they want*" (cf. Parker and Street, 2021, for more on increasing knowledge, expertise and skills in planning practice).

The view that the planning process was trying to cover too much detail was widely held:

> "*Absolutely huge [issue of increasingly complexity in the planning process]. One of my bête noires is the matters which are adequately covered by other legislation and should not be submissions at the planning stage...The number of different consultants I have to tell clients they have got to take on board is absurd. The BNG stuff recently is extremely unhelpful. Awful at protecting the planet; but then it just requires us to have 20,000 more ecologists in England, we just haven't got them either side [public and private sector]. And that is a huge difficulty. The system was meant to allow a light touch approach for smaller schemes that didn't involve an ecologist, but that's not what it does; and certainly there is no way I've found other than employing a competent professional ecologist to get even a single house scheme through... unfortunately government also seems to be piling things on us which are not planning matters. I honestly never thought I would have to become expert in the enormous range of subjects that I now am expected to deal with; and I'm totally sure that the planning officer making the decision isn't any more expert either*" (Planning Consultant #9).

It was recognised how a lack of expert knowledge and capacity in the system, such as ecologists, cuts both ways and can lead to the private sector needing more time to collect the evidence and requested reports, before an LPA can further process the application. There was recognition of where the consultants required more time and made recourse to EoTs as well as where their use was mutually beneficial to deal with any amendments.

> *"And actually it is two ways, sometimes we cannot get a response to the Council in time because we cannot find third parties to produce the data for us...the vast majority of time it's the Council, but in a few examples we will request an EoT because a consultee will flag up a problem, maybe, you know, we've missed something or they just want more information. Then the requests they make takes us too long to produce, because either they ask for it quite late in the eight week process, maybe they ask for it on week seven and we need 2-3 weeks to do it, or we need to go out to a third party consultant like an ecologist or a surveyor. At which point we simply say [to the LPA], "Look, we can't do this, we need to have a month's EoT". The other more common, perhaps, example is where a Council planning officer will ask for an amendment. So they'll say, "We want to remove a window or change the height of something", and then the architect needs a month to do the work. So we kind of mutually agree to an EoT at that point"* (Planning Consultant #1).

This expression of the use of EoTs to source additional evidence or resolve unforeseen issues that would require more time than allowed for within the statutory determination period was broadly viewed as a positive when negotiated to help progress an application.

Yet there was also the sense that the timing of EoTs was controlled by the council, but not always for the consultant / applicant when needing more time to respond to a request:

> "*The frustrating thing about this, what the clients always get frustrated about, is often you don't hear anything from a planning authority for 7, 8, 9 weeks...And then what happens is...the councils can come back and say, "Well, we need this change and I need it by Wednesday". You know, two days' time or something like that, or else the council refuse it. And so then I say, "Well, this is unfair. We can get this to you in a week's time or something like that". And then it sometimes will be agreed. So there's not really any formal date I can ever give to something. It's just kind of a plea for longer time when they [council] ask for something [additional late on]*" (Planning Consultant #2).

It was often expressed that since the amount of information and evidence required for even a minor application has increased significantly, planning officers would increasingly struggle to review and interpret that volume of information within eight weeks. There was also a sense that this might be a confidence issue to make an overall judgement.

> *"[S]ometimes the planning officers just aren't confident enough and they just like to pass it over to the external consultees for another discussion. They never then make a decision and say, "Well, I've heard from the external consultees, but I don't necessarily want any more information, I agree"...[then] it goes on longer and longer because then they say, "Well, can you please respond to these latest comments?". And it goes on"* (Planning Consultant #2).

The level of information and evidence required for even a minor application was viewed as "bloating" planning case files and the application process. There was an overarching concern that too much is trying to be fitted into the planning system and process now, and filling up the same size (or indeed smaller public sector) 'bucket' with more requirements is unsustainable without additional resource and capacity to deal with them. The widespread and common use of EoTs appears to be a symptom of these twin pressures of growing application requirements and reduced LPA resource and capacity.

> *"Planning has become an umbrella for too much stuff...if they want to try and speed things up, they need to take stuff out of planning and leave it to its own legislation. So certainly protected species, in fact they have their own legislation, is now being drawn into planning...I mean bats and newts and that sort of stuff are big delay...the more you bring in, the slower the process then...So I do feel sorry for local authorities to an extent, but I do think that sometimes, not naval gazing, but I think it's just sometimes an obsession with minutia that could either be dealt with by conditions, or ignored because it's not planning, or trusted to another regulation; and planning needs to be more about what planning does, and not just being another element of environmental health or highways or whoever"* (Planning Consultant #6).

Consultant #8 saw the complexity and work this produces for Planning officers and asked:

> *"I suppose there's a question as to why all of that has come into the planning system...So let's take the bird and bat issue for a domestic extension...why is that needed with a planning application? Well it's needed because the law says you need to consider the impact as part of the planning decision, so that's obviously the Habitats Directive...[but] we have just allowed too much to become part of the system; because you're not going to make any different decision on that application. You're still going to approve that application, but you're likely to approve it with a condition saying that you put in place the mitigation measures. Same really with things like drainage and SUDs and all that kind of stuff."* (Planning Consultant #8).

This view raises the challenging question of the delineation of planning activity and the fuzzy boundary it has with a host of considerations from across a diverse range of stakeholder interests (e.g. transport, heritage, environment, health, etc.). As a professional discipline, this is a normative question concerning what is it that planning

does or should do - and what is beyond planning and therefore should not form a central part of the determination process? This goes beyond the use of time for decision making to consider what topics, approaches, evidence and expertise is required to make good (planning) decisions. This underscores what some viewed as the changing / expanding scope of planning, and the knowledge / training of planners to be effective in these areas.

The *costs* of requiring more evidence / expertise and technical reports was also raised:

> *"We had one recently where the officer had literally in Week 11 turn around and say they wanted archaeological trial trenching, and that was going to be £20,000 worth of work and it just wasn't possible. In the end we managed to agree with the Council that they would condition that, but it took a lot of time and effort to deal with it...So I don't think they [planning officers] appreciate actually maybe how much it all does cost them [applicants] to get these applications in"* (Planning Consultant #10b).

The same consultant also pointed out the cumulative impacts:

> *"So applications with all of the additional requirements are very costly to put together; and we always try and agree the deliverables, the list of reports we need with offices up-front. And where something then comes out of the woodwork later on in the application process, it's difficult to say to clients, "I need additional money to go and do that report". It's a delay and everything else. So actually we're better off having a planning condition to deal with that, and I think it comes back to officers just being a bit braver and saying yes we can deal with this in a pragmatic way...and sometimes that isn't just a quick report. It might be a new assessment, which is two or three weeks work and several thousand pounds to do it"* (Planning Consultant #10b).

As well as the issue that the local (planning) authority or elected members might not then agree with the evidence presented to them for an application where technical expertise was requested, even where independent experts have been used on the case:

> *"And more complexity...they [council] need more information. And well, that's a different matter about whether they agree with what we say. That's the sort of slightly frustrating thing is my client's employ experts for flooding, drainage and ecology and things, and then for some reason the Council take it upon themselves not to agree with independent experts, but there we go. That takes a long time to resolve, and they [LPA] haven't got so many people to help them"* (Planning Consultant #2).

This intense scrutiny and questioning of evidence may be linked to the (often heated) politics and a more cautious culture of LPAs to decisions and approving development.

2.4 Theme 4 – Politics, culture and experience

An increasingly 'politicised' nature of planning activity and increasing public scrutiny over development was seen to be having a negative impact on the approach to local authority decision-making culture and thus timescales. This view was exemplified by PC#1 that:

> *"It's cultural, particularly in the south-east…planning committees full of lay people and politicians, they don't want to be seen to overlook a single thing in case they're crucified in the press. So you submit an outline planning application and they want to know every single detail. Every single nut and bolt, they want every statutory consultee to support it before they will approve something. Planning officers are paranoid about being hauled across the coals, making a mistake, so they will not approve anything until they have full detail; and even on an outline application we're having to do so much additional work to persuade everyone and their dog that it's safe to approve it. They're not taking that pragmatic approach, and they're also forgetting that the presumption is to approve things as per the NPPF. It's almost like the assumption is to not approve things unless we prove otherwise. So then they're just not using the system as it's designed, because I think it's a political and cultural anxiety; particularly with the press and pressure groups and the public ready to go up in arms. The NIMBY kind of attitude of, "The bloody Council have approved this again" and, you know, "What are the planning committee doing". Everyone's just so scared to approve development that might impact people".*

There was a widely held view that the influence of public opinion on planning decisions has become too strong in relation to professional planner's and expert judgements on an application – which was then seen to lead to elected members making decisions for 'political' reasons rather than based on evidence or recommendations in some cases:

> *'This is probably quite contentious, but…I think we have given the community the idea that what they say goes, and the community aren't skilled to think wider than what affects them. You can't really blame them to not consider what the next generation needs. And because we've given them so much power, and so much voice, and so much potential for delay, and so much chance of JR [Judicial Review], we have to do things in a different way than you would have done before…how do you get more housing when you've spent 30 years telling people they can say no?…they're prepared to shout loud enough in front of their elected councillors, those elected councillors are just going to pander to them…So the impacts of politics and community, it does affect timescales in a way that it didn't used to…I think maybe the key to that is in member education, member skills. The vast majority of members will turn up to one training session in a year, and we [planners] spend 4 years at university*

and 20 years holding a career. So maybe the key is…controlling how that is considered by the people making the decisions' (Planning Consultant #5).

"I think it's open-ended now, almost anything could be put in the scales of a planning balance. And this is a terrible thing to say, but it is probably because an awful lot of planning is not dealt with by a code or by professionals, but is heavily influenced by public opinions…and that's not a planning-restricted thing obviously, because with the boom in information available, doctors and consultants will be queried in the same way; people will whip out a bit of paper and say, "Well, I read this on Google", you know. So there's a weakness in terms of a direct relationship in trust that professionals will get it right. And I think we've always been a bit coy about that in planning, as I say, because it's judgement and subtleties, we hold back from saying, "This is the right solution", far too frequently…And very seldom do I hear that from anybody else. They [planners] just say this [application] complies with this, this and this. It doesn't actually ever say, "It's good", or "It's beautiful" or "It will be a nice place to live". Which is more old fashioned, maybe that was more the confidence that planners used to have [to support good schemes]" (Planning Consultant #9).

Such views build on longstanding considerations and debate over the appropriate level of democratic input and public oversight over development; and where acting in the 'public interest' remains one of the cornerstones of the planning profession as a disciple.

Furthermore this was seen to influence the increasing number of planning applications that were being reviewed by planning committee as opposed to officer delegation. PC#1 explained that the scheduling of committee meetings, and volume of cases going to them, was an issue that can often add additional time to the decision process; "*getting to planning committee can be a bit of an issue because if an application needs to be reported to committee, committee agendas are quite full. I think councillors are taking too many applications to committee. So even though our application might be ready to go, committee might be kind of fully booked for the next two or three months*'. Conversely others stated that sometime planning committees didn't have enough cases and were cancelled and deferred to the next date, which also delayed the decision timeframe. In either scenario it was recognised that committee cycles can impact timescales and this was one reason why an EoT might be requested to line up with the next meeting / cycle.

Likewise the threshold for an application going to committee was also questioned. Some typical examples were where there was an objection from the parish council or where an application received more than five objections it must go to committee. The participants noted that even minor and relatively uncontroversial householder extensions will still often get five objections, or attract the attention of the parish council, but that such cases should not be going to committee and instead left to delegation of the planning officer. PC#7 expressed that a national scheme of delegation would be sensible because in some

overtly 'political' cases, but also recognised the tension with their democratic mandate; "*councillors not getting involved would be better, but equally planning is supposed to be a democratic process, so it's difficult to remove them from the process completely; but they certainly shouldn't be involved in the in the small stuff*". Yet PC#5 challenged their representativeness and argued that "*planning committees should be demographically representative, so they should not have more than three people over the age of 65*". This reflects wider critiques that planning (decisions) can be captured by particular interest groups that only represent the views of particular demographic and cultural segments of society – sometimes critically termed as the 'noisy minority' and in some cases 'NIMBYs'.

Despite the political risk attributed to an application going to planning committee – and the view that if a scheme has planning officer support it should be approved – the benefit of having a clear resolution date for decision at committee was recognised as useful over the more open-ended and uncertainty decision date that can result from the use of EoTs.

> "*I think the Planning Committee is in some ways the unknown. So you can get positive recommendation from officers, but members who pick it up literally the morning of [committee] and haven't really reviewed things, have grumpy neighbours objecting, and refuse something. So that bit there is where the issue is a lot of times. If it accords with the plan and you've got a positive officer recommendation, really it should just be that should be approved. Having said that, having a committee date is always useful because then it focuses attention; when you have a delegated decision, there's no impetus I think on some officers to then make a decision, so it's much better to have a resolution*" (Planning Consultant #10b).

The majority of participants expressed that the widely held view that the increasing pressure from public and political scrutiny was leading to a more cautious approach to decision-making by local authority planners and elected members. This was understood as a risk-aversion – or even fear – of making a mistake that could lead to challenge, and therefore leading planners to request increasing evidence and details to justify decisions.

> *"[Planners] are being over cautious. They're covering themselves in security, which just takes time. They're scared to miss anything. They want to dot every I and cross every T and that simply bakes in time, psychologically that just takes time. And they're probably requesting too much information from applicants in order to rule out any risk. And frankly I just don't think the planning system can cope with that level of risk aversion" (Planning Consultant #1).*

> "*As a local authority case officer, that bloated consideration of all these issues just means that there's so much to deal with in that eight weeks…There's more and more put on the planners' plate in that case file. And more and more pressure, more and more inputs, more risk adverse world. But that's not a good thing, because at the end of the day we want to get stuff done…So, you know,*

> *planners need to have that sort of discretion and wield their power well. But it's so difficult…tensions are just inherent in the process. You know, it's an attitude based system. I mean part of planning has become very tick box; well you've got to tick every box. But sometimes life isn't like that. Sometimes applications aren't like that, there are going to be benefits and disbenefits, and you've got to look at reuse and acceptability. You know, the classic even the flag pole casts a shadow. There will be adverse externalities on pretty much everything, but it's not about that, it's about acceptability…So sometimes you do have to drag that case officer and send an e-mail to say, "Right, ok, I hear what they're saying, but look at the NPPF, look at the policies, look at the jobs, look at how long it's been empty, all the good things"…I think certainly over the last five or six years [planning has] ebbed towards risk adverse"* (Planning Consultant #6).

> *"We do have some professionals, and I don't know whether they're all younger professionals, but you know, I'm a chartered town planner, I'm confident that I will make a decision correctly and I'm trained to do so. So is there this cultural sort of concern that, 'Oh God, if we upset somebody we might get a challenge or end up at the Ombudsman'. And there's so much more information out there…So I think that access to information is undoubtedly a good thing; but it's broadened the suite of stuff that people have to consider and it's made planners have to write longer, reports, more in depth reports, consider other things…I think just generally we're a more cautious profession. Is that right or wrong, I don't know"* (Planning Consultant #8).

This was seen to foster a culture shift toward 'caution' and even 'perfectionism' in the approach taken by local authority planning officers, in contrast to a (perceived) previous use of 'professional judgment' and 'pragmatism' to balance and determine applications.

In this context, some argued that the government must signal they 'have planners backs' in order to foster more a positive and pragmatic approach, rather than continuing to criticise the system and sector which was felt could exacerbate the pressure on planners.

The loss of senior planners in local authorities that have tacit knowledge and confidence gained from years of experience was cited as a key issue, with junior planners being seen as more deferential to external expertise and consultees over their own professional planning judgment, and as a result being a bit too risk adverse when making decisions.

> *"I think sometimes planning officers and planning departments are taking it upon themselves to just be too interested, what's the word, like scrutinising things too much? We're seeing an increase in pedantry to put it harshly, but in sort of like, 'I really think that window should be 6 inches to the right'. You know, to be facetious, a lot of like, 'I really think that we should use this tile instead of that tile'. 'I really think that this door should be over there instead of over here'. Or 'maybe you could move this a little bit and move that a little bit'. Again to be*

> *facetious, it feels a little bit like planning officers would rather be architects or planning consultants, and they spend a lot of time fiddling with the detail of applications rather than assessing the correct test of whether or not this development is acceptable as applied for...So I think there is a there is an understanding problem within councils now...[that] junior planning officers and councillors don't understand what their remit is. They spend too long assessing things, they spend too long pouring over minor details, and asking people like me for amendments to be made, which takes time, and then it goes to their line manager who does the whole same thing and asks for a load more amendments. They're constantly fiddling...[instead of looking to take] a more pragmatic approach to determining applications"* (Planning Consultant #1).

It was acknowledged that this approach to detail is related to the increasing technical evidence and expertise that now goes into a planning application decision and report.

> *"The number of documents you now need is just insane in my opinion, having been in planning since the late 90s...my experience is that it is just getting more and more difficult and more and more complex documents required. I'm not saying that they shouldn't be required, but I do think a lot of them are needed at the building regs stage, so I don't think they're really needed at planning stage. So it just puts more pressure on planning departments to find the specialisms that they need to review the documents that you need to submit...[so] officers reports, they are now, God knows, 15 pages long...I mean you go back, I know we all laugh, but 20 years ago. Let's just talk about a really basic application, single storey rear extension, it used to just be a couple of lines, you know, 'No harm to neighbours, visually acceptable. Approved'. I mean, what else do you need to say? And now that would be a six page report"* (Planning Consultant #4).

> *"I'd say that not only do officers not have the skills to look at these things [expert reports], what you're expected to do in that timescale is different. I would stop short of saying it's wrong, because better planning applications, better schemes probably result as a result of this level of scrutiny. But like a London-based scheme has got maybe 30 reports that goes in with it. It is pushing it to get them even read in that 13 weeks; let alone read, responded, amended, scheme changed, reconsulted. So the scope of an application has changed significantly. Which has changed the length of time in which things will take to get determined"* (Planning Consultant #5).

This views goes to the heart of what practicing public sector planners 'should' be doing when determining an application. One view would say to simply test whether there is substantial harm as the threshold to refuse an application; the other view is a more involved 'place-making' that seeks to shape and comment on applications more directly.

The tension between these two positions on efficiency and quality was recognised:

> *"I think as a profession we do tend to focus, at a DM level, on things very narrowly. It never ceases to amaze me sometimes how easy it is to get through a massive extension to an employment unit and how quick that will go through the process relatively than perhaps three or four houses will go through the planning process. I think there's an issue there that some things just seem to attract more attention to them…But focusing on minor points of detail which might be important in the overall look of development, actually dealing with the window size and reveal depth and all those kind of things, can be the difference in all honesty can't it between something that's very, very good and something that's very, very poor. You know, the materials and eaves and those kind of detailing, they're matters of quality and design. So I don't know how to put that one right [balancing speed and quality]"* (Planning Consultant #8).

This raises the question over whether public planners should focus on time used for the 'big picture' stuff rather than 'small details', especially in a more complex system that can lead to the potential need for significantly more evidence and consideration, but still within the same statutory timeframe regardless of the issues involved for development. The participants recognised that more is required from the planning system and planners now and that this would impact on timescales. As PC#2 acknowledged, "*we know it's going to take longer…maybe it is too complex and we're all unrealistic to expect 8 weeks*".

It was stated that planning officers are increasingly asking for more evidence upfront in the process instead of starting by accepting the principle of development. This was again attributed to planner officers becoming increasingly worried (some even said paranoid) about making an initial decisions that could become problematic later on in the process. It was argued, however, that the planning system is set up to progress from outline permission, through to reserved matters and the surveys and conditions, and so on; meaning the planning officer requirements for details at the early stages of a scheme was seen as counter-productive when these should be addressed as part of the later stages.

This perception that planning officers now requiring more detail upfront in the application process was also linked to professional experience. For junior planning officers, this inexperience – when coupled with a more pressurised and political practice environment - was perceived as attempts to make things perfect and over-focussing on minor details as a result. In some case, this was seen as them going beyond their professional remit. As PC#2 noted, "*I've have had a case where the planning officer is trying to alter the types of plants you have in a landscaping scheme, and, you know, that's just bogging it [determination process] down when the people who are preparing these things know what they're doing*"; or stating what type of paving slabs should be used for a garden shed.

There was some recognition that this was also partly to do with the Covid-19 pandemic and the increase in remote working that made it more difficult for junior staff to check

smaller details with more experienced members of staff than previously when they were all in the council office. Particularly for those planners employed by the council that live far away from the area (in extreme cases based in different regions and even countries). As PC#4 explained, "*I feel it's tragic, really, that all these planning officers are all sat in their homes and not part of a planning team... I don't think they've got that confidence because where are they getting it, where are they learning it from? You know, if they haven't got their seniors around them to help advise them, I think that's probably part of the problem as well*". Remote working may also be fostering a more cautious approach.

The feeling was that a quick conversation with a more senior colleague would save time than junior planners requesting more evidence from consultees or else excessive details. There was a sense that the growth in expertise and rise in remote working post-Covid had created a practice environment where planners are both less confident and in control of the decision-making process in exercising their own 'power' of professional judgement.

> *"So when I was a planning officer, I certainly felt that I had the final say. So if for instance you got comments from the Conservation officer that said, "Oh, well, we don't actually like this bit of window" or whatever it was, as a planning officer, I would say that, "I'm really sorry, but we can't refuse on that ground. You're being over the top and I'm approving it. I'm over ruling you". That seems to have changed now. It seems to me that planning officers don't seem to have that same, I don't want to say power, that's probably not the right word; but, you know, just saying, "I did four years at university, I'd like to think that I'm capable of making a decision"...But planners I think more and more are sort of becoming, we're basically just project managers in a way, because there are so many specialisms and reports that you need"* (Planning Consultant #4).

Whilst the role of 'project manager' is certainly a key role for planners in making the system work for all involved, the deferral of professional judgement as part of a more (overly) cautious and risk adverse approach was viewed as adding more time to the process. Even with more resources, if local planners officers are not confident to make decisions that balance the issues based on their judgement this may still be a challenge.

> *'What is a planner's job in local authority now? Is it to project manage everybody else as statutory consultee? What we want is a strong officer who can hear a design officer's response and decide for themselves in the balance how they will weigh that [information]. What a planning officer should be able to do is weigh benefits against harm. And we are increasingly finding that unless all the statutory consultees are happy, a planning officer won't weigh [the policy judgments themselves], they'll just say, "There's an objection, you need to sort it out", because it's easier for them to push it back our way'* (Planning Consultant #5).

> *"I also think there's an issue with planning officers relying very much on the statutory consultees responses rather than making their own decision; because ultimately, the way that I see it anyway, is that the planning officer balances all of these different benefits and, you know, pros and cons of an application and makes a decision based on all of this. Whereas quite often it seems to me planning officers, if they get an objection from a statutory consultee, they don't do the balancing process they're supposed to do. They just refuse because there's an objection from a statutory consultant. So that means that they see the responses from statutory consultees as being even more important than they than they should be, because ultimately they see their role as just repeating the objections from statutory consultation rather than making their own decisions"* (Planning Consultant #7).

> *"I think the key seems to be that there's a lack of communication between the case officer and their consultees. And so the inefficiencies creeping in there, probably since the pandemic and still a lot of Council people working at home, so that communication is harder. But also I think it's the case officers don't seem to be strong enough characters to make a decision; and they're almost looking for the consultees to resolve everything with a heritage consultant or a BNG consultant, rather than saying, "Fine, we've got an impact there, and I'm going to take a view and balance it against the impacts versus the benefits of the scheme". And so the sort of accountability I suppose, whether they're [case officers] not being given that accountability, but is always pushing the buck slightly rather than saying, "Yes, I'm making a decision here"... I think it's the politics of it all. You know, when an officer has to stand up in front of members and justify a scheme. We've seen certainly over the last five years or so quite a backlash to development politically...So officers are clearly trying to justify and get applications through, but they're wanting every single issue resolved rather than standing up firmly to members and trying to justify it at that stage. So it does come down to character."* (Planning Consultant #10b).

The loss of more senior or experienced planners from local authorities (such as moving to the private sector, through retirement or taking up a different career path) was seen to add to a perceived loss of confidence and efficiency as well as capacity within local authority planning departments. As PC#10a highlights, "*local authorities just need more staff don't they...especially at like that senior mid-level, so that they can review these major strategic planning applications with confidence and get them through efficiently*".

In a more strained and contested practice environment, it is understandable planners, especially junior case officers, are eager to make sure they get things right; yet there was a concern from the interviewees that this could led to the increasing micro-management over application details which adds more time and as a result more frequent use of EoTs. Most felt this was a result of the increasingly politicised nature of planning and a culture

change – as part of often negative public views on development and ability to protest on social media - leading to a more cautious approach to determining planning applications.

> *"Development isn't bad, but it's now seen as bad. And in the age of social media - in the good old days, you'd have to write a letter, find an envelope, find a stamp, post it, check has it arrived. Now Facebook, bang petition. Anybody can object quickly in 5 minutes. Is that a good or bad thing? Who knows? But it does mean that there's more objection out there and that's another factor that planners have to deal with, and councillors, because it's more vociferous now...and unfortunately you've also got a more risk adverse nature as the world has become more litigious. So as a case officer, the use of discretion has become very, very difficult. Now that has taken away the planner's power, that's seeped away to other [statutory] disciplines"* (Planning Consultant #6).

This picture suggest one where a cautious approach to planning decisions is a rational response to a practice environment subject to increasing public and political scrutiny and which has been significantly changed by social media and access to information. In this context it was noted that the experience and character of planning officers is key to manage this effectively, but where a loss of mid-level planners and changes to working practices post-Covid have also reduced the support and confidence of (junior) planners.

2.5 Theme 5 – Plans, Pre-apps and PPAs

At the statutory level, planning law requires that planning applications are determined in accordance with the development plan, except where material considerations indicate otherwise. This is reinforced in national policy as part of an effective 'plan-led system' and, in relation to decision-making, this means '*approving development proposals that accord with an up-to-date development plan without delay*' (NPPF, 2024, Para. 11c). The criticism that many local planning authorities do not have an up-to-date local plan - that provides a framework for land use allocation and guiding policies for development decisions - is a main claim made relating to delay. As such, the participants were asked whether they felt that the status of the local development plan and policy framework had a bearing on the use of extensions and/or decision-making process from their experience.

The point was made that the lack of an up-to-date local development plan should not necessarily cause decision-making delay in a discretionary system, where planning officers can use their own judgement to weigh up the merits and harm of an application.

> *"[T]hey ought to have an up-to-date development plan so that there is certainty about what will be supported and what won't be, so plenty of councils don't have an up-to-date plan, but that doesn't inherently cause delay. There'd be a bit more work for us to do, probably prior to submission, to work out for our client whether or not something is likely to be accepted, because without an*

> *up-to-date plan we're sort of using our best judgement. So yes, it introduces a little bit more complexity or work, but I still don't understand why that would have an impact on timescales, because the planning officer just has to make the same judgement call. You know, if there's no five year land supply, then there is a little bit more emphasis on approving schemes. The balance of NPPF 11D would say without an up-to-date five years the emphasis is on approving sustainable development, but that's just an intellectual exercise, that shouldn't necessarily take any longer time. So I don't necessarily think that having no [local] development plan should lead to delays particularly"* (Planning Consultant #1).

The planning statement and accompanying evidence was viewed as enough of a basis to make a decision in the case of an outdated local plan using the principles in the NPPF.

The view was that an up-to-date and single local plan (rather than a suite of policy documents under the previous Local Development Framework portfolio of local polices) would generally make the decision-making process clearer, but new plans and policies could also introduce uncertainty where they have not been tested or applied previously.

> *"If there is an up-to-date, single local plan, then generally I would say the decision making process is clearer. The only sort of counter argument to that is…because it's such a new policy and there's no applications that have tested that yet, officers are not in a position to give us that clarity. So it's a bit of a strange one where you've got a very up-to-date plan, but the fact that it is so up to date actually means that the interpretation or application of those policies hasn't been tested and therefore a little bit unclear"* (Planning Consultant #3).

These ironically could just as easily hold up the decision-making process in the first period after adoption. The relationship between local plans / policy and the timeliness of decision-making and delay is perhaps less straight forward than up-to-date policy equals certainty and speed. Indeed, the view was expressed that an out-of-date local plan should not really hold up minor applications because:

> *"[M]ost of the planning policies in all of the councils are all similar. All your conservation, all your Greenbelt, all your design, I mean of course design is going to have to be great; so, you know, all of them are the same pretty much anywhere you go. So that doesn't really hold up a decision on a house extension, or even one new house or a couple of houses…It's really only on your big housing schemes where the local plan really does scupper it for planning departments [speculative development]"* (Planning Consultant #4).

The general view was that "*if they [LPA] had an up-to-date local plan that had full weight then I think it probably makes the decision making process quicker*" (PC#7), but there was less of a strong link made between a council having an outdated policy framework and

the timescale for determining minor application or needing to use EoTs. It was recognised however that, where the decision-making process is significantly elongated, this can impact on a scheme given that planning (reform) is a moving target. PC#9 noted the risk of EoTs is also that "*policy is changing all the time. So something which should have been approved this year, there might be a policy change or a new housing land supply position, which means that it [application] doesn't stand a chance 12 months down the line*".

National planning policy encourages early engagement and 'front-loading' in the decision making process. In particular the role of pre-apps to coordinate public and private actors in identifying any potential issues and the consultation and information requirements before a formal planning application is submitted for determination is highlighted. The rationale for pre-app discussions is that they can seek to resolve issues before the clock starts ticking on the statutory determination period and so reducing the likelihood of refusal or resubmission based on identified issues and requirements prior to submitting.

The NPPF (2024) states that: '*Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community*' (Para. 40). Moreover, that LPAs should '*encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications*' (NPPF, 2024, Para. 41). As well as making clear that: '*The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible*' (NPPF, 2024, Para. 44). These are the claimed benefits to upfront engagement and the justification for the government to emphasise 'frontloading'.

The participants presented mixed views of the value of frontloading and pre-apps in relation to reducing the need for extensions later on in the determination timeframe. Some felt that these did little to improve the timeliness of the decision:

> *"This idea that front loading means you have a really smooth application process. I don't buy it. I mean, in some cases it might go a bit quicker, but whether you've done a pre-app or not it doesn't change the level of resource at a council, so your application is still sitting in a queue. They might have fewer issues to deal with, but it's still in a queue"* (Planning Consultant #1).

> *"What's interesting is I don't think they have any bearing or relation to extension of time. When I'm doing pre apps, you never really get into the detail of, 'Right, how long is it going to take for us to actually determine this application once it goes in?'. All it's really used for is to test whether what you're putting forward is going to be acceptable or not"* (Planning Consultant #3).

> *"Sometimes it works, sometimes it doesn't. I mean I tend to not use pre app very much…but it's a nuanced game now as well. Sometimes I'll do it because I know that the local authority isn't going to like it, so let's thrash out the issues, and then I can demonstrate to the client that this is going to be a difficult one; this is going to be an uphill battle and it might cost a lot of money to try and mitigate all the issues and ultimately be unsuccessful…obviously the sad thing is when pre-app is positive and then a similar or refined scheme goes in and you get a different officer, there's been a change of wind all of a sudden, and you can't hold local authorities to pre-app. So I always say to my client's it's a comfort blanket. It's a little blanket that'll keep you warm, but it doesn't get you planning permission"* (Planning Consultant #6).

> *"I tend not to do pre-apps as a rule. I do think it helps with major applications just to make sure that you're preparing the right reports, you know where the issues are; but for minor applications I know what the pre app will say…So I tend to advise clients not to bother quite often… because I don't think for a minor application you get much out of it and it takes a long time because there's no statutory time frame for it…and what I find is that the Council's that take the longest to determine the applications, they do so because they're under-resourced, and that means that the resources that they spend on pre-app is minimal. So I don't think, certainly for a minor application, that pre-apps are ever going to speed up the process, because if a Council's slow anyway in doing in the application, they're going to be very slow determining the pre-app"* (Planning Consultant #7).

Despite this, others were more positive about the use of pre-apps in assisting the application process, especially for building relationships early on to understand issues and details about different scenarios that inform the strategy for developing the proposal:

> *"I used to say don't do pre-apps complete waste of time and money, and I've actually changed my mind on that because I feel that you are then getting that relationship with the Council…You can iron out a lot of the issues at pre-app. They [council] can say, "We don't like this, we do like this", and you can go in with quite a strong application… because they've done all the background work, you know, most of it. So once the application ends on their [planning officers] lap, they know all the issues and hopefully all the ducks are in a row and it should be a better process"* (Planning Consultant #4).

> *'Our company line is we would rather spend the time at pre-app. We'd rather do two or three pre-apps and get the scheme to a place where we know the council are comfortable with it so that it's as quick as possible during the determination…[although] I did a pre-app the other day where all I got was, 'the policy says this, you'll need to justify the design'. Well that is of literally no help*

> *to me. So the quality of pre-app varies significantly across the country, and you don't know what you're going to get unless or until you've experienced it before [with a local authority]. So I would always advise doing pre-app so that at least you can understand process if nothing else. Where it works, it works brilliantly. Where it doesn't work, it doesn't work at all...So ideally you come out with confirmation of the principle and the technical matters and the scope of the application and the way it will be determined. That's best case scenario. The next best scenario is you get everything other than design and technical. Absolute lowest scenario, but still worth doing, is understanding the process. So how many sets of amendments can I submit? Will it go to committee? Under what circumstances will it be to go to committee? Or if I want to get it called into committee, do I have to do that in the first 21 days? Those things, if you don't know those from the beginning, they are critical to the way your strategy works' (*Planning Consultant #5).

Although the participants could see the potential benefits of pre-apps when they worked well, they stated that many clients did not agree with entering into pre-apps and would rather get their application in immediately. These findings provide mixed evidence for 'frontloading' pre-app discussions and providing early feedback within the application process to aid effective negotiation and improve decision timelines. It is also clear that the quality of the pre-app and the implications of the advice are received and understood.

For a period there was an option of, in effect, using the 'free-go'[3] in lieu of a pre-app. As such, the relationship between pre-apps, EoTs and the 'free-go' was seen as important:

> *"The three things that go together are the extension of time, the free go, and the extremely random quality of pre-application advice. Because in the main the pre-application service is expensive and very rarely sufficiently detailed to be useful. An awful lot of it is simply an iteration of things that as professionals we've already found out. It doesn't give judgements on whether the scheme is likely to be supported or need revision. It's almost officer specific as to whether you get useful or just generalised advice, but in an awful lot of cases I advise my clients not to pay for it because it was so poor quality. And that's where the free go was obviously useful, because you could use one application to get accurate 'pre-application' advice for the final one, which was the free one. The other thing about pre-app advice is that it's so unreliable. I mean I've got one case at the moment where we had detailed pre-application advice. We took*

[3] The provision for a 'free go' was where a fee was not charged for a second application / resubmission in England within 12 months of a decision. This was removed in 2023. The approach was subject to specific eligibility criteria i.e. one free go only, the application site and red line boundary must be the same as previously; the proposal must be of a similar character and application type, and; it must be the same applicant.

> *account of it; the siting layout was all fine. Eight weeks after the application was in, at the time it should have been determined, the case officer who'd been the pre-app Officer comes back and says, "I'm having second thoughts about what I said at pre-app and I need you to change the scheme". Which upset everybody because obviously of all the studies...So at least that was a dialogue, but on that one [application] I counted up and I had 1, 2, 3, 4, 5, 6 requests for extensions of time over a nine month period. And every single one of those was by the local authority, not a request from me. And that is not untypical of how powerless you are."* (Planning Consultant #9).

The NPPF provides little detail on PPAs, with only one reference to them which states that: '*Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine'* (NPPF, 2024, Para. 47).

Clearly large and complex schemes will require more significant resource inputs, not only financial and expertise, but also time. The premise that such projects will likely require more time than is provided for under the usual statutory determination period is perhaps more typically accepted when these tools are used and are more to facilitate effective project management and distribution of tasks and milestone objectives over this time.

The planning consultants in this study were broadly of the view that the use of EoTs are not much of a problem for major applications because these were typically undertaken by professional developers with experience of the process and understanding of the timescales. The view was widely expressed that everyone knows a major application will take longer than 13 weeks to determine, with some consultants instinctively quoting clients 6 months for all majors as the baseline timeframe. The use of EoTs for majors was also less of a concern because many of these are subject to PPAs with more detail and additional funding for the council to process the project. PPAs were viewed differently because of the larger scale of development and that they are 'signed-up for' to manage the process rather than the use of EoTs typically in a more ad hoc or retrospective way.

Similar to pre-apps, there was also a mixed views on whether PPAs were worth the money given the uncertainty over the level of additional service they would provide relative to the cost given they are not formalised and therefore highly variable across local authorities. As PC#3 stated, "*My general comment on PPAs is that they are completely unregulated. You never know what you're going to be paying, you never know whether it's going to be worth it. My experience has been I've shied away from them for that reason because I'm not sure they're worth the money*". This suggests that they are perceived also as a risk.

> *"So I've got two examples. One is on a big [housing] scheme, a four year one now, we signed a PPA at the beginning when we paid a contribution, we paid an extra amount of money so that we'd have a planning officer. And*

*everybody's forgotten that ever got signed. Nobody's complied with the timescales. We spent quite a lot of time in the beginning setting out what those timescales were going to be, and it just got overtaken by events. So it hasn't done anything, like literally it's done nothing, because I'm pretty sure the council forgot we ever did it. What is interesting is on another site we were told, 'Sign a PPA because the Council have got two streams. We've got the schemes that are using a PPA, for which you will get officer time and you've got everything else. If you want an officer response, you're going to have to sign the PPA'. That's the line we were told. We didn't sign a PPA and I've had one of my most responsive case officers ever...I get that you should be allowed to have an enhanced service if you sign a PPA, but what you shouldn't be able to do is offer a normal service for a PPA and then a **** [much worse] service, if you don't sign it. I think that's the bit that's unfair. The cost varies very significantly across the country, and I've never really understood, some authorities do it on an amount per hour of officer time, and some people just seem to come up with a random figure. If you could guarantee through a PPA that you would get a responsive officer who would answer the phone and we're going to hold to the timescales, the vast majority of my clients would pay for it. The trouble is the experience is that doesn't happen, or that you'll get what you get anyway regardless of whether you paid for it or not"* (Planning Consultant #5).

"[A]nything outside of the [formal] planning application varies so much across authorities...we submitted pre-apps at the same time to different authorities for industrial schemes. Same level of development. One was £3.5 thousand and one was £13 thousand, and the 3.5K was actually the better service than the 13K...I don't know if regularising pre-apps and PPA services is the right way forward, I'm sure most councils would probably say no because then they won't be making enough money. But it goes back to that point of we're told we have to do it if we want that engagement during the application. So our clients forks out over the 13K and then we still ended up in a PPA of about 45K after that; so they've had a lot of money from our client for that industrial scheme. Whereas others local authorities aren't asking for anything or very little" (Planning Consultant #10a).

In a similar way that the use of EoTs were sometimes viewed as a ransom device in the decision-making process, a lack of officer engagement was also expressed as an issue if there was no pre-app or PPA:

"A lot of the local authorities that we're dealing with are almost ransoming us by saying, "If you don't engage with us, if you don't do at least one pre-app meeting or you don't sign a PPA, we won't engage with you during the planning application". I've got a client that calls that blackmail, but it's quite interesting. I know it's encouraged by the NPPF, you know, pre-apps not required, you don't

> *have to do it; but we are finding more and more councils have updated their website just this year alone stating that if you don't do any engagement with us before you submit an application we will just determine it based on the information that you have submitted. So they won't engage with us, they won't entertain an extension of time, etc. So it's sort of balancing up with each client whether it's worth the cost of a pre-app or PPA up-front in some of that work…[but] their justification for that is that they haven't got sufficient fees on the planning application to go back and forwards engaging with everyone"* (Planning Consultant #10a).

Beyond the potential risk expressed due to the variability in the cost and level of service between LPAs, it was expressed that pre-aps and PPAs did not necessarily save on the use of extensions later on in the application process; "*I think you could do a pre-app, you could do a PPA, and you could still end up doing an extension of time anyway. You know, it's not that one negates the other*" (PC#3).

Overall there was a mixed view on the role of plans, pre-apps and PPAs in improving the decision-making process and timescales. These tools can be viewed as attempts to provide more certainty and some ability to navigate and manage the planning process, yet given wider issues around resources, capacity, complexity, evidence and expertise it is unclear the extent to which they can speed decision-making timings on their own. The value of pre-apps and PPAs may lie more in building early relationships in the process and highlighting where time blockages are likely.

2.6 Synopsis - Reflections on planning time and performance

This section presents the participant's final reflections on the question: '*How would you reform the use of EoTs and/or the wider planning system if you could make any changes?*'.

The case was made that the average application determination time should be the metric used to measure decision-making performance rather than the proportion decided 'in time' because this was seen as merely an attempt to adhere to performance statistics.

> *"I think the EoT process ought to change because it's clearly not functioning. The previous [Conservative] government only seemed to test performance based on whether or not the proportion of applications were in time. So an EoT was a silver bullet for the Council to fudge those stats, and government has known about this for years. People have been complaining about it for years. It's been this kind of complicit situation where they don't really care as long as the EoTs are there, they can just say that 90% of applications are determined in time…So one thing I think should change definitely is they should assess the overall timescales of determination when judging the performance of the Council…average determination periods for applications should be the metric,*

> *because assessing whether it was in or out of time in a binary sense, just a yes or no answer, is totally overlooking the detail"* (Planning Consultant #1).

> "*I think it's open reporting. So I don't have any problem with an extension of time, but I think there still needs to be a target. Are 8 and 13 weeks the right targets now? There probably needs to be a review of those [statutory deadlines] given the complexities and level of resources and other things that councils face at the moment; but whatever those [determination timescales] are it needs to be reported accurately. So even if there is an agreed extension of time with a client and that puts it at sort of 30 weeks, the Council should report we determined this in 30 weeks, not just reporting it as 'in time'. Because otherwise it's just false statistics, isn't it, and they'll turn around and say we've done 80% of our applications within our agreed timescales. And that's no good to anyone really, it's just masking the problem*" (Planning Consultant #10b).

There was a sense that this binary metric was meaningless when everything can be recorded in the 'in time' column with an EoT, and that this had nothing to do with 'improving performance'. It appeared instead to be about making the national statistics look better. The critical view was expressed that the existing approach to performance metric and using EoTs suited governments because they could claim the planning system was 'working' if the statistics showed 80-90% of applications were being determined 'in time'; and therefore did not need to provide the additional resources and capacity needed to address the underlying systemic problems these metrics were serving to mask. This perspective suggests that the existing approach and use of EoTs suited, to a certain extent, both national and local government for 'measuring' planning performance - but importantly not actual time taken. Underpinning this was the belief what mattered more was the optics that the planning system was appearing to be functioning well according to set national timescales, not whether it actually was or not on the ground.

For PC#1 the average timing for determining minor applications for LPAs in the region was around 16-20 weeks amounting to four to five months instead of two months. Yet they noted the government would not want to measure the real timeframes because they would be shocking and councils across half the country could need 'special measures'. PC#8 similarly noted, "*I think one of the reasons they [government] aren't publishing that data is because the actual baseline length of time to deal with the planning application is getting longer*", and the real timescales would tell a different story to returned statistics.

This prompted some to question governmental attempts to fit more planning requirements into the same or reduced timeframes:

> "*What you probably can't do is say you need to produce exactly the same local plan in less time. What you could do is say you can make a different local plan that does a different thing in less time. You can have a different product in a different time; but what you can't do is expect [the same output in less time]...*

> *[similarly] the work that goes into a planning application has significantly increased, so then you cannot expect the same level of determination"* (Planning Consultant #5).

> *"I think one of the other things that sits in the back of my mind really is why do we have those actual time limits of 8 and 13 weeks...where [do] they derive from and are they indeed relevant in this day and age?...I think an expectancy that if a fee is being paid, certain things might be delivered in a timely fashion. I mean there's two ways of looking at are they [statutory timescales] fit for purpose? And I guess that derives, I suppose, from are we making planning too complicated and therefore we're needing more time? And I suppose the other thing is should they [decision times] actually be longer? But if they were longer, do you then have no basis upon which to have an extension of time? I mean just elongating them purely adds more elastic or more rubber to the process doesn't it. So they're no longer seen as a stick, nor are they a carrot particularly any longer...and I think because their [EoT] use has become more prevalent, they're expected to be being used, so is there a generation of younger planners who've never experienced anything different?"* (Planning Consultant #8).

All of the participants were of the view that local authority resourcing and capacity and statutory consultee responses were central challenges to meeting statutory deadlines, and therefore simply removing EoTs altogether and forcing LPAs to issue a decision within 8 or 13 weeks would likely just lead to a significant rise in application refusals. As PC#3 stated, "*I certainly wouldn't remove extensions of time, because I think the reality is unless you do that in combination with a massive increase in resourcing, I think all that's going to lead to probably is just things being refused within their timescales to ensure decisions are made*". All participants expressed that additional time to negotiate issues using an EoT was preferable to refusal. The following give a flavour of views on this:

> *"So if there's no more resources to enable councils to make the decisions quicker, that just means that there will be more refusals. So I suspect that if you've got a Council that has to make a decision within eight weeks and they haven't yet been given the appropriate heritage report, they're going to refuse it. So I don't necessarily see that [performance management timescales] as being the solution in itself. I see the solution as being proper resourcing for the councils ultimately...forcing councils to make a decision within 8 or 13 weeks, I'm not necessarily certain that that's going to deliver more approvals"* (Planning Consultant #7).

> *"So I would want to keep them [EoTs]...It just enables that latitude for negotiation and discussion. And if they were taken away, well I'll just go to appeal, and then the planning inspectorate will get a degree of messiness that it doesn't really need to do, which I could thrash out with the case officer...So*

> *in my view, my side of the fence [consultant], if a local authority wants an extension of time then 99% of the time I'm on board; it's good because it means they aren't refusing you. They don't want time for time's sake, they want something to ensure that heritage have got back, or highways have got back, and they've said no problem. Or if they do come back with a problem, then I will try and solve that problem and I might need a bit more time as well. So there's that sort of push and pull of everything"* (Planning Consultant #6).

> "*Well I'm afraid considerably more resources within local authorities so that they're more responsive and able to be more flexible, I think that would be the biggest thing. Trying to convince the public that it's [planning] a more complex issue than they think, so public awareness. And gosh, I would leave extensions of time or something flexible because they work. They continue a dialogue where otherwise everything would just be ending up in the appeals tray*" (Planning consultant #9).

While the majority of participants did not want to ban the use of EoTs outright, they did want more restrictions on when and how often they could be used during determination.

> *"I think that if we're going to incentivise local authorities to determine applications in time, first and foremost, then you should perhaps only allow EoTs to be requested within time. So within the first eight weeks and only allow one EoT per application; because then that would build a bit of trust in and good faith that first of all you would know in advance that that was going to be a delay and how long that delay would be, and then they couldn't ask for two or three or four EoTs in a row on the same application...So only being able to ask for EoTs within time and only getting one chance would be important"* (Planning Consultant #1).

It was also argued that the 26 week 'planning guarantee' - where the council refunds the planning application fee when the determination period runs over this timeframe - should also apply to applications subject to EoTs as one way to keep pressure on timely decision-making, provide a 'firm deadline' and disincentive against their multiple open-ended use.

A more clearly defined or formalised EoT 'definite process' with set timescales and direct contact within the council that would keep the consultant / applicant more regularly updated was viewed by some as making the use of EoTs more acceptable. Whilst this may not change the time taken for determination, or the outcome, greater communication was seen to help in navigating the application process by keeping all parties up-to-date.

A clear structured or staged approach to EoTs was seen as more palatable and helpful as a 'road map' for the process because it provided clarity over the steps to be taken to reach a decision; for example a three week extension to align with the next planning committee

meeting which could then be clearly and more easily communicated back to the client as the new timeframe. This was the opposite of an open-ended 'void' for determination.

> *"[EoTs] could be useful if they have the purpose...if they said, 'Right, we will have an extension of time and in that period, you applicant will provide this, and we local planning authority will respond and confirm to you what we will be doing with the application; which will be either approve, refuse or ask for further information, ask for you to withdraw or whatever, and we will do that by this date. And please, there's no need for you to come back to us before then'. That actually I think would be quite a good use of them because it's formalised. I can then send that to the client saying, 'OK, we might not completely like it, but we've got an extension of time now for three weeks, but this is what we're going to get at the end of the three weeks'. So then I can get on and do other work and I don't have to keep saying I don't know what's happening...So I think they [EoTs] do have a role, but...that's absolutely not there at the moment"* (Planning Consultant #2).

Although others argued the counter point to more formalisation stating, '*I wouldn't be supportive of any more admin involved in needing to justify an EoT. Either you need one or you don't. So trying to set out and in more detail why you need one, when largely it's because the officer hasn't come back to you, doesn't feel helpful, wouldn't get us anywhere'* (PC#5). More formal detail may be useful but not actually helpful for timescales. This highlights why communication and certainty is needed based on trust between different user groups in the system and where EoTs are being used proactively.

Yet the need to have some 'stick' to set a timeframe for decision-making was expressed, and for this reason the statutory timescales were still viewed as useful even though there is widespread practice understanding these are unlikely to be met in a number of cases.

> *"EoTs or defined timescales do absolutely nothing for the quality of decision making at all. Or actually, to be honest, for the speed of decision making. They are in my mind literally an administrative role, edge, boundary to what is happening anyway...[Decision speed and quality] they're almost too entirely conflicting ideas. One is that you can get something done in a certain timeframe and the other one is that it should be a subjective balancing argument for all the matters that that are relevant. That said, if you didn't have timescales I think it would be worse. So I think they do perform a function because at least you've got some baseline idea of what it might be. So would I advocate to get rid of monitoring by timescale? Probably not, because I suspect it acts as a stick in some cases, and any stick is welcome. But it's certainly not the answer to quicker decision making"* (Planning Consultant #5).

This view recognises that the statutory deadlines are useful for providing an expected process framework and shared understanding over decision-making timings between parties, but that setting targets on their own will not automatically 'speed up' planning.

In one case, PC#8 only advocated the reduced use of EoTs to demonstrate to government and politicians that the system is under-resourced and to lay bare the challenges that all in professional planning practice have been dealing with to keep the system running:

> "*We as a profession need to stop this incessant requests for EoTs because it's not doing anyone any favours. I am getting to the point of being unsympathetic to requests merely because I think if ministers see that things are being determined in time, they don't see a problem. And unless we on our side start to kick back a little bit, then ministers will think that officers are coping OK. And I think from the point of view of their health and their well-being and all those other things, actually sometimes as a manager or a leader it's important that you actually do draw a line in the sand and say, "We can't go any further than this"…So I will be very frugal in my agreement to these things not to be a difficult person. In fact, nothing could be further from the truth. But actually to begin to show that there's an issue beyond your reporting; because if your stats suddenly drop from 80% to 40% because you're dealing with too many things…that's going to raise issues…But if we all do it across the board and we draw that line in the sand, maybe the politicians will realise this is an under-resourced system that's not working very well*" (Planning Consultant #8).

They acknowledged that this approach would be "politically unpalatable", but argued it is important to highlight because "*in reality those of us working in the system know how bad it is*" (PC#8). Especially where some timings sit outside of planning officer's control.

Given that EoTs were frequently requested by local authorities because they were still waiting to hear back from statutory consultees, a number of participants suggested the 21 day response period should be more binding for them to make any representations:

> "*The one thing I would change if I could is if statutory consultees don't respond within the given time scale, it's assumed they have no objection…That might have unintentional consequences whereby they just, you know, say it [application] should be refused rather than doing anything else, but I think that's a real drag on the system…So if you had a default position where no response equals no objection, then that might help*" (PC#3).

Although PC#7 acknowledged the legal implications this might raise for local authorities if assumptions are made that an application is acceptable only on the basis of a defined timescale having passed without any formal communication or confirmation from them.

> "*The fact an application takes 12 weeks rather than 8 isn't necessarily a problem in its own right if the outcome is right and everyone is on it and it's for*

> *all these reasons that have been flagged up to make the scheme better. It's where it's avoidable delays that is causing the problem. So it's trying to address that by probably speed of, well, frontloading reviews of applications. I think it's frontloading statutory consultee responses, so then officers have a decent period of time to come to conclusions and write it up and get it through. And then if that takes time because things have to be reconsulted on or whatever, that's fine, all of our clients would accept that*" (Planning Consultant #10b).

Some expressed the desire for a more standardised national approach similar to what has been proposed for the National Development Management Policies and streamlined Local Plans under the 2023 Levelling Up and Regeneration Act: "*I just think there needs to be a national way of dealing with planning applications...I mean, have a national template planning report. You know, for householders you can just do a tick box thing I'd like to think, it is not rocket science. I think have national planning policies, so all the ones that are the same pretty much anywhere, and then if your area really is different and you need a bespoke policy, brilliant, you could have that just for your special area*" (PC#4). Yet PC#5 cautioned that '*there's always site specific reasons, which is why a global approach won't work. I guess what I'm saying is it's complicated, and it's site specific, and it's each case on its merits. It's planning all over. So in each situation I can say why it [application] hasn't been determined*'. This highlights the challenge in creating a more codified system on the one hand against the need for more efficient process on the other. As PC#9 reflected, "*I go back to when each authority had its own planning application form and it was a big thing when that moved to a single national form. And you thought, hey, the move to standardisation is there, you know, and then it withered. It stopped with the form*".

The most radical view expressed in the study was to shift the minor householder application decision-making process to more closer to prior approval where after a set time period permission is deemed granted if there is no response from the local authority:

> *"[I]t's very controversial, but if we want to buy resources, on minor applications don't allow any extensions of time full stop, statutorily written into this system. And if you haven't got a decision in eight weeks, it is approved by default. Flip it round the other way. So allow us [planners] to actually interfere with the things that we can make a difference on. Well, you know, that's quite radical and I don't know whether any government would ever agree to that, but it is no different really to the prior approval mechanism wherein if you haven't got a decision within your 56 days you can go ahead and do it. So why not deal with householders that way. They're a simple one, take up an awful lot of time in lots of authorities and volume wise is probably the crunch number of applications. Why are we granting them permission and taking up resource when we could just be saying if it's not decided on day 56, you can go ahead with that drawing, that plan, you can develop unless we say otherwise. That's quite radical, but*

> *that change might free up some resource and avoid the need for EoTs"* (Planning Consultant #8).

Yet in an under-resourced and strained system, such an approach might fall foul of the issues seen with permitted development rights where oversight is missing from schemes.

Overall these reflections provide a range of ideas for considering how planning reforms could serve to actually improve how the system is working on the ground for applicants, councils and consultants rather than the focus on 'performance' statistics alone. They support the main argument of the report that (more) time is needed for a number of different reasons, issues and challenges that span across the whole planning system and application process. As PC#3 explained, "*they [EoTs] are not the issue, they're a symptom of a wider structural challenge*". This requires a holistic approach to planning reform.

3. Conclusions and Recommendations

3.1 Conclusion

The project has focussed on planning time and performance as these serve to provide a window into the operation of the system and assist in understanding when, why and how development issues and challenges are produced and managed in practice. While delay has been roundly condemned in the abstract debate on the performance of the planning system, few have critically examined *why is additional time being needed?* The study used EoTs as a focal point to evaluate what the use of additional time is trying to bridge and 'fix'. In doing so, it has presented and discussed a range of symptoms within the system and professional practice that EoTs are masking in the decision-making process.

EoTs reflects the need for additional time in the planning process, and the findings presented here demonstrate that extensions are often required in response to many different pressures and issues found across the system; which highlights why they are now a common practice. The use of EoTs in practice is symptomatic of a range of internal and external system-wide issues which lie behind why statutory deadlines cannot be feasibly met in a number of cases; not least a lack of local planning authority resource and capacity, growing system complexity and expertise / evidence, the role and timeliness of statutory consultees, the question of officer confidence in a complex and diverse planning environment, and the political and public influence on practice culture and decisions. Therefore the study underscores that the use of EoTs in the planning decision-making process need to be understood better by policy-makers within the wider context of the many challenges and issues facing the system and planners as a whole.

The findings highlights that EoTs are the symptom rather than the cause of the problems in the determination process, and removing them as a discretionary tool would not help the situation without considering the wider factors behind why they have become a common feature in practice. Consequently the study suggests a need to retain EoTs as a pragmatic and flexible tool for when additional resource, input, scrutiny, expertise and/or negotiation is needed to support better decision-making, but counter-balanced with improved understanding and oversight of their use to ensure legitimacy where additional time taken has both commercial and social implications.

Overall the findings from this research project underscore several important challenges and issues experienced in planning practice and for the operation of the system as whole. They demonstrate a more stretched and complex practice environment for both public and private sector planners, and applicants, with few being served well by the current funding and capacity within the system. Whilst extensions of time have been viewed by some as attempts to game the system, they are indicative of the much broader challenges around the resourcing of the profession, competing system objectives and multiple interests and politics involved that impact on decision-making timescales.

This produces a conclusion that it is counterproductive to place blame on any single specific actor or interest alone for 'delay' and instead emphasises the need for a holistic system-wide approach to reforms. These need to be aimed not only at improving planning times and performance for all parties, but also to examine questions of *organisation*, *training*, *prioritisation*, *communication* and *resourcing*.

The case of EoTs highlight the tension between a need for statutory deadlines to ensure that speed and delivery are (at least expected to be) met in the planning process and provide a consistent national performance standard for planning decisions on the one hand; and the need for more bespoke timescales where issues arise with an application or a decision cannot be made during this period without additional resource, inputs or negotiation on the other. While statutory deadlines serve a useful purpose, they should not be ends in themselves; especially where limited information has been presented or evaluated on why these are part of the system in the first place and what is deemed (un)necessary and/or inherently complex. Similarly, EoTs should be justified where they serve to improve the quality of the decision process or outcome, not just to mask other faults in the system or as a convenient tool to keep the process going with less resource.

As it stands EoTs represent a balance attempting to be struck in practice between the realities of planning system and planner resource and capacity and the need for timely decisions to support development. While it appears that extensions are often needed, the findings support the idea that *improving the quality of the decision-making process for all is equally as important as 'measuring' performance based on timescales alone*.

A brief summary of the main findings is presented by theme below, before setting out some recommendations that have been prompted by the study.

Theme 1 – Proactive negotiations and gaming the system

The principle of agreeing to an extension of time where they formed part of proactive negotiation between the LPA case officer and applicant was viewed as an appropriate and legitimate use of EoTs to navigate complexity in the decision-making process. The main frustration was expressed in the cases of non-communication during the statutory period and/or post-hoc use of EoTs for performance statistic purposes or that 'ransomed' decision outcomes – with such use viewed as attempts to game the performance system.

This demonstrates a mixed picture where EoTs are in some instances perceived as being misused, but also often provide a useful pragmatic and flexible tool to assist decision-making and to resolve issues that would otherwise go beyond the statutory timeframe – especially to avoid refusal and the costs of going to appeal. What appears to be missing is clarity and rules to orchestrate appropriate EoT use between parties.

Theme 2 – Local planning authority resource and commercial costs

LPA case officers were often seen to be using EoTs because they could not process the high volume of applications and caseload within the statutory determination period - the main view was as a product of an under-resourced and pressured practice environment. The participants did not see this changing without more resource and capacity in LPAs. This was seen to be exacerbated by retention / turn-over, such as the loss of experienced staff to the private sector, and recruitment freezes and/or challenges hiring new staff.

The commercial costs for planning consultants to managing the application process in relation to their budget and client fees was made more challenging by the use of EoTs. The impact on applicants was also emphasised where decision times were elongated, especially for minors / householder permissions. This led to the view that some LPAs and case officers could be more commercially aware – a separate review of DM processes and project management may be warranted but sits beyond the scope of this report.

Theme 3 – Consultees, evidence and expertise

The participants recognised that the timing of third-party statutory consultee responses was a main source of additional time, and very often exceeded the 21-day consultation period. It was perceived that this led to delays in LPAs processing applications. There was also a view that too much evidence and expertise was being required now for minor applications, and that this was in part because governments had introduced more requirements and adding to complexity in the system. Matters such as with BNG and a lack of capacity in expert areas such as ecology, as well as highways / transport and drainage were cited. These capacity constraints affected both public and private sectors.

The increase in requirements were seen to be 'bloating' case files and applications with too much detail that extends beyond core planning considerations. Some felt that many policy concerns were already covered by other legislation and requirements and could be dealt with by other means including conditions or other measures. Some also raised the questioning of independent expertise presented to LPAs and elected members, with more time taken for cross-checking technical reports or requesting additional studies. These reflects concerns over integrity and trust in planning, as well as questions of scope and what is essential for determining a planning application within the statutory period.

Theme 4 – Politics, culture and experience

The political context surrounding planning was viewed as leading to a more cautious and risk adverse approach to decision-making. In this context the confidence and experience of LPA case officers was seen as important for weighing-up the planning balance and coming to a decision. The pressures of public scrutiny including social media, as well as

from elected members, was felt to result in a more cautious approach and possibly an over-reliance on third party evidence and expertise before recommending a decision. The other side of this was expressed as an excessive focus on minor details over the principles of the scheme. This links to the need for better support and training for public planners to be confident in their professional judgement to balance issues, and better recognition and consideration of alternative means to resolve or address minor issues.

Theme 5 – Plans, Pre-apps and PPAs

The use of EoTs must be seen in their wider context, particularly given other means of negotiating and creating space for issues and application failings to be addressed. The role and utility of pre-apps and PPAs were cited alongside EoTs, as they can be means to create shared understanding and timeframes for applications through to determination. Yet their use was mixed and one approach would be to ensure such tools and their agreed parameters are made public as this may assist in providing greater accountability for all.

3.2 Recommendations

The following recommendations emerge from the work set across five actions as below - *funding*, *scope*, *training*, *information* and a need to understand the issues further via more *research*:

- **Recommendation #1 – funding**
  The overall recommendation from the study is that **a properly funded and resourced local authority planning service and internal and external statutory consultees represent the best response to improving decision-making time in practice**. In the context of constrained resources, government must invest in planning to realise the potential that the system and planners can play in supporting sustainable and successful development to happen. This will also be particularly critical to aid the government agenda to deliver housing and growth.

- **Recommendation #2 – scope of planning**
  The **increasing number of considerations** that planners have to assess during the planning application process should be reviewed, especially for minor applications, to understand if and where any additional complexities or issues beyond planning matters featured in the system, and that may be covered by law or requirements raised elsewhere in the development process. This might be putting additional pressure on case officers by increasing necessary expertise and

prompting technical reports which go well beyond their areas of professional knowledge (i.e. development management planners as generalists or project managers) and create additional costs for applications. These could potentially be addressed following the statutory determination period based on approval with conditions and/or obligations where this is appropriate to respond to the scheme.

- **Recommendation #3 – support and training**

  In a more politicised practice environment, exacerbated by access to information and social media, planners need more support and training to overcome a culture of risk-aversion. Greater council leadership and elected member support would allow for more confident and pragmatic approaches to decision-making, and allow case officers to use their professional judgement to weigh-up the benefits and harm and come to a view. This may also assist with any over-reliance on statutory consultees or additional evidence / studies requested within the statutory application timescales. This may be particularly salient for new or junior planners where more experienced and senior planners have been lost within LPAs.

- **Recommendation #4 – information and transparency**
  More guidance and clarity over the appropriate use of EoTs may help to encourage how they are perceived and experienced in professional practice. This could include examples of 'good practice' where EoTs support effective negotiation and positive discussions between local authorities / planners and consultants / applicants. It could also reduce examples of 'bad practice' in the system. The same may be needed for related discretionary tools such as pre-apps and PPAs.

- **Recommendation #5 – further research**
  This study has provided evidence of important matters of detail that extend beyond EoTs. There are two aspects that require further work:
    - R5a: Firstly, while the use and practices of EoTs in relation to time and performance in planning are of interest, the study indicates a range of related matters that should be pursued. For instance, to understand how applications are marshalled and 'triaged', how statutory consultees are aligned to LPA requirements and to better understand how and where planning conditions or other parallel channels could address matters that appear to delay or complicate (minor) planning application processing.

- R5b: Secondly, given this was a small-scale research project, it has presented the views of private sector planning consultants only. Therefore more research is needed on this topic area and with different stakeholders (i.e. local authorities, developers, communities, etc) to further understand the issues and dynamics of EoTs and the implications for various parties.

4. References

DCLG (2013). *Planning performance and the planning guarantee. Government response to consultation*. June 2013. UK Government: London. Located: https://www.gov.uk/government/consultations/planning-performance-and-the-planning-guarantee

DCLG (2014) *What is the government's 'planning guarantee'?*. National Planning Guidance, Paragraph: 002 Reference ID: 21b-002-20140306. UK Government: London. Located: Determining a planning application - GOV.UK

DCLG (2014). *In what ways can a longer time period be agreed?*. National Planning Guidance, Paragraph: 003 Reference ID: 21b-003-20140306. UK Government: London. Located: Determining a planning application - GOV.UK

DCLG (2015). *Town and Country Planning (Development Management Procedure) (England) Order 2015*. UK Government: London. Located: https://www.legislation.gov.uk/uksi/2015/595/contents

DLUHC (2023). *When are planning application fees refunded under the Planning Guarantee?*. National Planning Guidance, Paragraph: 042 Reference ID: 22-042-20141017. UK Government: London. Located: https://www.gov.uk/guidance/fees-for-planning-applications

DLUHC (2023). *Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees*. UK Government: London. Located: https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees

DLUHC (2024). *An Accelerated Planning System*. Open Consultation 6th March 2024. UK Government: London. Located: An accelerated planning system - GOV.UK (www.gov.uk)

Dobson, M. and Platts, S. (2020). *Resourcing Planning Futures*. In Parker, G. and Wargent, M. (eds.) The Future of the Planning Profession. *Planning Theory & Practice*, *21*(3), pp.453-480.

Dobson, M. and Parker, G. (2024). *Slow Planning? Timescapes, Power and Democracy*. Policy Press: Bristol.

Gove, M. (2023). *Falling back in love with the future*. Speech by Secretary of State, Michael Gove, at the Royal Institute of British Architects (RIBA) on 19th December 2023. Located: Falling back in love with the future - GOV.UK (www.gov.uk)

Johnson, B. (2020). *PM Economy Speech*. Speech by Prime Minister, Boris Johnson, in Dudley on 30th June 2020. Located: https://www.gov.uk/government/speeches/pm-economy-speech-30-june-2020

MHCLG (2020). *Planning for the Future*. White Paper, August, 2020. UK Government: London.

MHCLG (2024). *National Planning Policy Framework* (December 2024). UK Government: London. Located: https://www.gov.uk/government/publications/national-planning-policy-framework--2

MHCLG (2025). *Planning applications statistics*. UK Government: London. Located: https://www.gov.uk/government/collections/planning-applications-statistics#2024

MHCLG (2025). *Live tables on planning application statistics*. UK Government: London. Located: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics

Parker, G. and Dobson, M. (2023). *Planning in time, time for planning, and time to plan — 'timescaping' and its implications for practice*. Town & Country Planning. July-August. 92(4): 243-247.

Parker, G. and Dobson, M. (2024). *Diagnosing Delay in Planning: Dobry at 50*. Town & Country Planning. May-June. 93(3): 173–177.

Parker, G. and Dobson, M. (2025). *Examining the discourse of 'delay' in urban governance: Project speed and the politicisation of time in the English Planning System*. *Cities*, *158*, p.105709.

Parker, G. and Street, E. (Eds.) (2021). *Contemporary Planning practice. Skills, specialisms and knowledge.* Basingstoke: Macmillan.

Planning Advisory Service (PAS) (Online, no date). *Good practice in the use of extension of time agreements*. LGA: London. Located:https://www.local.gov.uk/pas/development-mgmt/managing-performance/extension-time-agreements

Planning Advisory Service (PAS) (Online, no date). *Decisions - Positive planning Questions and answers on Agreements to extend the time for decisions*. LGA: London. Located: https://www.local.gov.uk/pas/development-mgmt/managing-performance/extensions-time-agreements/decisions-positive-planning

Public First (2024). *The Planning Premium: The Value of Well-made Places*. June 2024. Ben Saviours. Public First; London.

Steele, H. and Bauer, M. (2022). *Planning Agencies: Empowering Public Sector Planning*. RTPI Research Paper, September 2022. RTPI: London.

Vivid Economics (2020). *Invest and Prosper: A business case for investing in planning*. RTPI Research Paper, October 2020. RTPI: London.

5. Appendices

Appendix 1 – Additional participant quotes by research theme

The following quotes are relevant but were deemed as supplementary to the material already presented in the main body of the report for understanding the research themes.

Theme 1 – Proactive negotiations and gaming the system

"*I'm kind of losing the understanding of what extensions of time, what the point of them are in many ways, because pretty much no council is meeting 8 weeks. And once you go beyond eight weeks, it could be another eight days, it could be, you know, another eight months until you get an application decided…so what's gone beyond eight weeks, most councils in my experience don't really seem to mind…Sometimes if you got a refusal at 8 weeks at least you know where you are and then you can appeal and get that underway. I've had cases gone on for ten months, and the client said, "Well, why didn't we appeal back in February?". I said, "Well, yeah, we should have done, but we'd never know, we didn't know that we had all these pointless extensions of time""* (Planning Consultant #2).

"*More often than not it's at the request of the Council rather than at our suggestion. Although, there's been a number of occasions where we have offered up an extension of time to officers because, to put it bluntly, we feel it might help oil the wheels of getting our application progressed and hopefully approved…It's normally where we feel we're very close to getting an approval, so we might have dealt with all the issues in front of us, and we put it forward because it might help just get it to the top of the officer's pile if we agree it. Whereas if it's gone past its deadline, the impression, rightly or wrongly, is that it might go to the bottom of the pile because the deadline's gone. The urgency for making the decision is gone, and therefore as a way of hopefully getting our application back to the top of the pile and getting the decision issued more quickly…the only reason why you wouldn't agree an extension ultimately is because you want to line up an appeal against non-determination and you want to manage your dates accordingly. So it's only in that scenario where you think you're not going to get what you want through a negotiated consent that, in my experience, as an applicant you'd be difficult about agreeing an extension of time; because you might be in a situation where you've been negotiating for a number of months post-submission and you don't feel you're really getting anywhere*" (Planning Consultant #3).

"We predominantly will use them [EoTs] because we're coming up to the statutory determination period and we still have issues to resolve and we've agreed with our case officer that it makes sense for us to resolve those issues during the lifetime of the application rather than them refusing it or us withdrawing it and then resubmitting...we would rather formally have our case officer on board, have them signed up to an extension of time. I'm sure it can help their end as well when they're reporting internally to their managers; and sometimes we might agree shorter periods and just sort of keep topping it up because it allows them to keep that pressure as well on their consultees and on their management to get things signed off quickly" (Planning Consultant #10a).

"*I think most of my case officers, they're quite on it and they like to agree an extension of time and will contact us maybe a couple of weeks before to remind us that the target determination period is coming up; and we'll have that discussion with our client and with our case officer as to what's a reasonable request. You know, if we're doing a really big resubmission, we might have to agree a couple of months. If it's something much more simpler it might be a couple of weeks. And normally we do it [agree an EoT]...I've noticed most councils where they do update their website, they're quite good at updating there website to say it's agreed an extension of time etc. So it's all recorded, it's all public knowledge. Sometimes we have to reach out to case officers to remind them that we've got determination period coming up; and that's because our client is very insistent with us they want to extend it so that we'll formally agreed on what we're doing and we don't suddenly get a refusal or something without expecting it*" (Planning Consultant #10a).

"*I think that's part a reflection of workloads for offices, not being proactive in reviewing the case...Invariably it's picking everything up in week seven of an eight week application and panic 'I need X, Y and Z', and then clients don't respond well to that. Even if they have been proactive officers and keeping us informed of what's going on, any last minute issues it's like, 'Well why didn't they ask us that earlier?'; at least then we would stand some chance of getting into a committee or getting it through within the 8 or 13 weeks*" (Planning Consultant #10b).

Theme 2 – Local planning authority resource and commercial costs

"*So the fact that councils are under resourced is not my clients problem. He's paid his fee. You know, he pays his council tax, he pays his planning application fee. Why should he have to wait more than two months for a simple decision? So, there's that fundamental point*" (Planning Consultant #1).

"*I've got a scheme going to committee in [local authority]…It's quite a big scheme and they've [council] applied a resolution that says the s106 has to be signed in three months or we'll refuse it. I've almost never had a section 106 drafted and approved in three months; but I'm yet to see whether that authority have got the resources internally to make that happen or not, so quite often that's when we'll use EoTs post-resolution*" (Planning Consultant #5).

Theme 3 – Consultees, evidence and expertise

"*In particular highways authority…[on an approved scheme subject to highways] we still haven't got an agreement with them and that's seven months ago. And the matters at stake are not complicated, they just need dealing with. But the county haven't got enough resource, so we can never get a hold of our planning officer at the Highways Authority. So that decision is delayed seven months*" (Planning Consultant #1).

"*[T]he reality is that the days of you know being able to submit an application which is just a red line to confirm the principle of, let's say, residential development on a particular site are gone, because you know you have to provide so much information even just with an outline submission. You know, often when you're advising clients, you get to the point where you say, "Well, look, we may as well put a full application in, because the amount of information we're having to provide for an outline, you may as well go the whole hog*" (Planning Consultant #3).

"*I think we should become more brave as a profession, and I think there's a role for the Institute [RTPI] there in standing up [for planning]…I think planners within local authorities ought to be kicking back as well. They should be talking to the highways officers or their ecologists and going, "We don't need this, you have limited resource, focus your time on the things that are [needed]. You know, the loss of a parking space in the front garden in the scheme of things isn't a massive amount, but you're [statutory consultees] vexing so much time on dealing with it*" (Planning Consultant #8).

"*It's depressing because I know it's an old fogy thing to say about why did this get so much more complicated? Because I absolutely agree that we've got to be careful about flooding and ecology and trees and these things; but they're covered by other [legislative] Acts and other sets of penalties. And why a planning officer should put a condition on saying I need to see a copy of the licence you got from the Environment Agency before you can proceed, it's a criminal offence to proceed without that, they don't need to see it in another authority. You know, they're not the policemen. But we get a lot of that. My suggestion for the NPPF was could we have a list of things that are planning [matters] and then anything outside that isn't...[but some] technical reports definitely justify extensions of time*" (Planning Consultant #9).

"*So sometimes it is, definitely with ecology,...until somebody else has done something, not the local authority and not the applicant, that is a situation where you've got a third party, so you're waiting for another party to design and adopt a strategy to mitigate its harm. Then the Council can tell me, "Right if you pay this much per house towards the third party strategy, you can go ahead with your planning permission". But in the meantime I've had an extension of time on that one for 18 months, because they [council] recognise it's unreasonable to tell you they're going to refuse it. I'm not going to withdraw it. But there's no answer to it until this third party has produced a resolution, and I've met that in lots of places over the years. Actually it's nearly always to deal with sites of alternative natural green space, SANGs and SPAs, which take years to develop and just stymie anything for all those years. It's like the nutrient neutrality sort of stuff on the South Coast, now just everything stops for five years. People go out of business and then a new lot [government] come in and try and get it sorted out...You've got to get rid of these blockages because they are so long term. You know, my client's two houses next to his golf course is neither here nor there, but the 15,000 houses cumulatively that are waiting for this [third party resolution] is a big issue*" (Planning Consultant #9).

Theme 4 – Politics, culture and experience

"*The thing they [councils] are bad about is managing committee. So reports that need to go to committee, I've had some delayed month after month after month because they simply say our agenda is full...What I think has happened in recent years is a lot of authorities have now sharpened up to make it more difficult for people to push things to committee that don't really need to go there*" (Planning Consultant #9).

"*It is very, very nitpicking. One of the one of the most annoying ones is local authorities who try to change the description of development before they'll validate it. Now it's only when you get into it that you realise how important and how much we as applicants think about exactly how to do that description; because it has a legal purpose which has implications for things further down the line as to how much you can vary it, as to when the development is started, when CIL is due to be paid, the s106, everything is dependent on that description. And yet, because of a House-style effectively, some local authorities will always try and redescribe it and you get this sort of wasted time…it's a debate that just shouldn't happen at all*" (Planning Consultant #9).

Theme 5 – Plans, Pre-apps and PPAs

"*My gut feeling, this is what we always say to clients, is it's better to spend more time in pre-app discussions…We always try and resolve to get a scheme in such a position that we get officer support at the pre-app stage before we submit the application. One because we don't want to sort of air our dirty laundry in public; and also, once it's in as a planning application, the delay of reconsulting can add more unknowns and more time for people to object. And actually more time for planning system to change. So the shorter that determination period is, the better. And so really we would prefer to get application in a good state before we submit the application. So I'd always prefer to wait one or two weeks or a month or so more there [negotiating upfront] to submit it, so that we know what we're faced with, we should get support, and then it should be a tick box exercise…It's also getting good officers to do the pre-app and getting timely meetings in place, because otherwise the pre-app process just grinds to a halt; and that's why a lot of clients decide not to do pre-app and they will just stick an application in. Yes it might take longer, but it's a fixed cost and they know what they can do and they can go to appeal at the end. It's different mindsets for different clients [on use of pre-apps]*" (Planning Consultant #10b).