

13<sup>TH</sup> JANUARY 2021**REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION****PLANNING AND BUILDING CONTROL PERFORMANCE****Reason for Report:**

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. Building Control performance information is also provided although this is primarily reported to the Building Control Partnership Joint Committee.

**Matters for Consideration:**

Performance against targets, the Government's performance assessment and resources within the Planning Service.

**RECOMMENDATION: For information and discussion.**

**Financial Implications:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26 week date. In that instance if requested, the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

**Budget and Policy Framework:** None directly.

**Legal Implications:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is less than 10%. It is important to continue to meet these targets.

**Risk Assessment:** Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has been the subject of Government performance indicators for some time. However it should be noted that the application performance data reported does include a significant reliance upon agreeing extensions of time with the applicant. Whilst this is allowed within the performance reporting system requirements of the Government, it is an indication of a service carrying a high number of applications on hand and application assessment being overly protracted. It is proposed that during 2021 that efforts are made to systematically reduce the reliance on extensions of time.

**Equality Impact Assessment:** No equality issues identified for this report.

**Relationship to Corporate Plan:** The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

**Impact upon Climate Change:** No climate change issues are identified arising from this report on service performance.

## 1.0 APPLICATION DETERMINATION PERFORMANCE

1.1 The Government uses speed and quality of decision indicators as the main means of assessing planning application performance. These indicators with performance requirements are set out for major and non-major applications as follows:

### Speed:

- **Majors: More than 60% of major applications determined within 13 weeks (over 2 year period).** Mid Devon performance on this for the 2 year period to the end of September 2020 was **69%**.

The most recent national dataset for the 24 month period to the end of June 2020 places the performance for Mid Devon as 64.4%. The dataset has a median figure of 90.5%, placing Mid Devon in the 4<sup>th</sup> quartile nationally (England) over this period.

- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** Mid Devon performance on this for the last 2 year period to the end of September 2020 was **86%**.

The most recent national dataset for the 24 month period to the end of June 2020 places the performance for Mid Devon as 86.6%. The dataset has a median figure of 90.9%, placing Mid Devon in the 3<sup>rd</sup> quartile nationally (England) over this period.

### Quality:

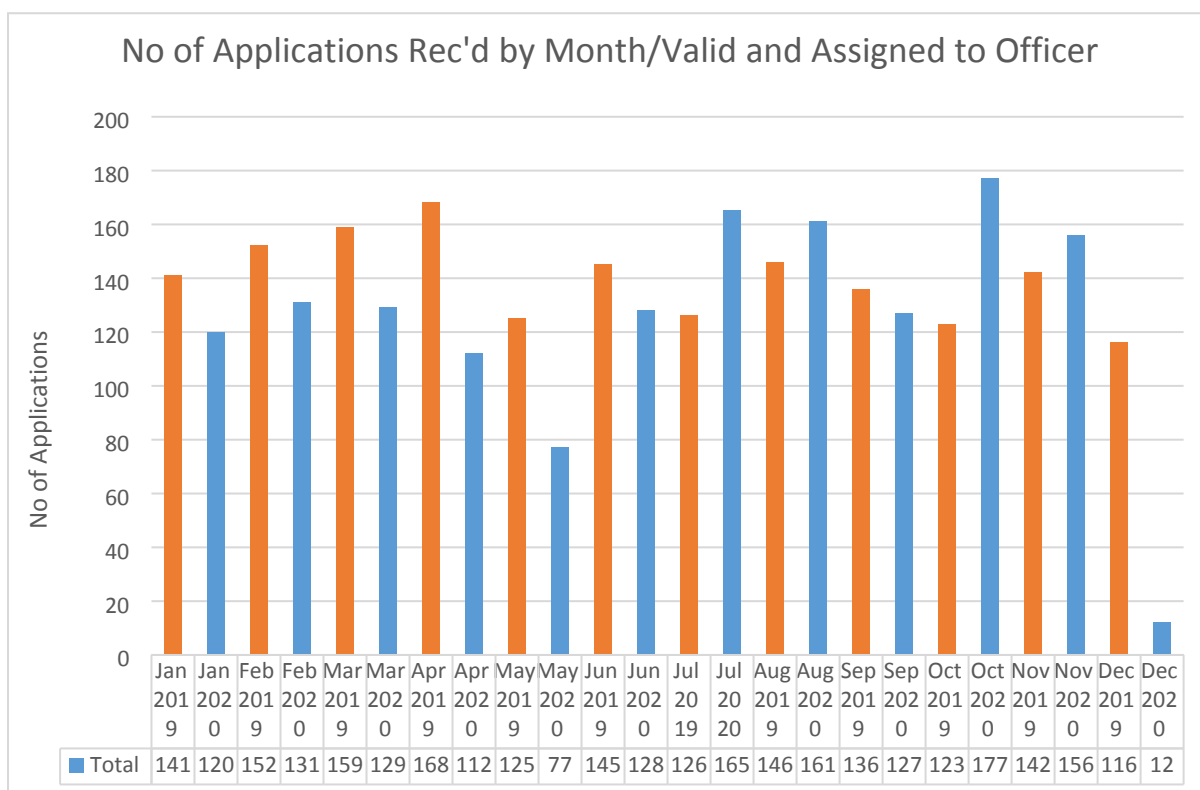
- **Majors: for applications determined over a 2 year period, no more than 10% of 'major' decisions to be overturned at appeal.** The Mid Devon figure over the last 2 year period was **5.7%**.

The most recent national dataset for the 24 months to the end of March 2019 places the performance of Mid Devon as 5.2%. The dataset has a median figure of 1.4%, placing Mid Devon in the 4<sup>th</sup> quartile nationally (England) over this period.

- **Non majors: This indicator of quality of decision making is measured over a 2 year assessment period: no more than 10% of 'non major' decisions to be overturned at appeal.** The Mid Devon figure over the last 2 year period was **0.43%**.

The most recent national dataset for the 24 months to the end of March 2019 places the performance of Mid Devon as 0.4%. The dataset has a median figure of 0.9%, placing Mid Devon in the 1<sup>st</sup> or top quartile nationally (England) over this period.

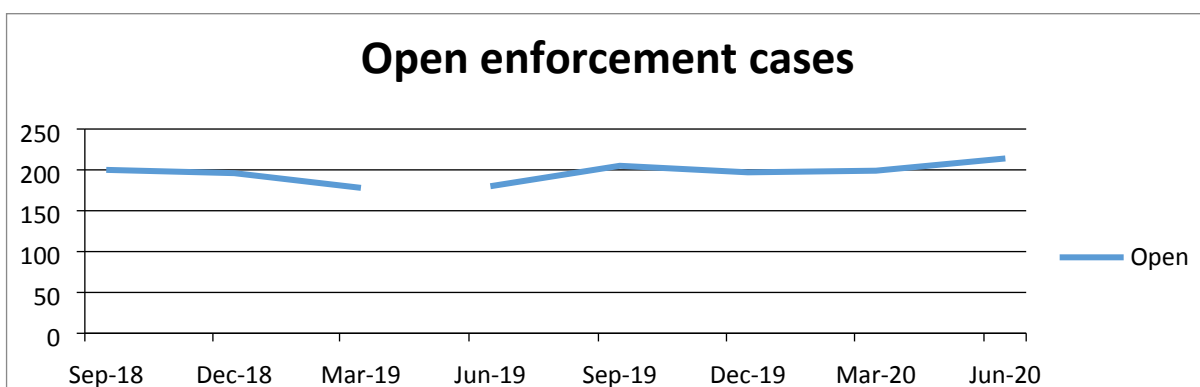
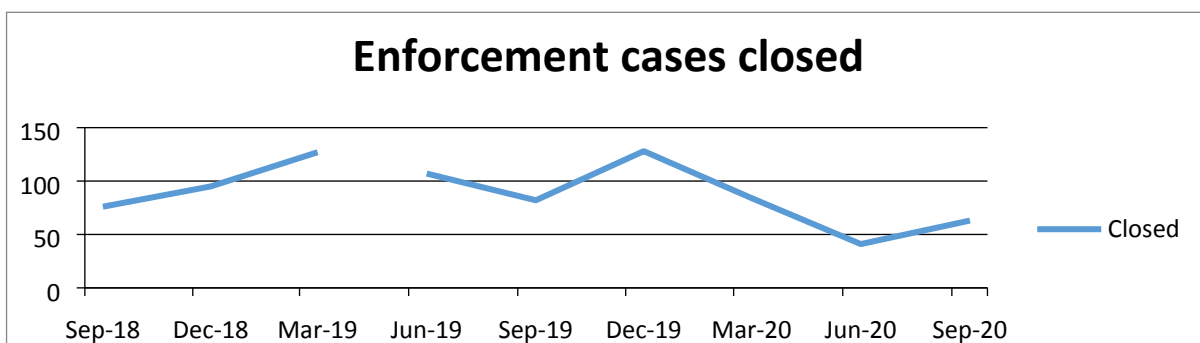
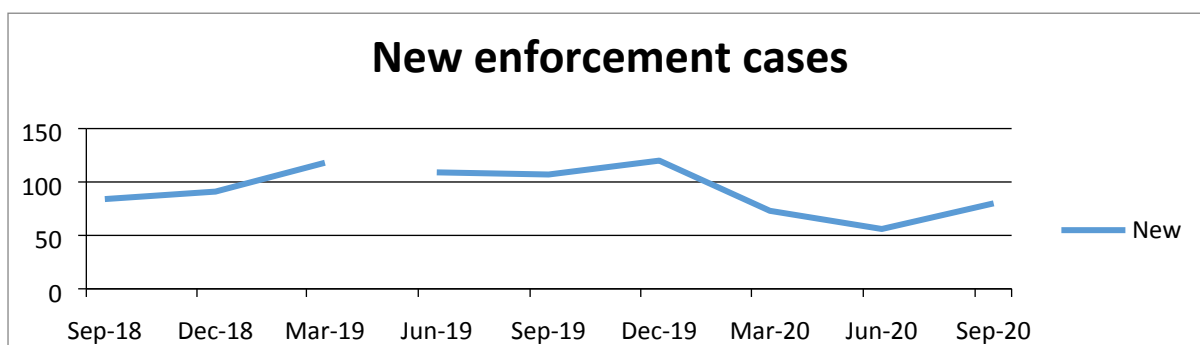
- 1.2 Application determination performance data against national and local indicators over the last few years is attached at **Appendix 1**. The latest performance results for quarter 2 of 20/21 indicates that the national planning performance indicators for the speed and quality of planning application decision making have been met and exceeded by the service, but in some areas is not performing favourably when compared with that of others nationally. This is particularly the case with major applications due to a higher percentage being overturned at appeal than other Councils and less emphasis on agreeing extensions of time towards the beginning of the 2 year assessment period which is affecting the speed of decision making performance figure.
- 1.3 At time of finalising this report performance results for quarter 3 20/21 are not yet available. It is anticipated that they will be available shortly for reporting to a future meeting of Planning Committee.
- 1.4 For all applications determined within 8 or 13 weeks, the performance figures include those where there has been an agreed extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.
- 1.5 The Development Management team has experienced a challenging period in 2020 with significant changes required to rapidly move to predominantly working from home and electronic means rather than paper plans. The service has been sustained although site visits were temporarily suspended and alternative methods utilised including maps, videos, photographs and the internet. This period has also seen the vacancy of an Area Team Leader post. This has been successfully recruited with the new post holder having joined the Council at the beginning of January 2021. New applications dropped off in the first half of 2020, but have since seen some recovery, however planning fee income remains significantly below budget. The following graph shows applications received and valid by month for 2020 compared with 2019.



- 1.6 It is clear from the performance information presented that there has been an increasing number of live applications on hand over 13 weeks old without a decision. There is also a high reliance upon agreed extensions of time in application determination. These areas will need to be the focus going forward with the aim of more decisive decision making whilst ensuring quality of decision making. However at time of writing, a new period of national covid-19 restrictions have been announced which include closure of schools. Care responsibilities of some staff are anticipated to reduce staff capacity during this period.

## 2.0 Planning enforcement

- 2.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. Scrutiny Committee considered a report on the enforcement of planning control at the meeting on 14<sup>th</sup> September 2020 where it was resolved to set up a working group to consider this area in more detail. Terms of reference of this working group are being established.
- 2.2 Activity within the enforcement part of the planning service by quarter is at **Appendix 1**. The following graphs show the number of new enforcement cases received, number closed and number on hand and are measured by quarter.



### 3.0 BUILDING CONTROL.

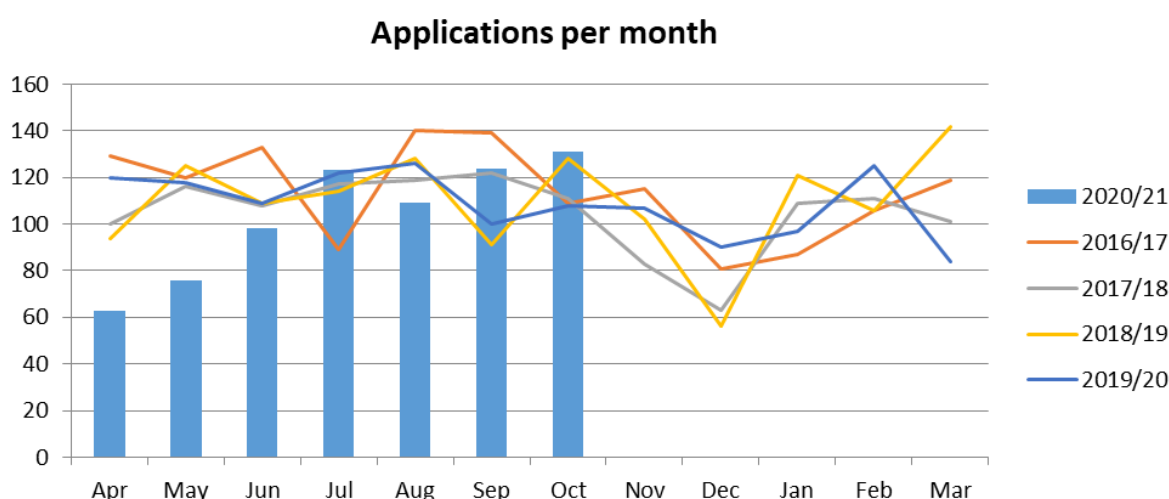
3.1 Mid Devon's Building Control service operates in partnership with North Devon Council as NMD Building Control. The partnership service has been operational since April 2017 and under normal conditions is delivered from offices in South Molton. A Joint Committee oversees the delivery of the functions of the partnership service. 2020 has seen a continued consolidation realising the benefits of the partnership.

3.2 The Building Control service has exceeded the performance target relating to the assessment of full plans applications. Response times for plan checking have improved throughout each of the year and are now consistently above target.

Key performance indicator	Year	2018/19				2019/20	
	Target	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1	Qu2
Building Regulation	95%	99%	96%	100%	100%	98%	99%

Full Plan applications determined in 2 months							
Building Regulation Applications examined within 3 weeks	95%	84%	90%	98%	99%	99%	100%

- 3.3 The graph below indicates the number of applications received per month. Application numbers have recovered strongly from the substantial drop in the first quarter of this financial year, culminating in the highest number of applications in October in the last five years. However, it is assumed that the period of national restrictions will have some impact although not as severe as the first when activity was effectively closed down. Overall income is below that budgeted for the year. However, there was a strong recovery in September and October.



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**List of Background Papers:**

PS1 and PS2 returns  
 HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015  
 Improving Planning Performance: Criteria for Designation, MHCLG November 2018

**Circulation of the Report:**

Cllr Richard Chesterton  
 Members of Planning Committee