

1 FEBRUARY 2023

**REPORT OF ANGHARAD WILLIAMS, DEVELOPMENT MANAGEMENT
MANAGER.**

PLANNING PERFORMANCE

Reason for Report:

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. This report would normally also cover the performance of the Building Control team, but due to staffing issues, the data is not currently available to report on.

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 or special measures will be applied.

Risk Assessment: Financial risk because 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.

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. The Government requires that Local Planning Authorities submit what they call 'PS1 and PS2' figures quarterly to assess the speed of decision making on both major and non-major applications. The performance of Mid Devon planning for quarters 1, 2 and 3 of 2021-2022 are shown below. For clarity, two tables have been provided to show the speed of decision making within the required timeframe with extensions of time, and without extensions of time (eot). It is important to note, that an application which has an agreed eot between both the LPA and the applicant can still be counted in accordance with Government guidance as still being within the required timeframe.

Speed of major applications – with and without EOTs:

Major Applications with EOTs determined within 13 Weeks			
Q1	Q2	Q3	Q4
100%	100%	69%	0%

1.2 As members will note from the above figures, major applications determined within 13 weeks that are subject to an EOT are at 100% consecutively for both Quarter 1 and Quarter 2. In Quarter 3, we see a decline in this figure, and that is because not all major applications within that period were granted an EOT.

If we take a look at the following table, this is provided to show a break down of how many application were determined within the 13 weeks without an EOT being required.

Major Applications without EOTs determined within 13 Weeks			
Q1	Q2	Q3	Q4
43%	23%	31%	

1.3 Whilst the numbers appear low, these are actually positive given that these applications were able to be determined within the 13 weeks without having to agree an EOT with the applicant. As members will know, EOT's are perfectly acceptable and a requirement by Government if the determination date of 13 weeks cannot be met due to on going discussions/negotiations. Whilst the first table shows much higher figures, the first table is a more accurate representation of how well the team are doing, as despite the EOT being requested, it is still considered as to have been determined in an acceptable time frame and in accordance with Government timeframes.

Speed of non major applications - with and without EOTs

Non-Major Applications with EOTs determined within 8 Weeks			
Q1	Q2	Q3	Q4
86%	92%	90%	0%

Non-Major Applications without EOT's determined within 8 Weeks			
Q1	Q2	Q3	Q4
40%	48%	53%	

1.4 As with the major applications, the above two tables illustrate those non major applications determined within 8 weeks with and without EOTs.

1.5 As with majors, the team is continuing to do exceptionally well and we have a high percentage of applications being determined within the timeframe agreed by Government. Where we fall short of 100%, this is down to some applications being withdrawn and those of which where the applicant has not agreed an extension of time and we have still been required to determine the application.

Mid Devon's planning performance when compared with that of other LPA's in the South West

1.6 The table below illustrates that at the end of March 2022, Mid Devon was on the top of the performance board. This is a great achievement by the team and one to be proud of.

Planning authority	24 months to end of March 2022				%	%
	Total non-major development decisions within 8 weeks ¹	Total non-major development decisions of Time or Extension of Time or Environmental Impact	Planning Agreement, agreed Extension of Time or Environmental Impact	Planning Performance Agreement, agreed Extension of Time or Environmental Impact	<i>within 8 weeks or within agreed time without penalty</i>	<i>within 8 weeks or within agreed time without penalty</i>

	Assessment decisions ³	Assessment decisions ³	Assessment decisions ³	Assessment decisions ³	Percentage for missing data	Percentage for missing data
Mid Devon	1,595	828	726	704	96.1	96.1
Sedgemoor	1,820	1,050	690	690	95.6	95.6
North Devon	1,928	1,088	779	749	95.3	95.3
Plymouth	1,711	1,163	502	450	94.3	94.3
North Somerset	2,911	1,597	1,149	1,076	91.8	91.8
South Somerset	2,320	1,126	965	938	89.0	89.0
Mendip	1,935	1,023	774	688	88.4	88.4
Torridge	1,433	821	491	440	88.0	88.0
Somerset West and Taunton	1,925	1,028	695	644	86.9	86.9
England	695,738	360,067	265,441	238,457	86.0	86.0
Cornwall	12,163	6,232	4,812	4,121	85.1	85.1
Teignbridge	1,689	911	590	512	84.3	84.3
West Devon	789	342	349	323	84.3	84.3
South Hams	2,347	1,155	910	818	84.1	84.1
Wiltshire	8,095	2,578	4,664	4,215	83.9	83.9
Dartmoor National Park	882	627	120	109	83.4	83.4
Torbay	1,522	476	831	736	79.6	79.6
Isles of Scilly	143	70	50	42	78.3	78.3
Bournemouth, Christchurch and Poole	5,421	1,762	2,788	2,461	77.9	77.9
Exeter	1,083	587	284	252	77.5	77.5
East Devon	3,340	1,605	1,044	856	73.7	73.7
Dorset	6,556	1,174	4,146	3,573	72.4	72.4
Exmoor National Park	381	167	119	109	72.4	72.4

Quality of decision making

No More that 10% of Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
5.00%	4.00%	2.00%	0.00%

- 1.7 Q1 sees a figure of 5% which isn't too different to that seen in Q4 of the last financial year. It is important that these figures remain below the 10% and preferably below 5%. On that note, it is good to see the numbers in Q2 and Q3 remaining below 5%. We must endeavour to keep this number below the 10% to ensure we remain in control of our applications.

No More that 10% of Non- Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
1.00%	1.00%	0.00%	0.00%

- 1.8 As can be seen in the above table. The percentage of non major applications overturned at appeal remains well below the 10% which is very positive. In Q3 we see a figure of 0.00% which has been rounded down from the result of 0.40%. As with the majors, this is a figure that we need to ensure remains low. Reflecting on the above figures, its another good news story. All of the data above demonstrates that the team continue to do really well despite challenges and continue to achieve and even excel targets consistently.
- 1.9 As was with the last report in August, we continue to employ agency members of staff to support the team where we can. As a means to help sustain the team, we have also introduced new discretionary fee charges that went live on 15th November, as well as make more suitable uses of planning performance agreements. This is to ensure the team have the support where they need it, as well as ensure that caseloads are manageable. Our new planning officer started on the 1st November and is settling in well, and there are plans to go out to recruit for the remaining vacancies shortly. This includes two Prinicipal Planning Officers and a remaining planning officer post.
- 1.10 The number of applications in hand currently is 355 which includes all preliminary enquiries. As always, the team continue to work hard to keep the departments head above water.

2. Planning enforcement

- 2.1 The team continue to work hard to keep the cases moving, as you can see they get almost the same amount of cases in as they close. Bearing in mind the limited permanent enforcement resources which this Council has, this places considerable pressure upon the team and it will therefore be necessary to continually and increasingly prioritise enforcement activity to focus upon high priority cases.
- 2.2 Officers have been working on complex notices and enforcemnet appeals in Q3 and these are very time consuming.
- 2.3 In line with ongoing continuous improvement work and processes, meetings continue to happen to regularly in order to discuss workloads and cases as a team. Attendees regularly consist of the enforcement officers, DM Manager, Corporate Manager and Director of Place. Priorities can also be agreed at these meetings to help manage the high caseload.

Planning Enforcement Management Information as at Quarter 3	
	Totals
Cases closed	283
New Cases	256
Cases in hand(under investigation or pending investigation)	293
Notices as at Q3	44

Contact for Information:

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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 2020

Circulation of the Report:

Cllr Richard Chesterton
 Director of Place
 Members of Planning Committee