

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE 2016/17 QUARTER 3.

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 3 of the 2016/17 financial year

MATTERS FOR CONSIDERATION:

Performance against targets, Government proposals to implement further changes to the planning system and resources within the Planning Service.

RELATIONSHIP TO CORPORATE PLAN:

The Planning Service is central to achieving priorities in the Corporate Plan.

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. In that instance 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.

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 the number of major applications determined within 13 weeks as measured over a 2 year period. The target of more than 50% has been met. The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target continues to be met. However the Government is tightening performance requirements.

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. However this risk is increasing with the Government having identified through the Autumn Statement and subsequent technical consultation on planning changes the intention to tighten existing measures and introduce new ones.

1.0 PLANNING PERFORMANCE

- 1.1 Set out below are the Planning Service performance figures for quarter 3 from 1st October – 31st December 2016. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>
- 1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets. The context against previous performance is also shown.

Planning Service Performance	Target	2015/16	2016/17		
			Q1	Q2	Q3
Major applications determined within 13 weeks	60%	*47%	75%	100%	100%
Minor applications determined within 8 weeks	65%	68%	72%	72%	79%
Other applications determined within 8 weeks	80%	86%	76%	77%	73%
Householder applications determined in 8 weeks	85%	93%	86%	93%	93%
Listed Building Consents	80%	71%	78%	81%	89%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	92%	100%	89%
Delegated decisions	90%	94%	95%	94%	92%
No of applications over 13 weeks old without a decision	Less than 45 applications	40	37	39	33
Major applications determined within 13 weeks (over last 2 years)	More than 50%	53%	51%	80%	82%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%	10%	14%	6%	5%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	99%	93%	100%	100%
Building Regulations Applications examined within 3 weeks	95%	72%	96%	72%	83%
Building Regulation Full Plan applications determined in 2 months	95%	97%	96%	84%	88%

*Important note on major application statistic reporting: The statistics for major applications determined within 13 weeks reported above within 15/16 includes all major applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over this performance target remove reporting applications with extensions of time or PPAs from this target as they are reported separately. Once these have been removed the percentage of major applications determined within 13 weeks compared with the target 60% for **15/16** shows that this performance target was met. For **16/17**, the major applications determined within 13 weeks figure now includes those where there has been an extension of time.

2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

- 2.1 The Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for major planning application decision making are currently and proposed to be used by the Government as indicators of performance in terms of both speed and quality of decision making are as follows:

Speed:

Majors: More than 50% of major applications determined within 13 weeks (over 2 year period)

Non majors: More than 65% of non-major applications determined within 8 weeks (over 2 year period). Our performance on this for the 2 year period to the end of September 2016 was 83.2%.

Quality:

Majors: Previous assessment round -Applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. Proposed 2018: no more than 10% of decisions to be overturned at appeal.

Non majors: Proposed 2018: no more than 10% of decisions to be overturned at appeal (over a 2 year period).

Where these targets currently apply, they continue to be met. Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

- 2.2 Application determination performance results for Qu 3 16/17 indicate that in the main, the national planning performance indicators continue to be met and exceeded by the Service. The only exception to this continues to be performance in the 'other' applications category with 73% determined within 8 weeks against a national performance target of 80%. However it is to be noted that Listed Building Consent applications which fall within this application category achieved 89% determined within 8 weeks in this quarter. This area of performance continues to improve over previous quarters.
- 2.3 Certain performance figures reported in the table above include allowance for extensions of time (in accordance with Government methodology on calculating performance).

The 'planning guarantee' of 100% of applications determined within 26 weeks was met within this quarter. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

As previously reported, the Planning Service is still currently carrying several vacant posts in development management, pending a review of its staffing structure. This restructure is progressing with the aim of being implemented at the beginning of April 2017.

3.0 PLANNING ENFORCEMENT.

- 3.1 Activity within the enforcement part of the Planning Service by quarter is as follows:

	2015/16				2016/17		
Enforcement	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1	Qu 2	Qu 3
New enforcement cases registered	14	71	54	83	69	75	35
Enforcement cases closed	47	53	39	62	63	58	56
Committee authorisations sought	3	2	1	2	4	10	6
Planning contravention notices served	Available from Qu 2	9	5	10	5	3	2
Breach of condition notices served	0	1	0	0	0	0	0
Enforcement notices served	2	1	0	3	3	2	1

During this period the enforcement team also served temporary stop notices to ensure the cease of ongoing operations on land in breach of planning control.

3.2 During this quarter new Enforcement Officers started with the Council and this team is now fully staffed. It is hoped that the staffing of this part of the service will now achieve some stability following a period of fluctuation.

4.0 **BUILDING CONTROL.**

4.1 Building Control performance in plan checking and for full applications has missed local performance targets in quarter 3 of 2016/17. Performance in plan checking was dragged down at the beginning of this third quarter, but has since recovered. Whilst modest improvement has been made over Qu 2 figures, there is still some way to go to meet performance targets in both plan checking and full applications. This continues to reflect the clearing out and finalisation of some older cases, a period of continued development of newer members of Building Control staff together with work to set up and progress the Building Control Partnership project with North Devon Council. Furthermore, a different system report is now in use to compile these figures which allows greater interrogation of the data behind the percentage figures and hence greater accuracy. It is expected that performance will show more improvement from the next quarter and thereafter.

5.0 **PLANNING POLICY – FORWARD PLANNING.**

5.1 Forward Planning team work continued to concentrate upon finalising the Local Plan Review. Public consultation is now underway until 14th February after which representations will be logged and assessed prior to submission to the Planning Inspectorate by the end of March 2017. The plan is still on track to meet this timescale.

5.2 Early work continues on the Greater Exeter Strategic Plan jointly with East Devon, Exeter City and Teignbridge Councils. An update report including emerging timescale for the plan was considered at Cabinet on 5th January 2017 and is due to go before Council on 22nd February. The priority for the Mid Devon Forward Planning Team continues to be the Local Plan Review and associated tasks although contributions are being made to the Greater Exeter work.

6.0 **PLANNING SERVICE PRODUCTIVITY.**

6.1 The service is currently reviewing opportunities available for efficiencies and greater productivity with support from the Local Government Association (as part of their

national 'Productivity Expert' programme). A final report is expected shortly and it is expected that it will be brought before Members of Planning and Scrutiny committees.

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List of Background Papers: PS1 and PS2 returns
DCLG Improving planning performance – Criteria for designation. June 2014
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015
Department of Communities and Local Government – Technical consultation on implementation of planning changes. February 2016
Improving Planning Performance: Criteria for Designation (revised 2016), DCLG November 2016

Circulation of the Report: Cllr Richard Chesterton
Members of Planning Committee