

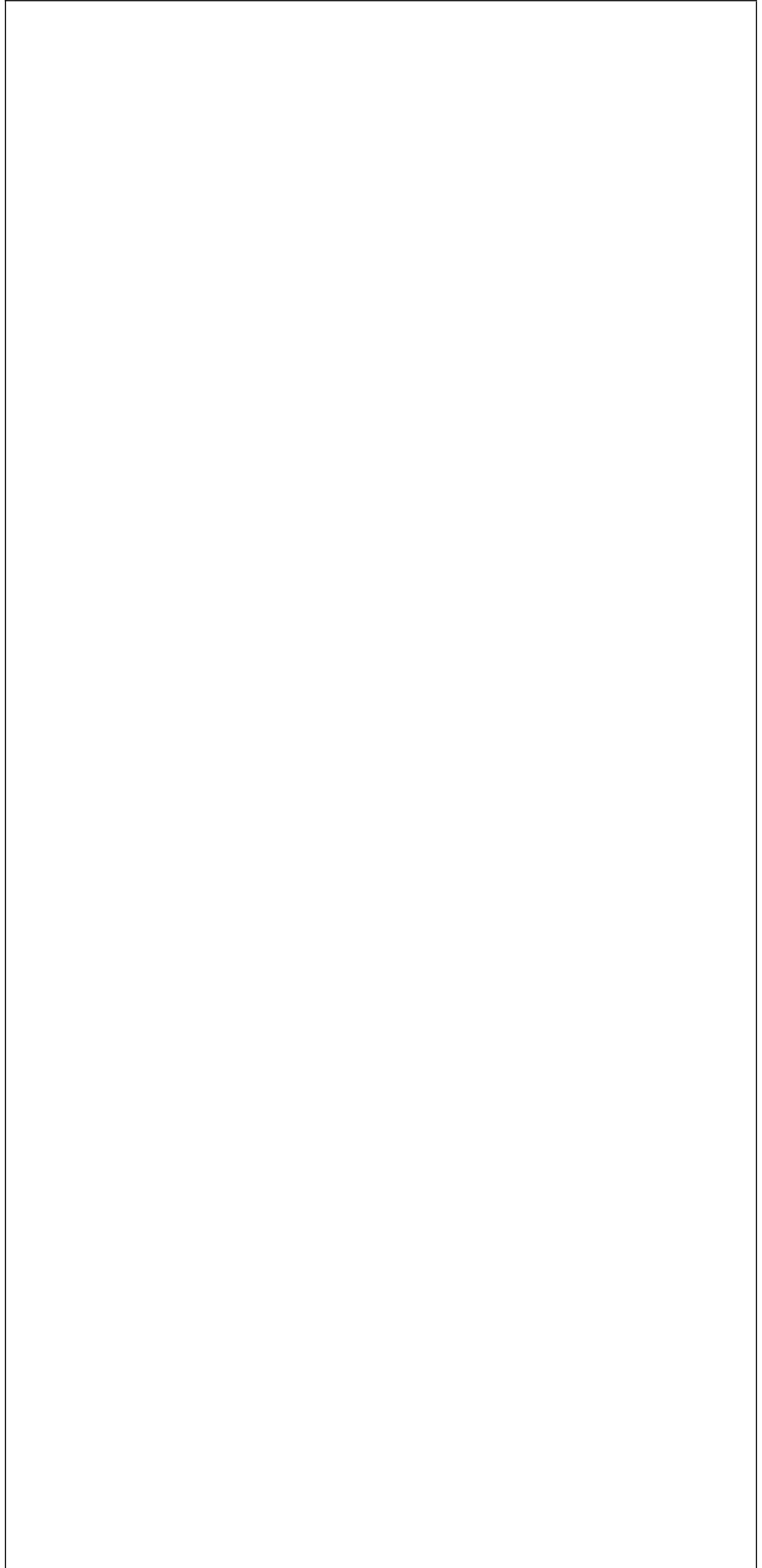
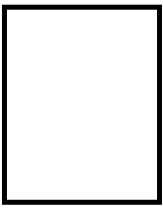
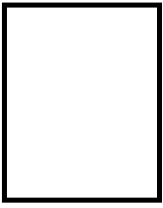
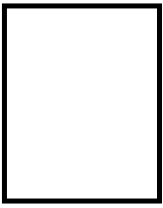
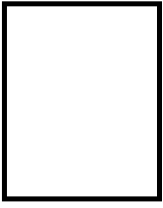
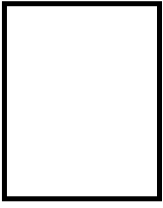
**REPORT OF: THE DIRECTOR OF GROWTH &
DEVELOPMENT
TO: PLANNING AND HIGHWAYS
COMMITTEE**

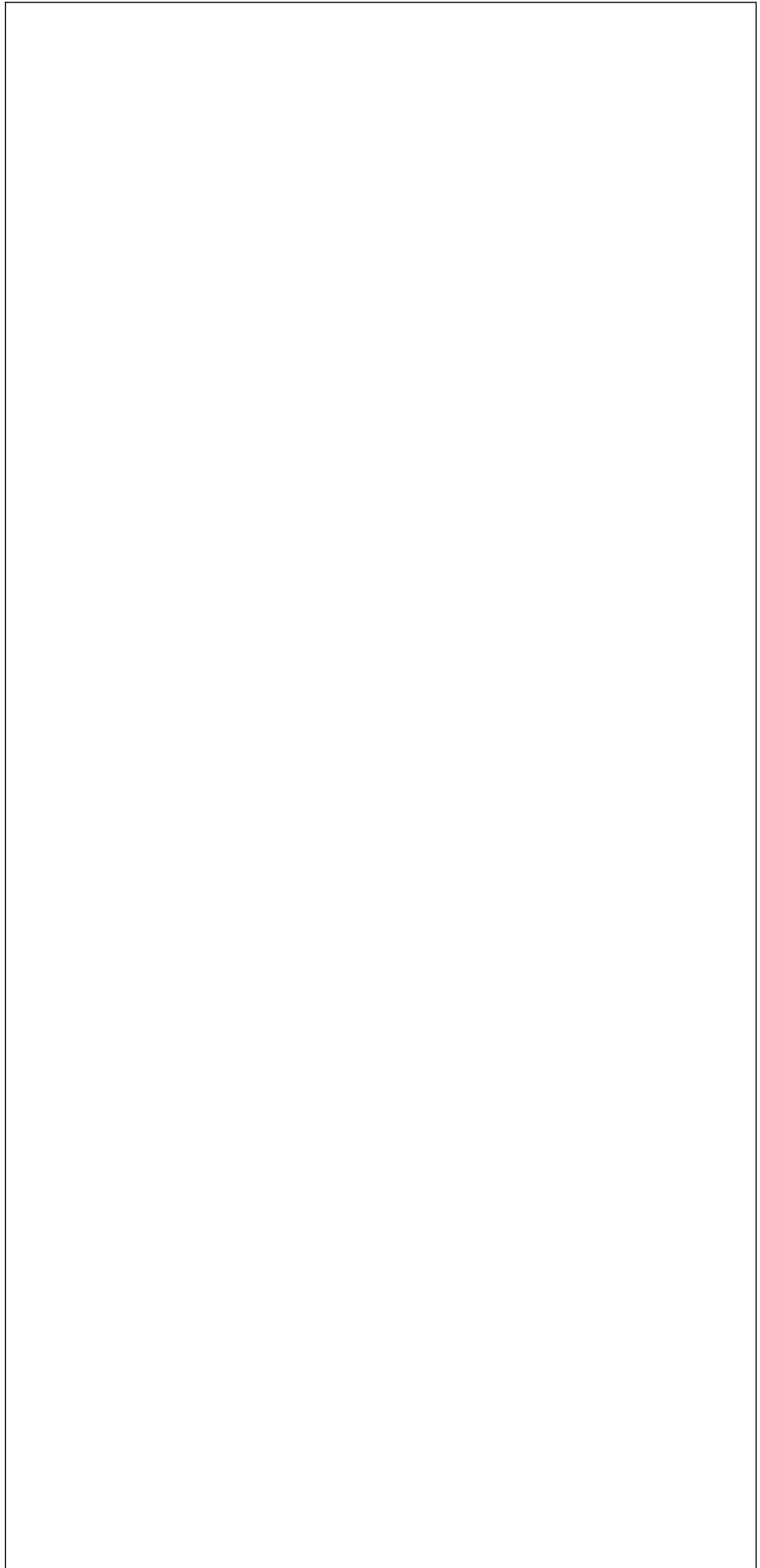
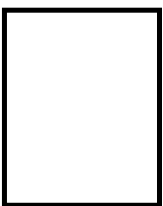
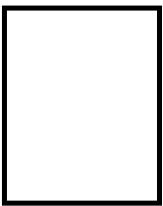
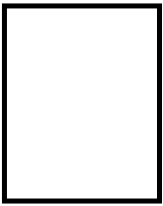
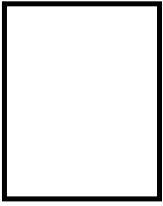
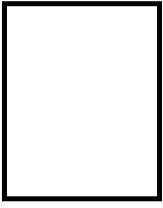
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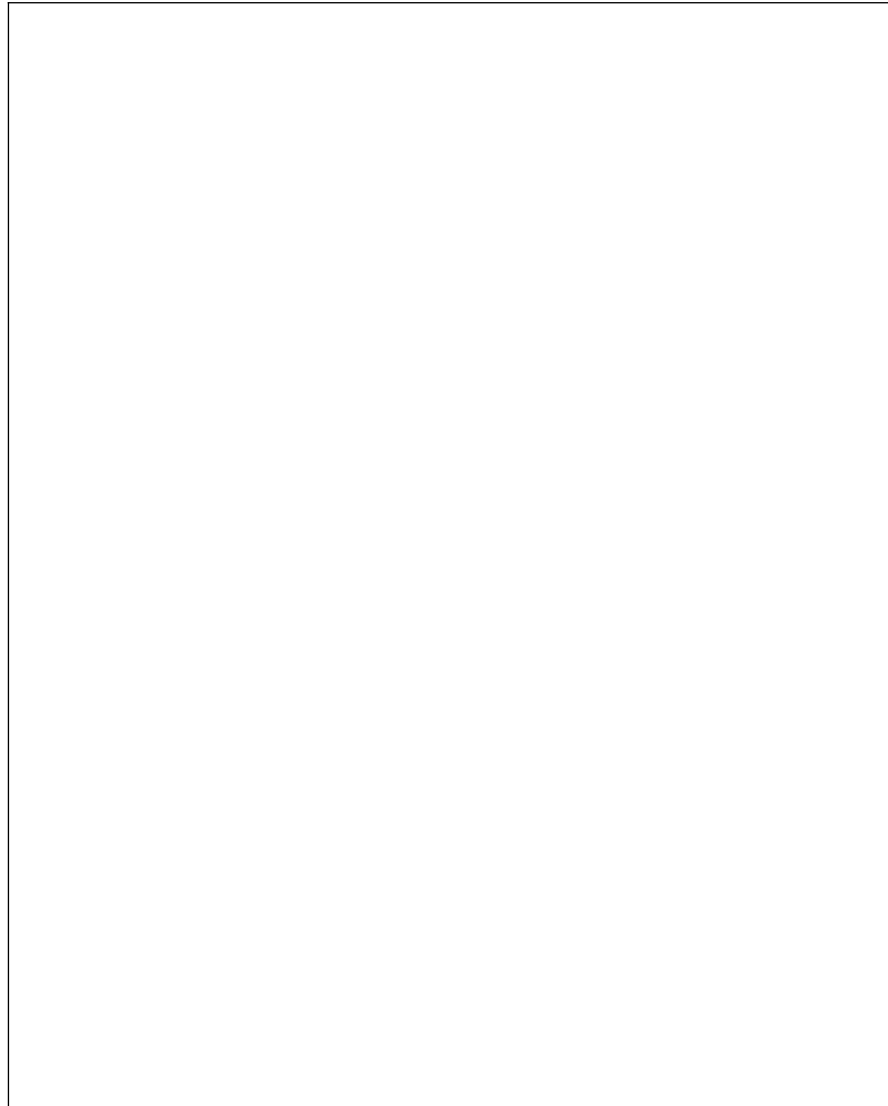
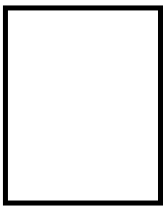
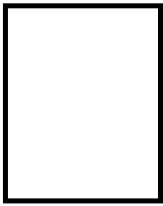
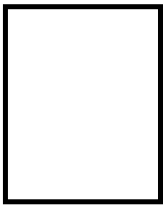
**ORIGINATING SECTION: DEVELOPMENT
MANAGEMENT SERVICE**

WARDS AFFECTED: ALL

COUNCILLORS: ALL







TITLE OF REPORT:

Planning Service Performance (Development Management)

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the Planning Service’s current performance in processing planning applications which followed the Secretary of State for Communities and Local Government published a document in November 2016 “Improving Planning Performance – Criteria for Designation”. This set out the criteria the Government intend to use for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the designation rounds which started in the first quarter of 2017/18.

2. BACKGROUND

- 2.1 The Growth and Infrastructure Act 2013 introduced measures relating to the performance of Local Planning Authorities in relation to the speed of determining major planning applications.

- 2.2 Section 1 of the Growth and Infrastructure Act inserted sections 62A and 62B into the Town and Country Planning Act 1990. Section 62A allows certain applications to be made directly to the Secretary of State if a Local Planning Authority fails to meet performance targets for the speed of determining major planning applications. Local Planning Authorities who fail to meet performance targets may be designated as poorly performing.
- 2.3 At present Local Planning Authorities must determine over 50% of major planning applications within the specified 13 week period (or 16 week period if the development requires an Environmental Impact Assessment) or within any written extension of time period agreed with the applicant. If a Local Planning Authority fails to determine 50% of major applications within the specified time period, Authorities may be designated as underperforming, placed in “special measures” and applicants may bypass the Council and submit applications directly to the Planning Inspectorate for determination. Underperforming Authorities are also required to prepare and implement an improvement plan.
- 2.4 With the publication of the “Improving Planning Performance”, further measures were introduced to improve performance.
- 2.5 The Government now proposes that the performance of Local Planning Authorities in determining both major and non-major development will be assessed separately, meaning that an Authority could be designated on the basis of its performance in determining applications for major development, non-major development or both. The assessment for each of these two categories of development will be against two separate measures of performance:
- the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
 - the quality of decisions made by Local Planning Authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
- 2.6 Therefore, the performance of Local Planning Authorities will be assessed separately against:
- the speed of determining applications for major development
 - The quality of decisions made by the Authority on applications for major development.
 - the speed of determining applications for non-major development;
 - The quality of decisions made by the Authority on applications for non-major development.
- 2.7 In order to designate LPA’s as poorly performing, the Government use the quarterly statistical returns made to Ministry of Housing Communities & Local Government (MHCLG). For the measure relating to the quality of decisions, this will be based on the numbers of appeals that are overturned during a particular

quarter. The threshold for designation for both major and non-major development, above which a Local Planning Authority is eligible for designation, is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.

- 2.8 Where a Local Planning Authority is designated, applicants may apply for planning permission directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated, subject to limited exceptions. Thus removing control from the Local Planning Authority in terms of the decision, conditions applied to any approval and fee income.
- 2.9 Soon after a designation is made the Local Planning Authority will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. Where necessary, this action plan will directly address weaknesses in the processing of these types of applications.
- 2.10 Data showing the performance of Local Planning Authorities against the speed and quality measures is published by the MHCLG on a quarterly basis. The Government indicates that a Local Authority's performance will be assessed using figures which have already been provided to MHCLG.
- 2.11 The following table shows the designation thresholds and initial assessment periods.

Measure and type of Application	2017 Threshold and assessment period	2018 Threshold and assessment period	Live Table
Speed of major Development (District and County)	50% (October 2014 to September 2016)	60% (October 2015 to September 2017)	District - P151a County – P151b
Quality of major Development (District and County)	N/A – we are not assessing quality in this designation round	10% (April 2015 to March 2017 ¹²)	District - P152a County – P152b
Speed of non-major Development	65% (October 2014 to September 2016)	70% (October 2015 to September 2017)	P153
Quality of non-major Development	N/A – we are not assessing quality in this designation round	10% (April 2015 to March 2017 ¹³)	P154

- 2.12 It is the 2018 threshold and assessment period which is important for the designation rounds.

3. RATIONALE

3.1 Members will recall in the autumn of 2015, the Council received notification from the Secretary of State that at that time during the initial assessment period i.e. the preceding 2 years, the local planning authority were at serious risk of being placed in “special measures” due to the performance of dealing with majors and non-majors application not meeting the criteria set. As a result of this, the Planning Service immediately produced a “Planning Performance Improvement Plan, which set out an action plan and monitoring framework to improve the Service’s performance, and reduce any risk of the service being placed in “special measures”. This included setting a local planning performance target to be adopted that is equivalent to the upper quartile performance level nationally; recruitment process for three additional planning posts; scheme of delegation being revised. With regards to the latter this has been in place now since the 1st October 2015.

Below is the action plan that was put in place, with all the items now fully in place:

No.	Item
1	Establish local target for processing of Major and Minor applications in line with national Upper Quartile, and include in Management Accountability Framework
2	Resources – recruit to full establishment including additional Principal, Planner & Enforcement roles
3	Scheme of delegation – revise to eliminate objections trigger
4	Quality of submissions – stricter validation process – applications automatically invalid if missing information, not worked upon again or made valid until all missing information submitted
5	Digitisation of service – application boundary polygons, historic records, live records via EDMS
6	Decision making culture – approve unless demonstrable harm; focus on timescales

3.2 Since the performance threshold was introduced for the speed of determining major applications and the Action Plan was implemented, officers have sought to work with applicants to either ensure that applications are determined within the statutory period or that an extension of time can be agreed. Major developments often throw up complex issues which take a considerable length of time to resolve and they are rarely dealt within the prescribed 13 or 16 week period (for development requiring Environmental Impact Assessment). Applicants are fully encouraged to submit their schemes through the Council’s adopted Pre-Application Advisory Service, so that the issues can be identified and addressed at an early stage of the process. In many cases applicants are keen to work with officers and will agree an extension of time to formally extend the determination period where issues cannot be addressed within the statutory time period. This approach by officers applies to the determination of major and non-major applications where officers negotiate extensions of time with the applicants.

Members are advised that the designation thresholds for non-major applications measured by the Government only relates to the “minor category” and in the “other category, just householder and changes of use applications”.

3.3 As part of the monitoring framework, a Planning Service Dashboard has been produced which allows management information to be monitored relating to the performance of majors and minors planning applications, number of applications approved, and the performance of appeals. This is monitored over a monthly basis for 12 months, together with the quarterly monitoring on majors and minors for the preceding two years. The Dashboard is reported on a bi-monthly basis to the Planning Cross Party Working Group.

3.4 Figure 1 below shows the Council’s performance for the rolling period of 2 years up to 30th 2018 (measured by the Government).

Blackburn With Darwen Performance for the rolling period of 2 years up to 30th June 2018	published	published	published	published	published	published	published	published	published	target
	Jul - Sep 2016	Oct - Dec 2016	Jan- Mar 2017	Apr- June 2017	July-Sept 2017	Oct-Dec 2017	Jan-Mar 2018	Apr-June 2018	24 months to end of June 2018	
Majors										
Major Decisions	10	5	6	4	9	10	8	11	63	
Major Decisions within 13 weeks	5	2	4	0	5	5	4	8	33	
PPA, EoT or EIA Decisions	5	3	2	4	4	5	3	3	29	
PPA, EoT or EIA Decisions within agreed performance measure per quarter	5	3	2	4	4	5	3	3	29	
	100%	100%	86%	100%	100%	100%	100%	100%	100%	
total decisions	63						3	6	2	
within time	62						3	5	2	
performance measure	98% target is over 60%									
Minors and others										
M&O Decisions	179	131	172	151	190	149	137	139	1248	
M&O Decisions within 8 weeks	130	95	124	94	125	104	101	108	881	
PPA, EoT or EIA Decisions	41	33	46	56	62	41	34	30	343	
PPA, EoT or EIA Decisions within agreed performance measure per quarter	41	33	46	56	62	38	31	31	338	
	96%	98%	99%	99%	98%	95%	96%	100%	97.68%	
total decisions	1248									
within time	1219									
performance measure	98% target going forward is 70%									

Figure 1: Blackburn With Darwen Performance for the rolling period of 2 years up to 30th June 2018

3.2 Turning to the performance measure for this period the Council determined 63 major applications during the 2 year period. 33 applications (49%) were

determined within the statutory 13 week period. However, with the agreed extension of time (62 applications) 98% were determined which exceeds the target of 60%. The predominant reason why the majority of the major applications are determined with an agreed extension of time is due to the negotiations between the Council and the applicants relating to the viability of the proposed development and the financial contributions that are sought through the Section 106 Agreements.

3.3 With regards to the non-majors performance, 70% of the applications determined during the 2 year period are determined within the 8 week statutory period, which meets the target. However, with the agreed extensions of time the performance is at 97%. Members will be aware that the Department went through a major restructure during the summer of 2017 which also included the Development Management Service restructuring its team along with a full recruitment process. As a result of this, the Service is now fully resourced with planning case officers. In addition, the Digitisation of the Planning Service is now complete, which assists in the processing of the planning applications at the validation/registration stage. This means from Figure 1 you can see that the number of required extensions of time for non-major applications are now reducing.

3.4 At the time of writing the report, performance figures for the Service over a rolling 12 month period are shown in Figures 2 and 3 for the period up to 30th June 2018. These reports are produced for the Cross Party Planning Working Group, on a bi-monthly basis.

Date	No. of apps received	No. of apps decided	No. of apps approved	No. of apps refused	No. of apps withdrawn	% apps approved	% apps refused	Major target	% majors within 13 weeks	% of majors 13 wks & agreed EoTs	Number of majors determined	No of Majors determined within 13 wks	Extension of time agreed (ppas etc) - Majors
Jul-17	82	67	63	4	7	94%	6%	50%	67%	100%	3	2	1
Aug-17	80	63	55	8	8	87%	13%	50%	50%	100%	6	3	3
Sep-17	82	69	62	7	13	90%	10%	50%	0%	0%	0	0	0
Oct-17	100	52	51	1	7	98%	2%	50%	75%	100%	4	3	1
Nov-17	100	63	54	9	7	86%	14%	50%	50%	100%	4	2	2
Dec-17	60	56	46	10	6	82%	18%	50%	66%	100%	6	4	2
Jan-18	88	50	42	8	8	84%	16%	50%	50%	100%	4	2	2
Feb-18	86	39	35	4	4	90%	10%	50%	50%	100%	2	1	1
Mar-18	80	63	52	11	2	83%	17%	50%	50%	100%	2	1	1
Apr-18	83	46	37	9	4	80%	20%	50%	50%	100%	2	1	1
May-18	102	57	47	10	6	82%	18%	50%	33%	100%	3	1	2
Jun-18	73	60	55	5	5	92%	8%	50%	83%	100%	6	5	1
Total	1016	685	599	86	77						42	25	17
Average						87%	13%	50%	57%	100%			

Figure 2: Blackburn With Darwen Performance for the period July 2017 to June 2018

Date	Minor/Other target	% minors/other within 8 weeks	% of minors/other 8 wks & agreed EoTs	Number of minors /other determined	No of minors/other determined within 8 wks	Extension of time agreed (ppas etc) - Minors
Jul-17	80%	70%	100%	64	45	19
Aug-17	80%	61%	100%	57	35	22
Sep-17	80%	65%	92%	69	45	22
Oct-17	80%	63%	98%	48	30	17
Nov-17	80%	68%	100%	59	40	19
Dec-17	80%	84%	100%	50	42	8
Jan-18	80%	70%	92%	46	32	13
Feb-18	80%	81%	100%	37	30	6
Mar-18	80%	74%	88%	61	45	16
Apr-18	80%	79%	98%	44	35	9
May-18	80%	67%	96%	54	36	16
Jun-18	80%	85%	96%	54	46	7
Total				643	461	174
Average	80%	72%	97%		38	15

Figure3: Blackburn With Darwen Performance for the period July 2017 to June 2018

- 3.5 From these figures, it can be seen that 87% of the applications determined over the 12 month period are approved, and 13% refused planning permission. The performance measure for majors and non-majors at 100% and 97% are meeting the targets set by the Government.
- 3.6 Turning to the appeals threshold criteria, no appeals have been submitted relating to major planning applications. However, as the number of major applications received by the LPA is relatively low the Council must be mindful that the 10% target figure is also relatively low so a small number of appeal overturns could have a significant impact on the Council. However, at the current time, the Council meets the performance target for the quality of decisions in relation to major applications.
- 3.7 With regards to non-majors, the latest performance figures for the 2 year rolling period up to the 30th June 2018, show that 40 appeals have been determined against 1,265 applications determined by the LPA. As stated in paragraph 2.7 above, the measure is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal. Out of the 40 appeals determined by the Planning Inspectorate 13 were allowed, which amounts to 1.03% of the total number of applications determined by the LPA during the same period. As such, at the current time, the Council's meets the performance target for the quality of decisions in relation to non-major applications. The Planning Dashboard which is reported to the Planning Cross Party Working Group on a bi-monthly basis, also shows the numbers of appeals received and determined over a 12 month period. Figure 4 below shows the latest figures.

Date	No. of appeals received	No. of appeals decided	No. of appeals allowed	No. of appeals dismissed	% of appeals allowed	% of appeals dismissed
Jul-17	0	2	0	2	0%	100%
Aug-17	1	1	0	1	0%	100%
Sep-17	0	0	0	0	0%	0%
Oct-17	2	1	1	0	100%	0%
Nov-17	2	2	1	1	50%	50%
Dec-17	4	0	0	0	0%	0%
Jan-18	0	1	0	1	0%	100%
Feb-18	2	2	0	2	0%	100%
Mar-18	0	2	1	1	50%	50%
Apr-18	4	0	0	0	0%	0%
May-18	1	2	1	1	50%	50%
Jun-18	0	1	0	1	0%	100%
Total	16	14	4	10		
Average					29%	71%

Figure4: Blackburn With Darwen Performance for the period July 2017 to June 2018

3.9 Whilst the Council is currently meeting the Government's thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy. Therefore, it is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 There are some financial/ resource implications arising from this report should the Council fail to meet its performance targets. In this case there would be the potential for applicants to submit planning applications directly to the Planning Inspectorate with consequent impact on the planning fee income received by the Council.

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

8.1 The report is for information purposes only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

9. CONSULTATIONS

9.1. Planning Cross Party Working Group.

10. RECOMMENDATION

10.1 That the Committee note the content of the report

Contact Officer: Gavin Prescott, Planning Manager
Date: 20th July 2018

Background Papers: Department of Communities and Local Government – Improving Planning Performance. Criteria for designation (revised 2016). November 2016.