

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

29 July 2013

Report of the Acting Strategic Director – Environmental Services

**3 PROPOSED REPORTING OF DEVELOPMENT
MANAGEMENT PERFORMANCE MONITORING TO THE
REGULATORY – PLANNING COMMITTEE**

(1) Purpose of the Report (1) To inform Members about the Planning Services system for monitoring development management performance, which it being developed taking into account the latest Government criteria for judging performance in determining planning applications, (2) to enable the Committee to endorse proposals for regular reporting on performance based upon a draft format.

(2) Information and Analysis

Context

Consistent planning performance monitoring was introduced some 20 years ago to measure the speed of planning decisions against a range of indicators. First there were National Best Value Performance Indicators, which were then replaced by National Indicators. At that time, good performance, as measured against the indicators, was rewarded with financial incentives through the Planning Delivery Grant (PDG), which then became the Housing and Planning Delivery Grant (HPDG). This approach was designed to raise planning performance.

The current Government formally dropped planning performance indicators but continued to require local planning authorities to provide quarterly statistics on the speed of decisions to the Department for Communities and Local Government (DCLG).

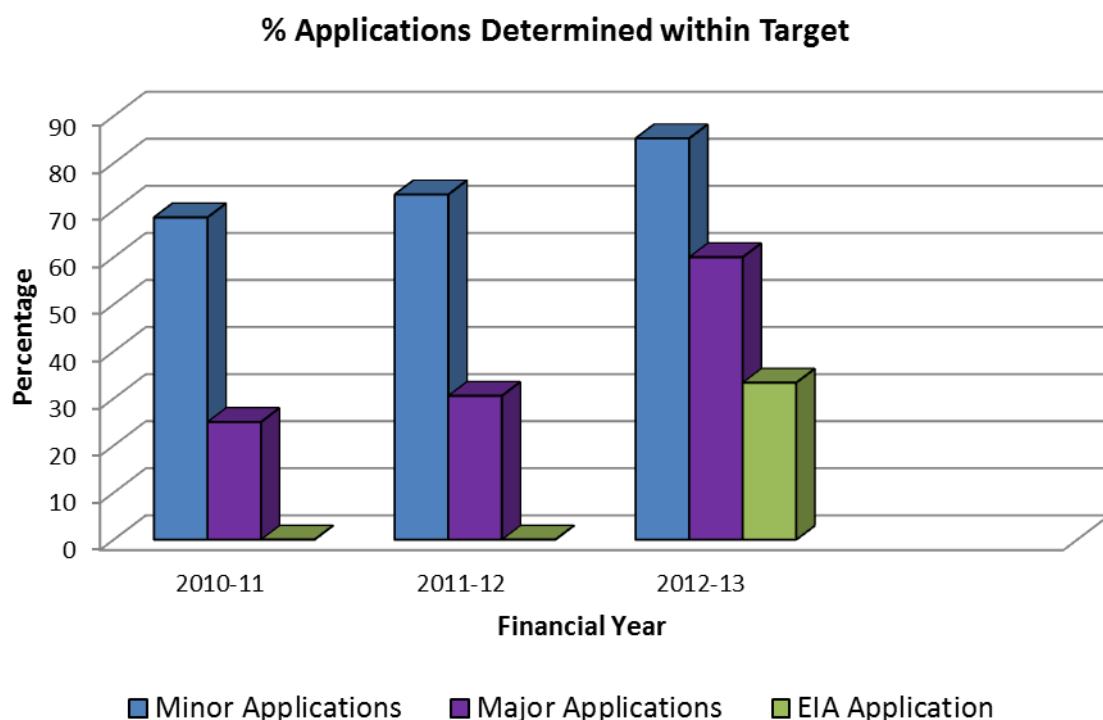
Overview: Derbyshire County Council Performance

There have been significant improvements over the last three years to the speed of applications determined by the County Council. The targets used for this analysis have been drawn from the “PDG era” system which set out the following aspirational targets:

Minor Applications	8 Weeks
Major Applications	13 Weeks
Environmental Impact Assessment (EIA) Applications	16 Weeks

During 2010 and 2011, there was a particular emphasis on improving performance in relation to minor applications which, at the mid-point of 2009, had a recorded level of approximately 17% applications determined on target. Changes to process and systems refined during the improvement of minor application performance were then focussed on major applications from 2012. The mid-point 2009 performance on major applications was 0% on target.

The graph below more clearly demonstrates that during the last three years, determining applications within target has consistently improved for all minor, major and EIA applications.



Future Performance Reporting

The Growth and Infrastructure Act 2013, which became law on 25 April 2013, introduces a set of provisions into the Town and Country Planning Act 1990 that are designed to tackle perceived poor performance of local planning authorities in determining applications. This is connected with a wider Government planning reform agenda, in which the speed of decision making is a dominant theme.

In summary, the new provisions will provide an option for applicants for planning permission to submit their applications to the Planning Inspectorate, on behalf of the Secretary of State (instead of to the Local Planning Authority)

where he has ruled that the performance of the Local Planning Authority in its determination of major applications has been inadequate.

A DCLG consultation document "Planning Performance and Planning Guarantee", December 2012 suggested criteria for the Secretary of State to use under the provisions (then in draft form). It suggested that local planning authorities would be designated as poor performers (so that the option referred to above would apply) for at least a year at a time if they had a record of determining 30% or fewer major applications within 13 weeks or where more than 20% of major applications made to them had been overturned at appeal. These criteria have been carried forward into the DCLG publication "Improving Planning Performance" (June 2013), and have been laid before Parliament for a 40 day period.

Local planning authorities on a 'designation' will have to demonstrate improved performance over the designation year if they are to recover their ability to determine major applications.

Members will note from the graph above that the proportion of major applications determined by the County Council within target has steadily increased from just over 20% in 2010 /11 to just over 60% in 2012 / 13.

It is anticipated that, in order to avoid being designated as 'a poor performer', councils may make increasing use of Planning Performance Agreements (PPAs) to deal with complex applications which would take such applications outside the statistics determining planning applications. The National Planning Policy Framework (NPPF) encourages the use of PPAs. These are agreements between the Authority and the applicant where it is clear, at the pre-application or post application submission stage, that more time will be required to reach a decision. These applications would not be included in the assessment of the time within which an Authority makes its planning decisions.

According to the Government, the assessments of Local Planning Authority decision making under the criteria will address both speed and quality.

Speed The measure to be used is an average percentage of decisions on applications for major development made:

- (a) within the relevant statutory determination period, which is 16 weeks for applications requiring Environmental Impact Assessment, and 13 weeks for other major applications (the Government expects that local planning authorities make decisions within the statutory periods wherever possible), or;
- (b) within any extended period that has been agreed in writing between the applicant and the Local Planning Authority.

Major applications are seen as the most important for driving economic growth. Major applications are defined as those: comprising housing schemes of 10 or more houses (or sites greater than 0.5 hectare or more where the number of dwellings is not yet known); development involving 1,000 square metres or more of new floorspace or a site area of 1 hectare or more; and development involving minerals and waste.

Local Planning Authority performance is proposed to be assessed on the extent to which applications for major development are determined within 13 weeks/16 weeks, averaged over a two year period. This assessment would be made once a year.

Quality of Decisions Assessment of quality is notoriously difficult. However, the planning appeal refusal rate for major development will be used as a proxy measure for good quality. The Government believes that absences of appeal and refusal on appeal provide an indication that planning authorities are making decisions that reflect policies in up-to-date plans and the NPPF.

It is further suggested that measures could be usefully included to examine "Customer satisfaction", both from the perspective on applicants and potentially affected communities.

Providing the Right Information The measuring of time taken to make planning decisions (i.e. decisions taken within the statutory period and the number of major applications decided) relies upon accurate data being available on a regular basis. This information is already supplied by the County Council, albeit in a simpler format, as part of the quarterly returns to DCLG.

Designation Designations would be made once a year and last for at least a year. Designation would automatically follow the publication of the relevant statistics on processing speeds and appeal outcomes for the year. Initial designations are expected to be made in October 2013 which would mean that assessment would be made on the basis of performance from 2011 - 2012 and 2012 - 2013. A designated authority would need to demonstrate a sufficient degree of improvement before the designation is lifted. This is essentially similar to a school being placed in 'special measures'.

Suggested Reporting of Performance Monitoring Good reporting of monitoring data is a key component of understanding and improving performance. Since the announcements last December, of the Government's intentions to deal with poor performance for major applications, a review of Derbyshire County Council's Planning Services performance monitoring has been undertaken. Traditionally, there has been quarterly reporting to the Environmental Services Performance Clinic at Officer level, but it is now envisaged that updating reports will also be presented to Members of the Regulatory - Planning Committee.

On the basis of all of the above it is proposed that the following reports would be presented:

Monthly Reports

These reports would be generated for each month and subsequently reported to the next convenient meeting of the Regulatory - Planning Committee. They would include:

- Numbers of requests / responses for formal pre-application advice.
- Numbers of EIA Screening/Scoping Reports.
- Numbers of new planning applications received.
- Decision making speed for minor, major and EIA applications.
- Effectiveness of Pre-application advice.

Appendix 1 sets out an initial example of a possible style for a monthly report that shows real data for the last financial year.

Quarterly Reports

The contents of these reports would be generated every quarter to coincide with the DCLG returns and would include the data for the monthly reports and the additional following information:

- Validation speed on applications.
- Reasons for invalid applications.
- Average time to determine applications.
- % of applications determined under delegated/ Committee procedures.
- Number of application refused.
- Number of applications withdrawn.
- Applications determined by Committee against officer recommendation.
- Effectiveness of pre-application split by application type.
- Appeals lodged/decided.
- Customer feedback/satisfaction.

These reports would also be reported to the next convenient meeting of the Committee.

Annual Reports

This report would bring together all the quarterly data and analyse the planning performance over a 12 month period, evaluating trends in comparison with other County Councils. The report would also include a detailed assessment of the application received and determined.

Refining Performance Reporting

While this paper sets out a proposed practical approach to performance monitoring and reporting, it should be noted that this focusses on matters of

outputs i.e. measures of how effectively processes operate, rather than *outcomes*; i.e. positive effects of decisions on communities, the economy and the environment.

The importance of planning decisions to delivery of desirable outcomes will be given renewed focus when the new Derby and Derbyshire Joint Minerals and Waste Plans are adopted. On-going monitoring will then be required to gauge the effectiveness of the delivery of the Plans policies/vision and to update their evidence base. This type of monitoring may also provide contextual information for planning application decisions (for example, on the need for and supply of waste management infrastructure capacity in different parts of the County).

(3) **Financial Considerations** None.

(4) **Legal Considerations** I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** The published documents referred to in this report (copies available via Planning Services).

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **endorse** the proposals of the Acting Strategic Director – Environmental Services contained in this report for providing regular informative reports of performance monitoring and associated details to the Committee.

Mike Ashworth
Acting Strategic Director – Environmental Services

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1.0 Pre-application

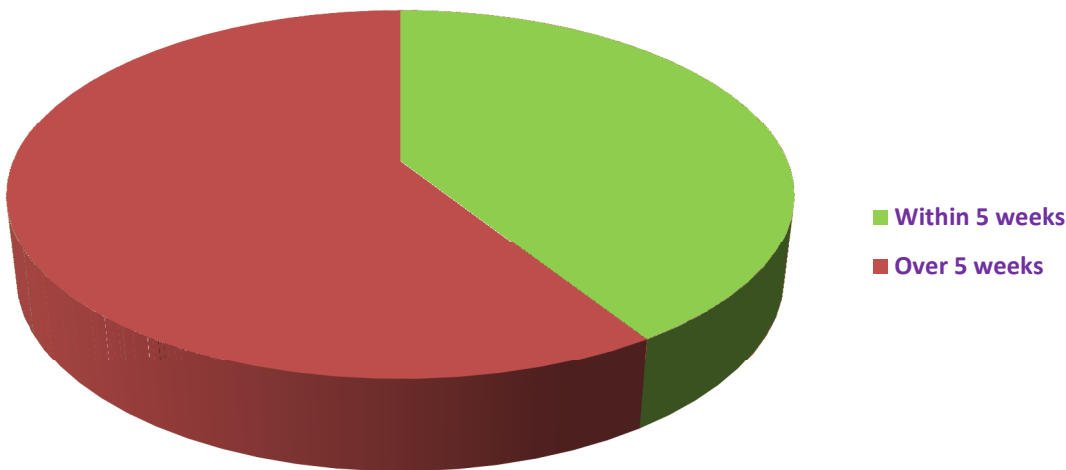
1.1 Total number of pre-application advice requests

■	Number of mineral enquiries received	7
■	Number of waste enquiries received	20
■	Number of county council enquiries received	156
■	Total number received	183

1.2 Percentage of pre-applications requests responded to within 5 weeks

■	Total number of enquiries responded to within 5 weeks	75
■	Total number of enquiries responded to	183
■	Percentage	40.98%

1.2 Percentage of pre-applications requests responded to within 5 weeks



2.0 Planning Applications Received

2.1 (a) Total number of planning applications received by type

▪ Number of minor applications received	104
▪ Number of major applications received	50
▪ Number of EIA applications received	2
▪ Number of ROMP applications received	0
▪ Number of other applications received	15
▪ Total number received	171

2.1 (b) Total workload received

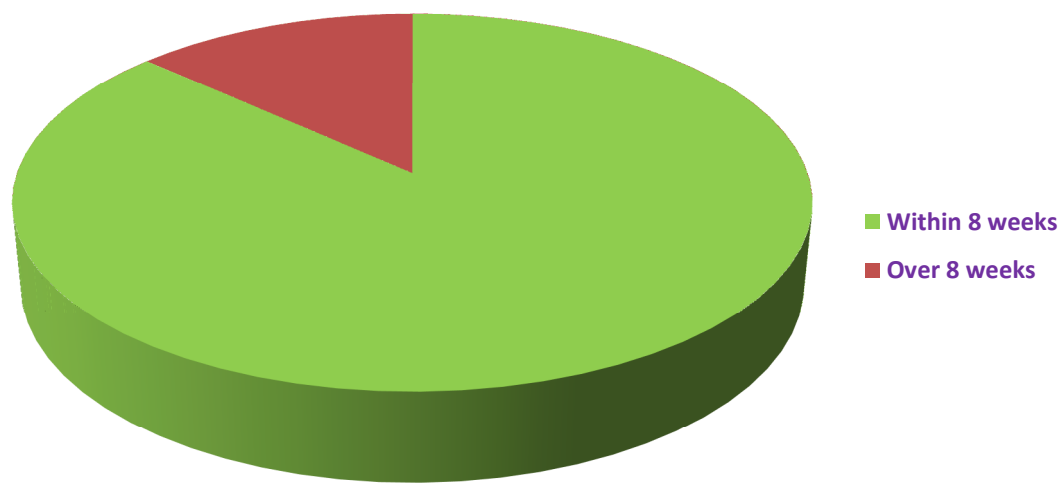
▪ Number of applications received:	171
▪ Number of Screen Opinion requests received:	7
▪ Number of Scoping Opinion requests received:	2
▪ Number of submissions under condition received:	156
▪ Total workload:	336

3.0 Decision making

3.1 Percentage minor applications determined in 8 weeks

- Number of minor planning applications determined in 8 weeks 81
- Total number of minor planning applications determined 95
- Percentage: 85.26%

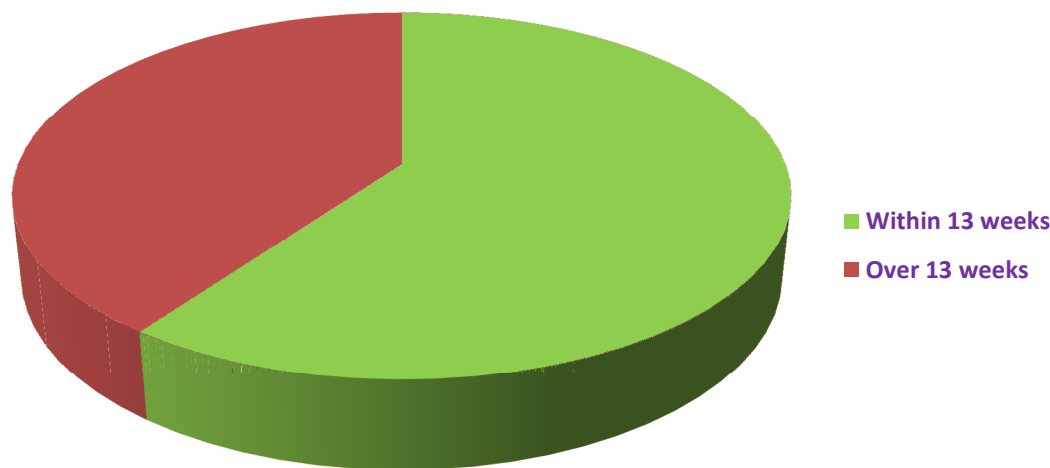
3.1 Percentage of minor applications determined in 8 weeks



3.2 Percentage major applications determined in 13

■	Number of major applications determined in 13 weeks	27
■	Total number of major applications determined	45
■	Percentage:	60.00%

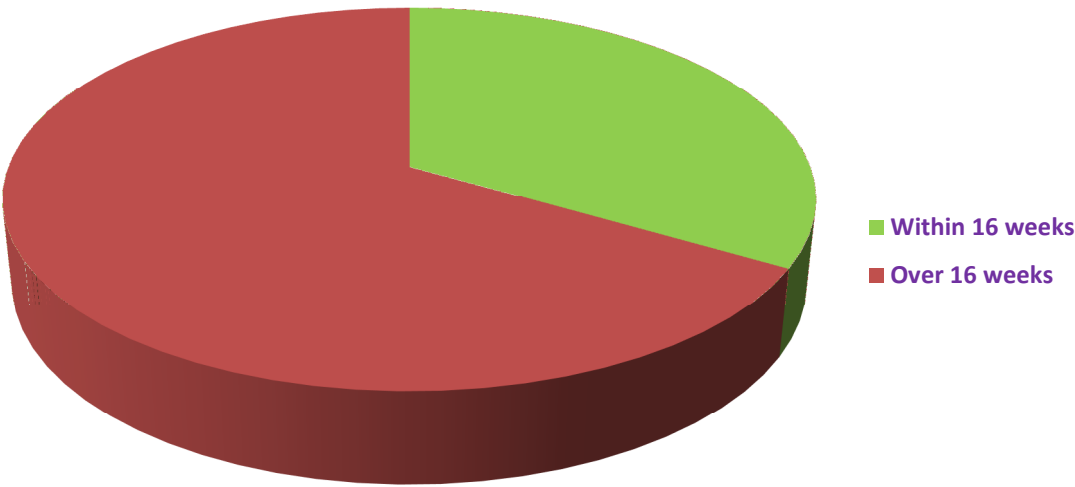
3.2 Percentage of major applications determined in 13 weeks



3.3 Percentage EIA applications determined in 16

▪	Number of EIA applications determined in 16 weeks	1
▪	Total number of EIA applications determined	3
▪	Percentage:	33.33%

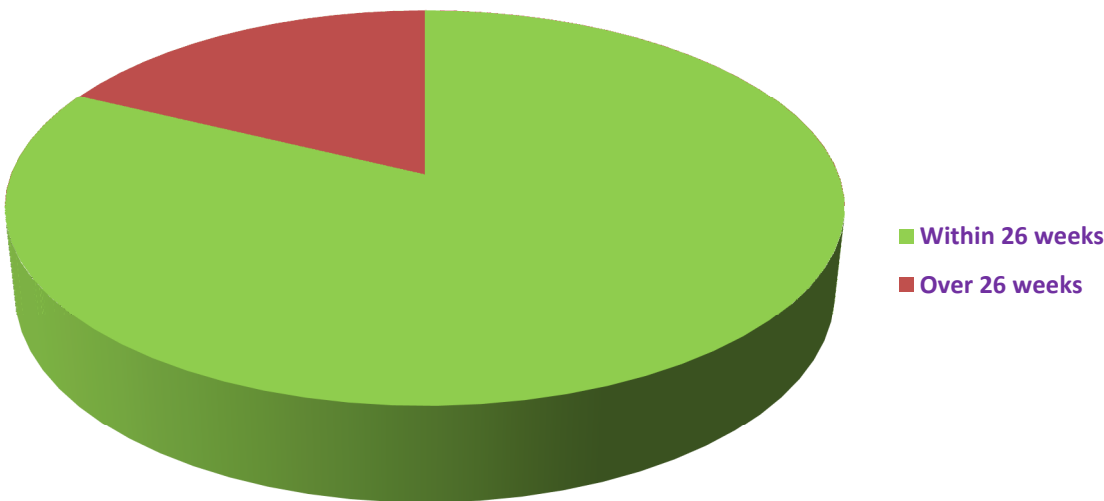
3.3 Percentage of EIA applications determined in 16 weeks



3.4 Percentage major planning applications determined in 26

- Number of major planning applications determined in 26 weeks 37
- Total number of major planning applications determined 45
- Percentage: 82.22%

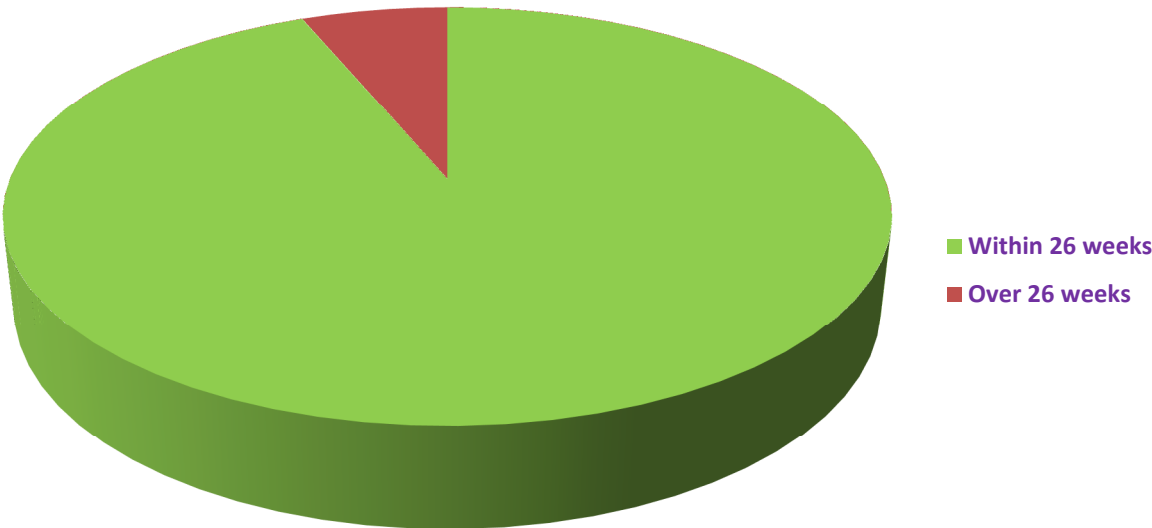
3.4 Percentage of major applications determined in 26 weeks



3.5 Percentage all planning applications determined in 26 weeks

■	Number of planning applications determined in 26 weeks	133
■	Total number of planning applications determined	142
■	Percentage:	93.66%

3.5 Percentage of all planning applications determined in 26 weeks



4.0 Effectiveness of pre-application advice

	Minor		Major		EIA	
	With Pre-app	Without Pre-app	With Pre-app	Without Pre-app	With Pre-app	Without Pre-app
% Invalid when received	16.05%	21.74%	38.46%	29.17%	Null	0.00%
% Approved	86.52%	73.91%	73.08%	71.88%	100%	0.00%
% Determined on target	85.39%	82.61%	42.31%	59.38%	50.00%	0.00%
% Refused	1.12%	0.00%	3.85%	3.13%	0.00%	100%

5.0 Post-application

5.1 Total number of submissions received by type

▪ Number of development schemes received	65
▪ Number of mineral schemes received	52
▪ Number of waste schemes received	40
▪ Number of Reserved Matters submissions received	0
▪ Total number received.	157

5.2 Percentage submissions determined within 8

▪ Number of submissions determined within 8 weeks	35
▪ Number of submissions determined	190
▪ Percentage:	18.42%

5.3 Number of appeals lodged

▪ Number of appeals lodged:	0
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5.4 Number of appeals won

▪ Number of appeals won:	0
▪ Total number of appeals determined:	0
▪ Percentage:	Null