

Briefing Note for Community Overview and Scrutiny Performance Sub Committee

Planning Performance: Future Government changes in measurement.

1) Background

Planning performance is currently measured by the NI 157 a,b, and c indicators (speed of processing planning applications)

The Government is changing the way in which planning performance will be measured:

1. In March 2011, the Government published “The Planning Guarantee” which set a time limit of 26 weeks for planning authorities to decide any application. The First Report against this indicator was published in September 2012 and it placed Waverley joint 20th of 313 authorities.
2. Draft proposals were also published in December for 2 other measures:
 - (i) Speed: continued use of the existing statutory time limits (13 weeks for majors and 8 weeks for all others); (Target of no more than 30% major applications over 13 weeks)
 - (ii) Quality: the appeal success rate for major developments will be used to measure quality (i.e., proportion of all major decisions that are overturned at appeal) (Target of no more than 20% Major developments allowed at appeal).

2) Consequence of Poor Performance

- The consequence of underperformance will be being designated as a “poorly performing authority” The designation could be made on a basis of a failure to meet either targets (i) or (ii) above.
- The designation would be made once a year and those designated would remain in that situation for a year.
- The Growth and Infrastructure Bill gives applicants the option of applying to the Planning Inspectorate (PINS) on major applications thereby ‘cutting out’ the poorly performing authority.
- The legislation would allow the Secretary of State to prescribe which types of development this would apply to but the consultation suggests only majors at this time. (Majors are ten dwellings or more; developments on sites more than 1ha; or 1000sq m or more floorspace).
- For applicants applying to PINS, they would receive pre application advice from PINS or the local planning authority or both.
- The fee for costs of applications will go to PINS.
- Administrative arrangements will still be carried out by the Local Planning Authority (notifications, Site Notices etc) and planning register.

- PINS would decide the most appropriate procedure for determination (e.g Written Representations/Hearing/Inquiry) although the Consultation suggests that Written Representations is most likely with the option of a short hearing if necessary.
- There would be no right of appeal other than Judicial Review.

It is not in the Council's interest to become a "poorly performing" for reasons of:

- i) loss of control and impact on Waverley's Community Leadership role;
- ii) loss of income;
- iii) reputational damage;

To avoid this, a number of measures are proposed to:

- (i) Further improve project management of Major developments to ensure reporting to first available committee meeting, including streamlining the "call in" process; and use of PPAs and time extensions.
- (ii) Improvement of pre application process to allow better opportunity for refinement, amendment and S106 drafting;
- (iii) Improve Member engagement in process at pre app and full application stage but optimise Scheme of Delegation to ensure target meeting.
- (iv) Enhance use of pre committee site visit procedure to avoid deferrals.
- (v) Further officer/member training on pro growth agenda and how best to ensure community benefits are achieved from major schemes

Recommendation:

1. That the 26 week target be adopted as a Local Performance Indicator:

"Processing of all planning applications; % determined in 26 weeks".

Target 100%

2. That, subject to confirmation by Government of the proposed new measures, the following be agreed as LPIs:

Speed: NI157a (majors) be retained. This is a more demanding target than that proposed by Government (75% compared with 70% in 13 weeks). However, it will contribute to meeting the corporate goal of becoming a Leading Authority in performance.

Quality: LPIb That a new target be adopted:

LPIb Major Planning Appeals (allowed) Cumulative year to date: Target No more than 20%.

(Note: Planning Appeals (this is all planning appeals including majors) cumulative be retained).