

TITLE OF REPORT: Performance of Development Management

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise about the performance of the Development Management Service over the past two years in respect of the work at Planning and Development Committee and planning applications considered through delegated powers.
2. To report on the conclusions of the Department for Communities and Local Government annual assessment of Local Planning Authorities in their performance against published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990.

Background

3. The Department for Communities and Local Government publishes quarterly and annual reports of the performance of local Planning Authorities based on the quarterly returns that all Councils report.
4. Section 62B of the 1990 Town and Country Planning Act 1990 allows applicants to submit their applications directly to the Secretary of State for Communities and Local Government if the Local Planning Authority for the area has been designated as poorly performing. This would take the decision-making function away from the Local Planning Authority.
5. The criteria for designation are based on speed of decision and quality of decision making (measured as the number of decisions overturned at appeal) for all planning applications divided into three different categories namely major applications, county matter applications and non-major applications. This sets the minimum performance threshold for Local Planning Authorities for 2019 as:
 - More than 60% of Major or County Matter decisions made in time;
 - Less than 10% of major or County Matter decisions overturned at appeal;
 - More than 70% of non- major decisions made in time;
 - Less than 10% of non- major decisions overturned at appeal;

Performance

6. The table below presents data on the performance of Gateshead Local Planning Authority against the published criteria for assessing under-performance over the past

two years. It provides information on the speed of decisions on applications for major and non-major development, for both district matter and county matter authorities.

Designation criteria over two years ending September 2018

Criteria	Threshold	Gateshead 2017	Gateshead 2018	Gateshead 2019
Speed of Major development (District)	60%	94.8%	94%	98.4% (62 decisions)
Quality of Major Development (District)	10%	0%	0%	0% (2 appeals)
Speed of Major Development (County)	60%	75%	66.7%	75% (4 Decisions)
Quality of Major Development (County)	10%	0%	0%	0% (no appeals)
Speed of Non-major development	70%	87.8% (1677 decisions)	88.9% (1534 decisions)	88.5% (1526 decisions)
Quality of non-major development	10%	0.4% (6/25 appeals)	0.7%	0.7% (11/31 appeals)

Conclusion

7. The Local Planning Authority is performing well and is performing significantly above the threshold for designation.
8. However due to the very low numbers of County Matter and Major applications and subsequently appeals, a very small number of applications either being delayed or lost at appeal would mean that the Local Planning Authority would fail to meet the targets set.

9. Recommendation

It is recommended that the Committee note the report for information.

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Appendix 2 Criteria for Designation

A local planning authority can be designated only if, “the Secretary of State considers that there are respects in which the authority is not adequately performing their function of determining applications”

For this purpose, the performance of local planning authorities is assessed in two ways:

1. the speed with which applications are dealt with; and
2. the extent to which such decisions are overturned at appeal (as an indicator of the quality of the decisions made by local planning authorities).

As the criteria deal with two different aspects of performance for three different types of applications (Major, County Matters and all Other applications) , Local Planning Authorities will be assessed against each aspect independently, and so could be designated on the basis of either aspect or both in each category.

This means that an authority with responsibility for both district and county matters could be designated on the basis of its handling of either category (or both); although the ability for applicants to apply directly to the Secretary of State applies only to the category of applications (district, county or both) for which the authority has been designated. For example if a unitary authority were to be designated solely on the basis of its speed in determining ‘county matter’ applications, the ability to apply directly to the Secretary of State would extend only to applications for major development involving ‘county matters’ in that area during the designation period.

Data showing the performance of local planning authorities against these measures are published by the Department for Communities and Local Government on a quarterly basis. The data are adjusted prior to publication (and prior to decisions about designations being made) to account for any gaps in the data provided to the Department.

The Secretary of State will decide whether any designations should be made in the final quarter of each calendar year. The latest figures were published in July 2019.

CRITERIA

There are two criteria for designation applied to both the major planning applications, to county matters applications and to non-major applications. These are speed of decision making and quality of decision making.

Speed of Decisions

The measure to be used is the percentage of decisions on applications for major development made: (a) within the statutory determination period (such as 13 weeks or 16 weeks depending on the type of application); or

(b) within such extended period as has been agreed in writing between the applicant and the local planning authority. (such as a Planning Performance Agreement or an extension of time agreement which should be in writing, be agreed before the end of the statutory determination period and set out a timescale for the decision.

The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation

The threshold for designation is 60% or fewer of an authority's major decisions and 70% or fewer of the non-major decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

There is a limited exemption from this measure: local planning authorities are not liable for designation if they decided no more than two applications for major development during the two year assessment period as a whole.

Quality of Decisions

The measure to be used is the percentage of decisions on applications for major and non-major development that have been overturned at appeal.

The threshold for designation is 10% or more of an authority's decisions on each category of applications for development made during the assessment period being overturned at appeal.

There is a limited exemption from this measure: local planning authorities will not be liable for designation if they decided ten or fewer applications for major development or 2 or fewer County Matter applications during the two-year assessment period as a whole.