

**Cherwell Council**  
**Planning Committee**

**13 April 2017**

<p><b>Changes to the designation regime for local planning authorities</b></p>
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**Report of Head of Development Management**

This report is public

**Purpose of report**

This report outlines government changes to the designation regime for local planning authorities.

**1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the report.

**2.0 Introduction**

- 2.1 The changes are of direct relevance for Council performance in determining planning applications.

**3.0 Report Details**

- 3.1 Government legislation in 2013<sup>1</sup> enabled the Government to designate local planning authorities as underperforming on the basis of the speed and quality of their planning decisions. Initially, the performance regime only extended to the determination of major applications. The repercussions of being designated as an underperforming authority were the opportunity for applications to be submitted direct to the Planning Inspectorate (thereby bypassing the Council), the loss of income arising from this and the negative reputational harm associated with such a designation.
- 3.2 The speed of major planning decisions was to be measured on the basis of how many were determined within 13 weeks (16 weeks with an Environmental Impact Assessment) or the deadline specified by an agreed extension of time or Planning

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<sup>1</sup> Section 1 of the Growth and Infrastructure Act 2013 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, where the local planning authority has been designated for this purpose. Section 62B requires that the criteria for any such designation, or for revoking a designation, must be set out in a document published by the Secretary of State and laid before Parliament.

Performance Agreement (PPA). The threshold set by the government below which an authority could be designated as underperforming was 30% or fewer major applications determined within the relevant time period (the assessment period being the two years up to and including the most recent quarter for which data on planning application decisions are available).

- 3.3 The quality of major planning decisions was to be assessed on the proportion of major applications subsequently overturned at appeal. The threshold set by the government below which an authority could be designated as underperforming was 20% or more major applications being allowed at appeal (the assessment period being the two years up to and including the most recent quarter for which data on planning application decisions are available).
- 3.4 In 2014, the government increased the minimum performance threshold for speed of determination for major planning decisions to 40% (with no change to the quality of decision threshold). This speed of determination threshold was further increased to 50% in 2015 (with no change to the quality of decision threshold).
- 3.5 On 22<sup>nd</sup> November 2016, the Department for Communities and Local Government (DCLG) wrote to all Chief Planning Officers confirming that Ministers were proposing a change in the criteria in the next designation round (to take place in the first quarter of 2017). This stated that the Government was committed to extending the designation regime to include applications for non-major development<sup>2</sup>. The new criteria came into force on 19<sup>th</sup> January 2017, and the new criteria document (attached at appendix 1) sets out the following updated targets:
- For speed of decisions on applications for major development;- less than 50% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant (unchanged from the current threshold). However, this threshold will rise to 60% in 2018.
  - For speed of decisions on applications for non-major development;- less than 65% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. This threshold will rise to 70% in 2018.
  - For quality of decisions, the Government will not assess local authorities' performance on the quality of their decisions for either major or non-major applications in 2017, but in the 2018 designation round, a threshold will be set at no more than 10% of an authority's total number of decisions being made during the assessment period being overturned at appeal (a decrease from the previous 20% set for major applications).
- 3.6 For designation decisions in the first calendar quarter of 2017 (January to March 2017), the two year assessment period for speed of decisions will be between October 2014 and September 2016. For quality of decisions, the two year assessment period would have been (if in force for 2017) from April 2014 to March 2016, with an additional 9 months allowed up until December 2016 (to allow appeals to pass through the system).

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<sup>2</sup> Section 153 of the Housing and Planning Act 2016 amended sections 62A and 62B of the Town and Country Planning Act 1990 to enable non-major development to be included in the designation regime. Non-major development is defined as any development which is not major development as defined by regulation 3 of the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013.

3.7 Officers have assessed the Council's performance against the above targets and can confirm the following:-

- The Council's speed of performance for the determination of major applications in the 2017 designation round<sup>3</sup> is 91%. The Council has therefore met the government target of 50%.
- The Council's speed of performance for the determination of non-major applications in the 2017 designation round is 85%. The Council has therefore met the government target of 65%.
- Although there will be no designations based on quality of decisions in 2017, the Council's current quality of decision performance for major applications based on the relevant assessment period<sup>4</sup> is 0.5% of applications being allowed at appeal. The corresponding performance for non-major applications is 0.6%. The Council has therefore met what will be the 2018 government target of 10% for both major and non-major applications (the previous 2016 target for majors was 20%).
- The Council's current speed of performance for the determination of major applications in the 2018 designation round<sup>5</sup> is 90% The Council is therefore exceeding the 2018 government target of 60%.
- The Council's current speed of performance for the determination of non-major applications in the 2018 designation round is 92% The Council is therefore exceeding the 2018 government target of 70%.
- The Council's current quality of decision performance for major applications based on the 2018 assessment period<sup>6</sup> is 0% of applications being allowed at appeal. The corresponding performance for non-major applications is 0.67%. The Council is therefore currently exceeding the 2018 government target of 10% for both major and non-major applications.

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 Given the difficulties encountered by Development Management over the last 3 years (some staff recruitment/retention issues, high volume of applications, and government changes to the planning system), the Council's performance has been exceptional in meeting all new government targets.
- 4.2 Provided the Service maintains a full complement of staff through the retention of existing officers and being able to attract new ones when vacancies arise, then going forward the risk of designation is considered negligible. However, should new issues arise in respect of staff retention and recruitment, the Council could be placed at increased risk of designation as an underperforming authority in respect of speed of determination for applications.

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<sup>3</sup> October 2014 to September 2016

<sup>4</sup> April 2014 until December 2016 (2 years and 9 months)

<sup>5</sup> October 2015 to September 2017

<sup>6</sup> April 2015 until December 2017 (2 years and 9 months)

## **5.0 Consultation**

5.1 N/A

## **6.0 Alternative Options and Reasons for Rejection**

6.1 N/A

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 None.

Comments checked by:

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### **Legal Implications**

7.2 None.

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## **8.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Corporate priorities of protecting the district, growing the district and serving residents & business.

### **Lead Councillor**

Councillor Colin Clarke (Lead Member for Planning)

## Document Information

Appendix No	Title
1	Improving Planning Performance: Criteria for designation (revised 2016), Department for Communities and Local Government (DCLG)
<b>Background Papers</b>	
None.	
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