

Report to Planning Committee 5 December 2024

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<b>Report Summary</b>	
<b>Report Title</b>	Development Management Performance Report
<b>Purpose of Report</b>	This report relates to the performance of the Planning Development Business Unit over the three-month period July to September 2024 (Quarter 2).
<b>Recommendations</b>	For noting.

## **1.0 Background**

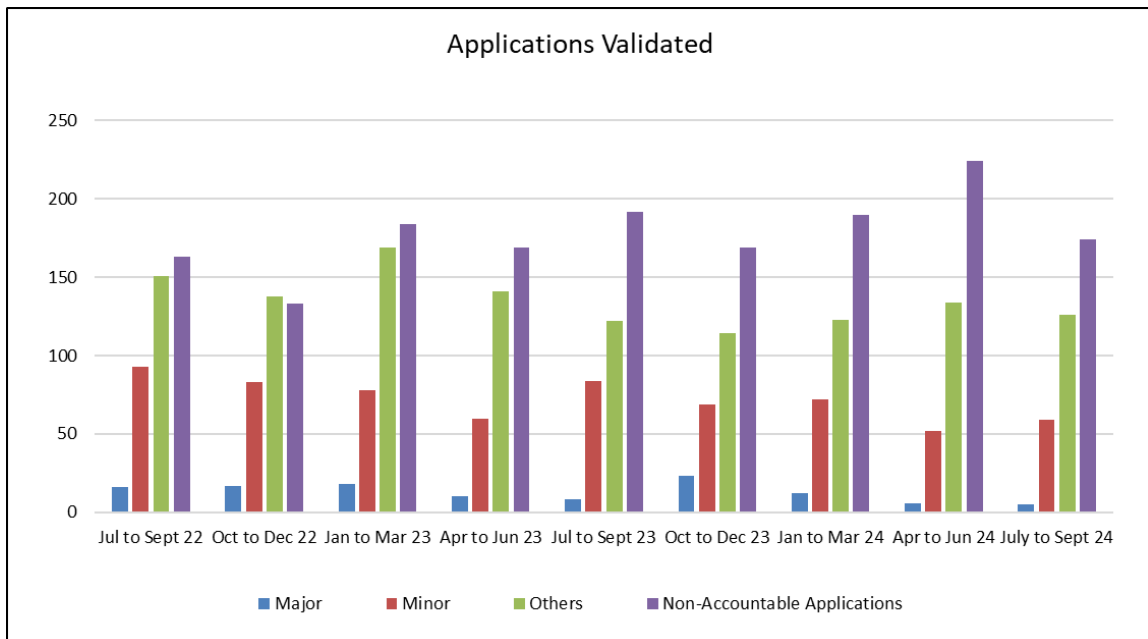
1.1 The Planning Department undertakes a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.

## **2.0 Performance**

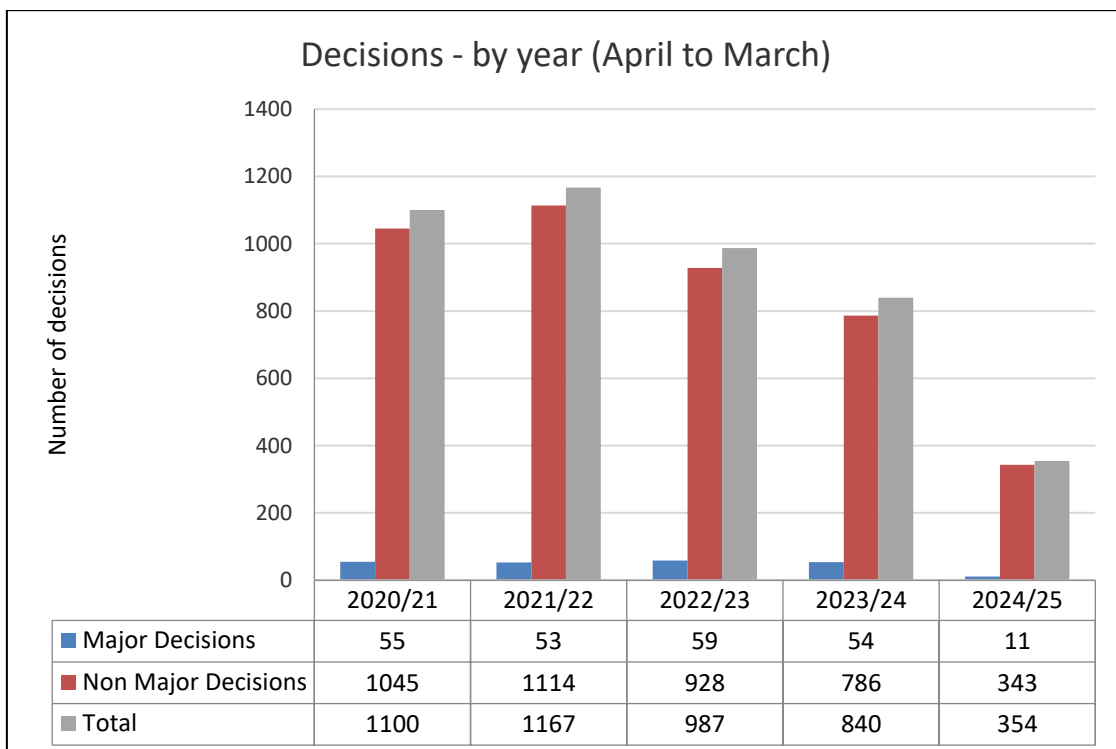
2.1 The table and graph below shows the number of applications that have been received as valid each quarter from July 2022 up until September 2024. They are presented in line with the Council's reporting to Government.

Category	Jul to Sept 22	Oct to Dec 22	Jan to Mar 23	Apr to Jun 23	Jul to Sept 23	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24
Major	16	17	18	10	8	23	12	6	5
Minor	93	83	78	60	84	69	72	52	59
Others	514	466	529	485	494	471	526	538	519
<b>Total</b>	<b>623</b>	<b>566</b>	<b>625</b>	<b>555</b>	<b>586</b>	<b>563</b>	<b>610</b>	<b>596</b>	<b>583</b>

2.2 In the final quarter of 2023/24, a total of 610 applications were validated. This compares to 596 in the first quarter of this year and 583 in the second quarter. In the 2<sup>nd</sup> quarter of last year, the corresponding figure was 586. These numbers are broadly consistent and not radically divergent. Major applications however continue to be low.



2.3 Potential factors for the reduction in majors could relate to the impact of Biodiversity Net Gain requirements. There has also been a change in government and a raft of policy announcements. However, there are signs of major development picking up again. Combining potential planning reform next year and likely fee increases, there is reason to be optimistic about planning income over the next 6-12 months.



- 2.4 Government monitor planning authorities on their speed of making decisions in relation to major and non-major applications. Planning performance is considered annually based on a defined previous 24-month assessment period and separately measures the speed and quality of decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal.
- 2.5 For authorities who under-perform against their national target, they will be classed as ‘poorly performing’ and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.
- 2.6 Performance at NSDC remains positive, with majors determined beyond the national threshold in both quarter 1 and quarter 2. Minors and all others also surpass the national target.

Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks				
2024/25	100%	86%		
2023/24	100%	93%	85%	92%
Minors – target 65% in 8 weeks				
2024/25	95%	87%		
2023/24	94%	89%	92%	97%
Others – target 80% in 8 weeks				
2024/25	95%	97%		
2023/24	94%	96%	86%	92%

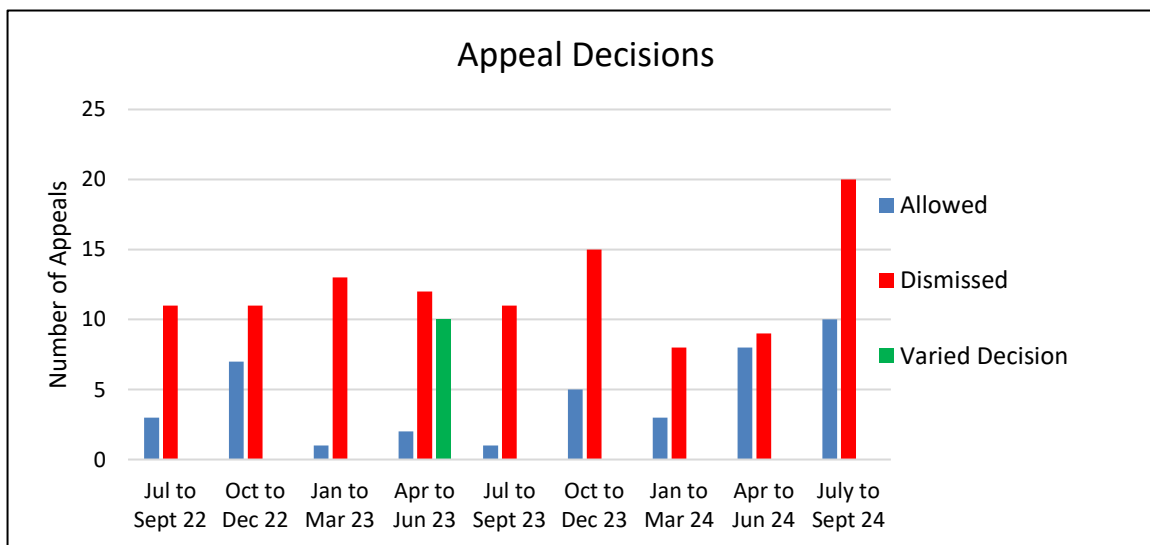
- 2.7 This performance should also be understood in the context of staffing changes. This is discussed in more detail further down the report.
- 2.8 Members will recall that there is further nuance to these figures in the context of government data and exclusion of extensions of time. Extension of time agreements are not uncommon. They allow applicants further time (beyond the statutory limit) to submit additional information, and the same goes for authorities in deciding a planning application. With an extension of time in place, an appeal for non-determination cannot be lodged. In December 2023, Michael Gove, announced the Government’s plans to limit Council’s use of extension of time agreements to prevent Local Planning Authorities using them to obscure underperformance. The use of extension of time agreements has significantly increased in recent years. For the reporting period of 2 years leading up to the end of quarter 2, we have determined 104 major applications, 46 of which have been

within 13 weeks (a performance of 44%). This is slightly up from the last report (39%) and shows some improvement. The overall percentage agreed within statutory timescales and agreed extensions of time is 91.3%, well above the requirement.

2.9 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement. The table and graph below highlight the number of appeals and whether or not they were allowed or dismissed. In general, appeals are determined on the same basis as the original application. The decision will be made taking into account national and local policies, and the broader circumstances in place at the time of the decision.

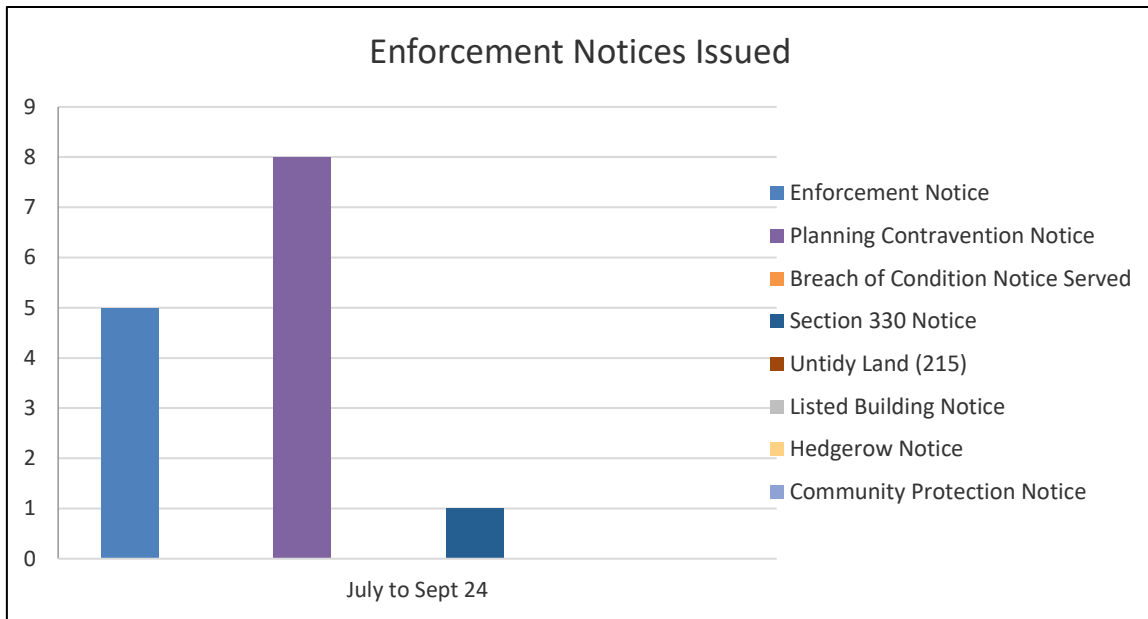
2.10 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions.

Appeal Decision	Jul to Sept 23	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24
Allowed	1	5	3	8	10
Dismissed	11	15	8	9	20
LPA success rate	92%	75%	73%	53%	67%

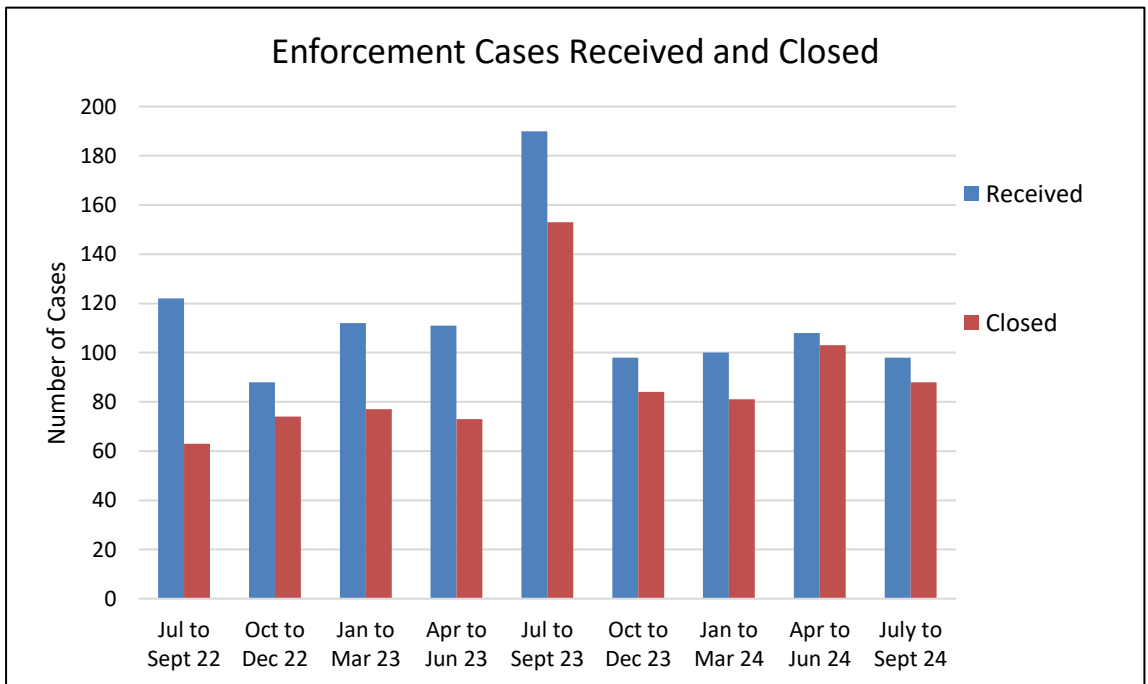


2.11 Quarter 1 saw a drop-in success rate which was an outlier. This improved in Q2. To give a regional comparison, over a 24-month period until June 2023, Newark and Sherwood saw 76 appeals decided, with 19 allowed (a win rate of 75% for the Council). This was third best in Nottinghamshire.

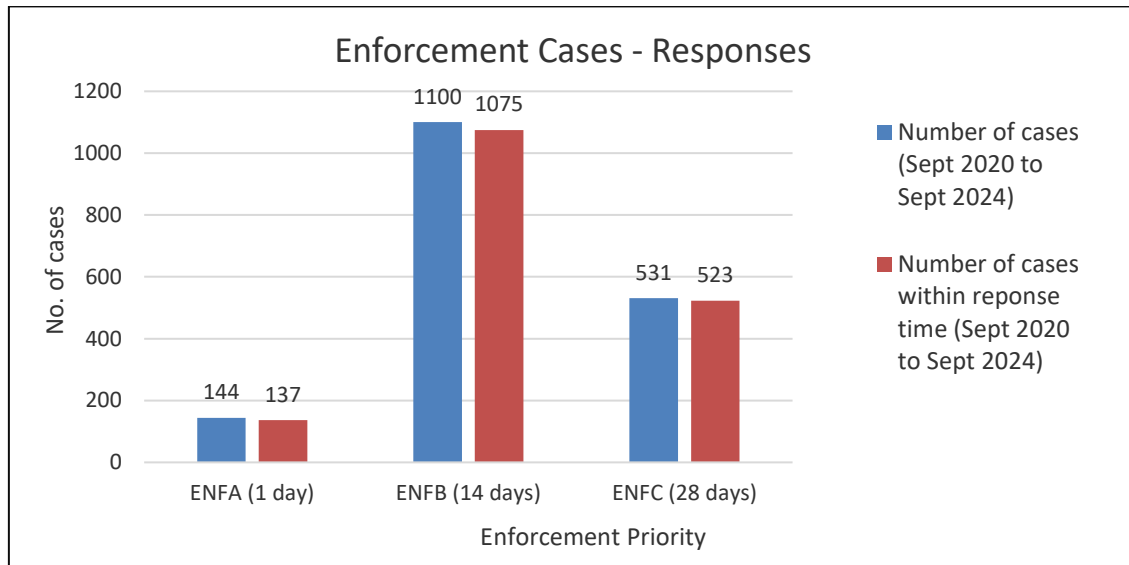
2.12 During the second quarter of this year, Enforcement have served 14 Notices. 18 were served in the previous quarter. 59 Notices were served during 2023/24. The last Committee report (November 11<sup>th</sup>) included some examples of recent enforcement activity and the active work of the Team.



2.13 The graph below shows the relationship between cases raised and cases closed.



2.14 The speed of investigation is defined by the enforcement protocol. The graph below correlates the categories with their response times.



2.15 Since the last report, there has been considerable change in the Planning Team. Three incredibly experienced staff have been appointed to the Planning Inspectorate, whilst four others have taken up or been offered positions in either the private sector or other LPAs. The Business Manager has also changed. Proactive recruitment has enabled us to fill some of those posts but not all. We currently have one vacant senior planner post, and one planner for example. We are currently looking to recruit a replacement conservation specialist as well. Two agency planning specialists have been appointed to assist with current workloads. We have recruited a new ecologist (this is a new supplementary role rather than replacement).

2.16 We put on record our sincere thanks to all outgoing staff, and warmly welcome new starters. The next 12 months are likely to be challenging with recruitment needs set against a backdrop of planning reform.

### **3.0 Implications**

3.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **4.0 Conclusions**

4.1 Performance has continued to be met and exceeded, despite challenges within and without the organisation.