

Subject: 6 Monthly Development Management Performance Report

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1.0 Introduction and recommendation

1.1 The report sets out the 6-month performance of the Development Management team.

1.2 It is recommended that the Committee agree the revised frequency of such reports, as set out at paragraph 7.2 below (i.e. every 6 months in December and June, covering the periods April to September and October to March).

2.0 Background

2.1 Statistics are reported each quarter to the Ministry of Housing, Communities and Local Government (MHCLG). These are known as the 'PS1 and PS2' returns.

2.2 PS1 largely concerns itself with overall application numbers received, those determined (including whether delegated or by Committee/Panel), prior notifications and prior approvals, and enforcement action taken (see below). PS2 concerns itself with the speed of decision making, including how many are determined within statutory targets or mutually agreed periods (e.g. by way of a Planning Performance Agreement (PPA)). The PS2 data looks at planning applications only (i.e. majors, minors and others, as described in the guidance found earlier in this agenda).

2.3 Government update annually the 'Improving Planning Performance - Criteria for Designation' which sets two separate and independent measures against which the performance of local planning authorities (LPAs) are assessed:

- the speed with which applications for development are dealt with; and
- the extent to which major decisions are overturned at appeal (as an indicator of the quality of the decisions made by LPAs).

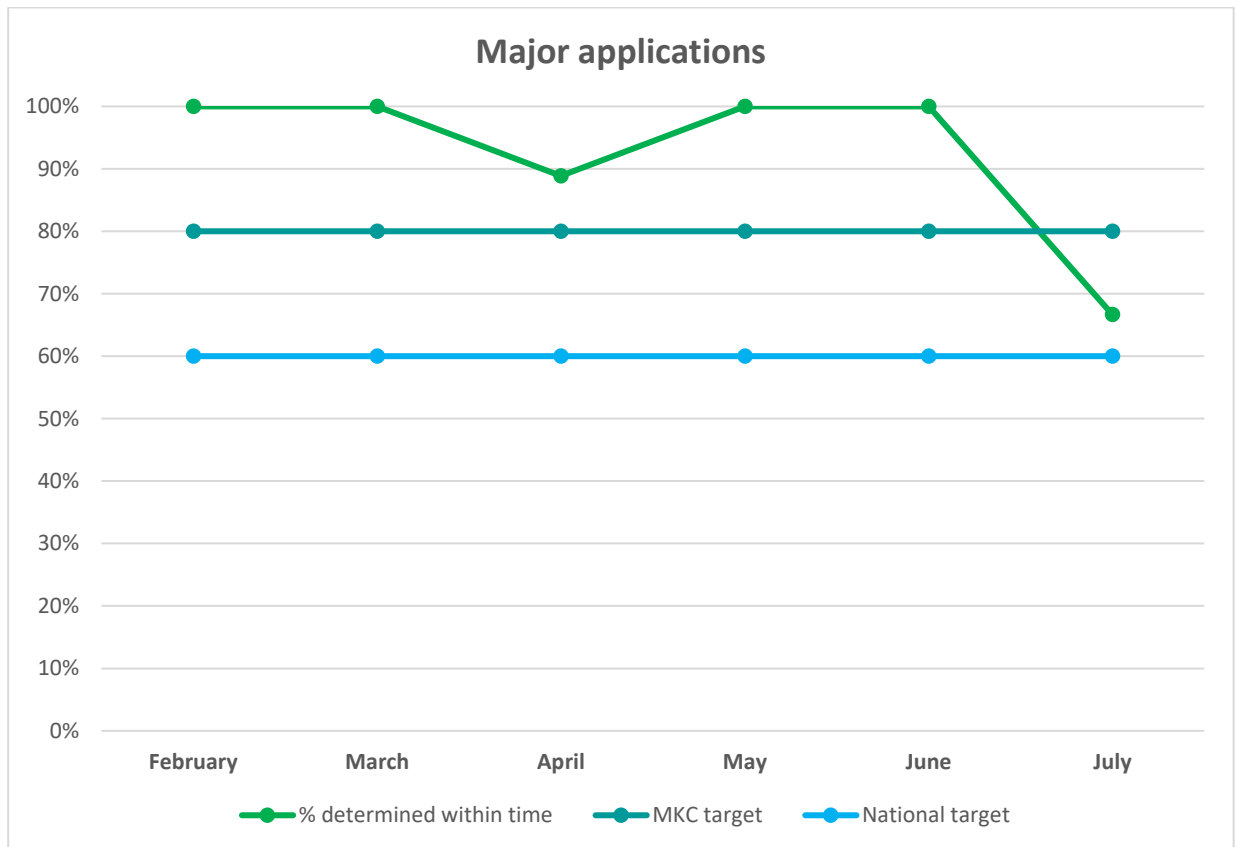
2.4 The threshold for the speed measure is presently for 60% of a LPA's decisions on major applications to be made within the statutory or agreed period, and 70% for non-major applications, both measured over a two-year period. For the quality measure, this is 10% or more of a LPA's decisions on applications being overturned at appeal over a two-year period.

2.5 Corporate Performance Indicators (CPIs) present different thresholds. For major, minor and other applications, 80% are to be determined within the statutory or agreed period (each measured separately). Other forms of application, including prior notifications and prior approvals, certificates of lawfulness and other applications not counted in the MHCLG returns also carry an 80% performance threshold.

3.0 Applications

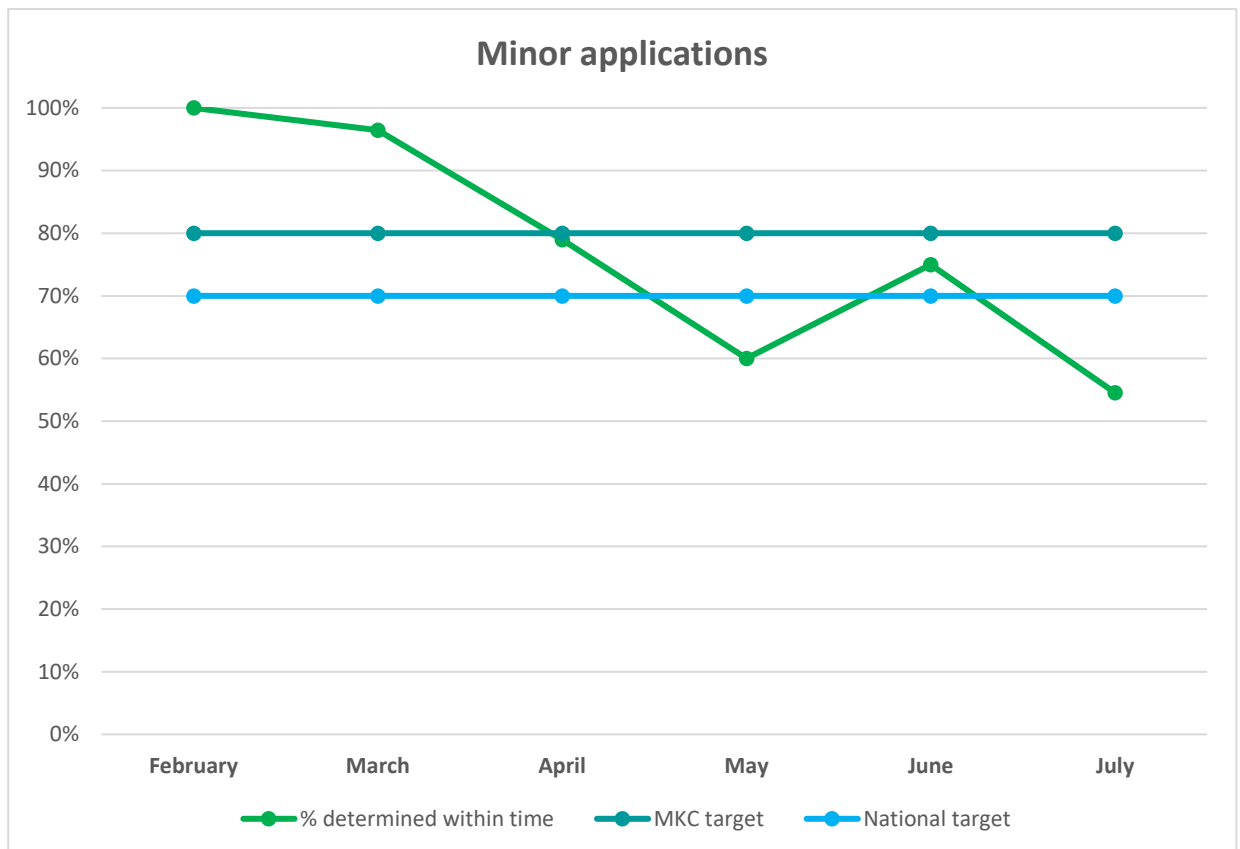
3.1 The data for applications runs from 1st February 2021 to 31st July 2021. Applications received in December 2020 onwards will have fallen to be determined within the reporting period, and several vacancies arose within the team around this time, and into 2021. During this period the number of applications received have continued to increase, following an upturn towards the end of 2020. Year on year, the number of applications received in 2020/21 was 7% higher than the previous year, and so far this year this trend indicates a further 4% increase on top of 2020/21 figures (although this projection is based on only 4-5 months of data so far). To illustrate the significance of the rise, in the first 20 weeks of 2020/21 1,071 applications were received. The same period in 2021/22 saw 1,412 applications received – a 32% increase in numbers.

3.2 Performance on major, minor and other applications over the last 6 months:



Majors	2021					
	Feb	Mar	Apr	May	Jun	Jul
% determined within statutory or agreed targets	100%	100%	88.9%	100%	100%	66.7%
MKC target	80%	80%	80%	80%	80%	80%
National target	60%	60%	60%	60%	60%	60%

- 3.3 36 major applications have been determined across the last 6 months and, in the majority, these decisions were made in time. The exception is for July. When examining the data for this month, just 3 decisions were issued, one of which was determined out of time having the effect of reducing the performance by a third. This is not considered to represent a downward trend.
- 3.4 Across the period of 6 months, this results in **92.6%** of major decisions being issued within time, comfortably exceeding both MKC and national targets. This is despite 2½ of a total of 4½ principal officer posts remaining vacant since the start of the year.

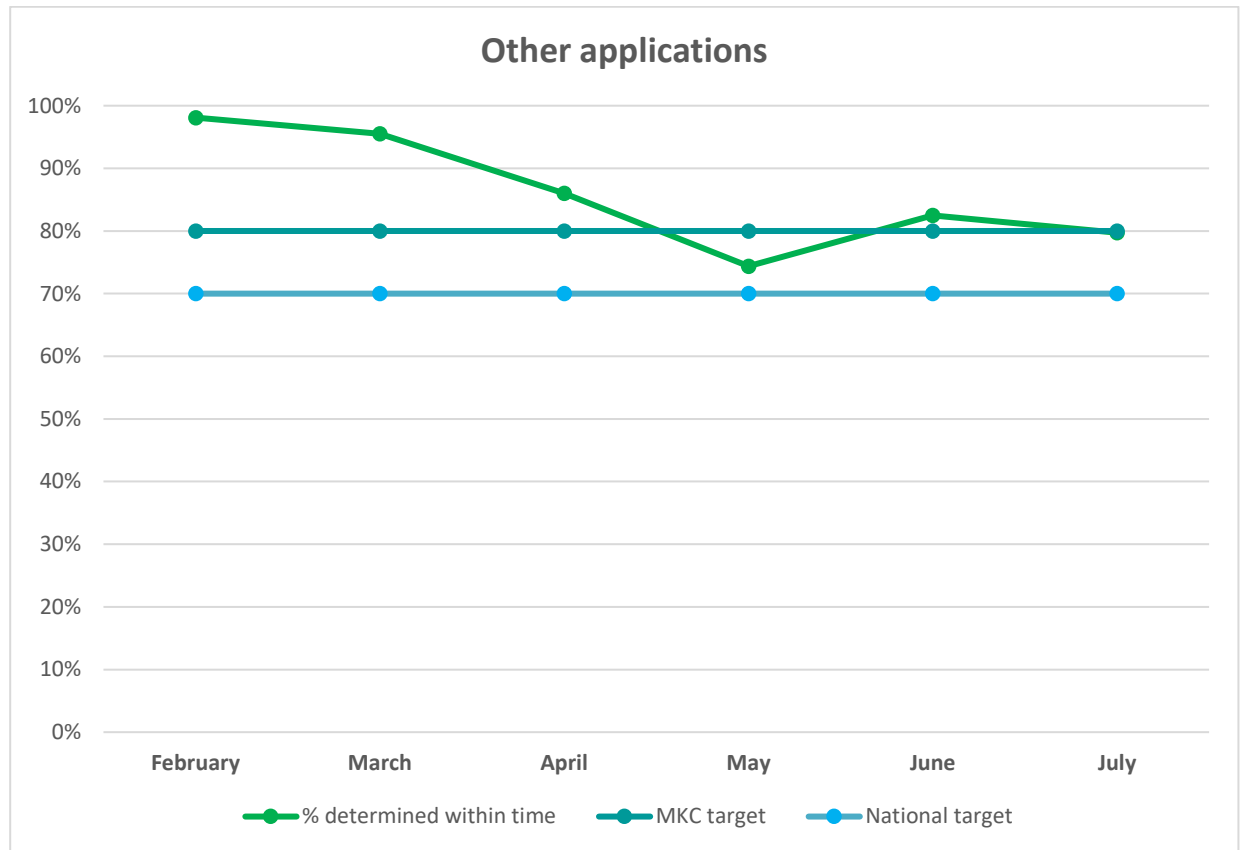


Minors	2021					
	Feb	Mar	Apr	May	Jun	Jul
% determined within statutory or agreed targets	100%	96.4%	79.0%	60.0%	75.0%	54.5%
MKC target	80%	80%	80%	80%	80%	80%
National target	70%	70%	70%	70%	70%	70%

- 3.5 107 minor applications have been determined across the last 6 months. Since Easter, the delivery of timely decisions has been affected by a reduction in planning and senior planning officer capacity, as well as limited principal officer capacity to facilitate the checking of recommendations and subsequent issuing of decisions under delegated powers. Whilst there

is a very competitive market and it has proven challenging to fill these vacancies, proactive steps are being taken to add resource at all levels and arrest this trend.

3.6 Across the period of 6 months, this results in **77.5%** of minor decisions being issued within time, exceeding national targets but falling just under MKC targets. Over a longer timeframe of 12 months, performance rises to 88.7%, exceeding both targets.

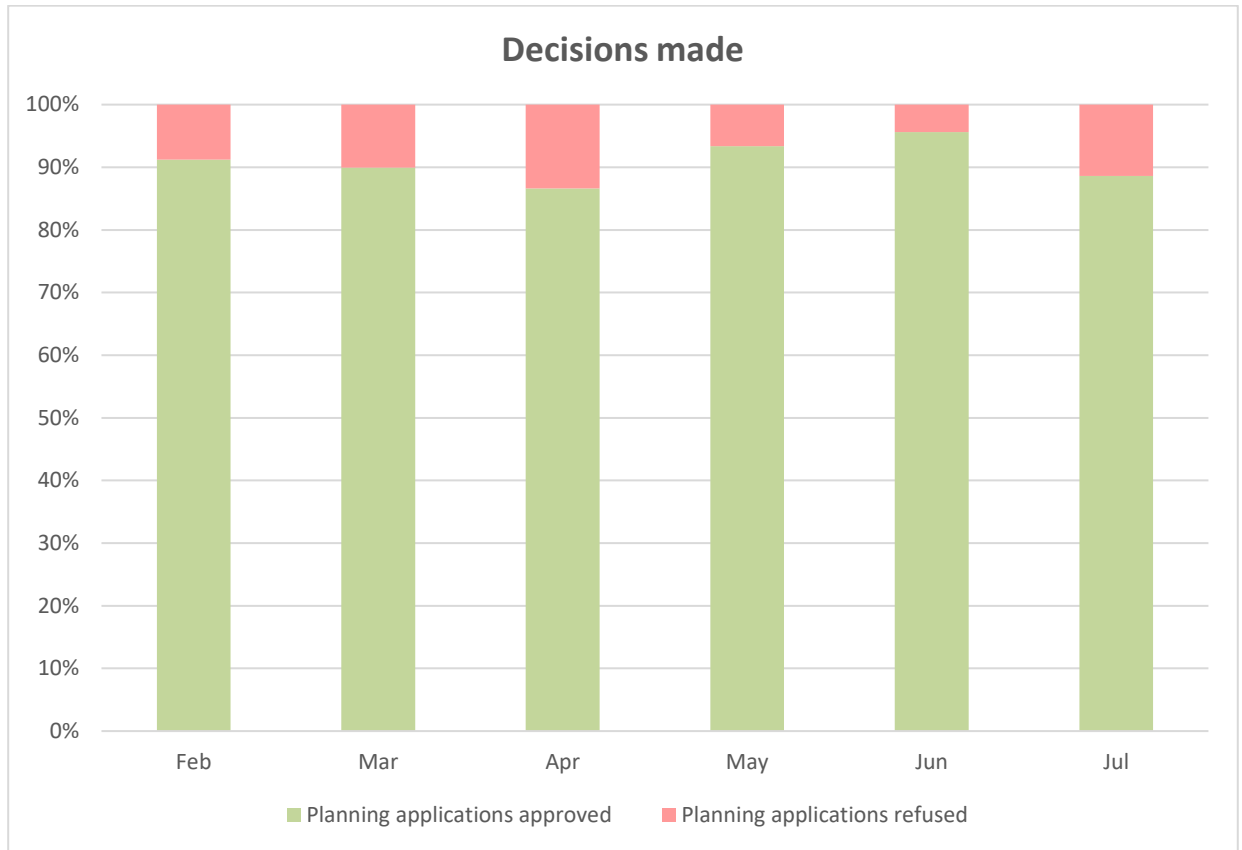


Others	2021					
	Feb	Mar	Apr	May	Jun	Jul
% determined within statutory or agreed targets	98.1%	95.5%	86%	74.4%	82.5%	79.7%
MKC target	80%	80%	80%	80%	80%	80%
National target	70%	70%	70%	70%	70%	70%

3.7 609 other applications have been determined across the last 6 months and, in the majority, these decisions were made in time. A similar fall in performance is apparent in May and July, where similar capacity issues at the planning officer level and limited principal officer capacity affected the ability to handle high numbers of applications received. Again, whilst representing a gradual downward trend in the short term, steps are being taken to add resource at all levels.

3.8 Across the period of 6 months, this results in **86.0%** of other decisions being issued within time, exceeding both MKC and national targets. Over a longer timeframe of 12 months, performance rises to 92.6%, far exceeding both targets.

3.9 Decisions approved and refused over the last 6 months:



	2021					
	Feb	Mar	Apr	May	Jun	Jul
Planning applications approved	114	116	110	127	131	78
Planning applications refused	11	13	17	9	6	10
Total	125	129	127	136	137	88

3.10 The above data demonstrates that 91% of planning applications have been approved over the last 6 months, up from 89% for the same period in 2020. This partly reflects the proactive use of agreed extensions of time to resolve objections, where pragmatic to do so, instead of refusing permission and handling a revised submission or dealing with an appeal. Furthermore, the benefits of seeking pre-application advice, supported by Planning Performance Agreements (PPAs) is also reflected in these figures with overall numbers of refusals relatively low.

3.11 66 refusals were issued in the last 6 months. Whilst not directly arising from decisions made in the same period, given most refusals carry a 28 day or 6-month period in which to lodge an

appeal (depending on the application type), 31 planning appeals have been received in this time. This indicates that refusals are generally being issued on sound reasons, with a good proportion of refusals resulting in revised submissions or no further attempts to secure permission.

4.0 Appeals

4.1 As reported to the Committee in April 2021, the overall number of planning appeals received by the Council in 2020/21 represented just 1.8% of all applications determined in the same period, demonstrating that decision making is generally robust and based on well considered reports and evidence.

4.2 In the first 4 months of 2021/22, a total of 7 appeals were decided:

	Dismissed	Split	Allowed	Withdrawn	Total
Delegated	1	0	2	0	3
DCC (following officer recommendation)	0	1	0	0	1
DCP (following officer recommendation)	0	0	0	0	0
DCC (contrary to officer recommendation)	1	0	1	0	2
DCP (contrary to officer recommendation)	0	0	1	0	1
Appeal against non-determination	0	0	0	0	0
Total	2	1	4	0	7
	29%	14%	57%	0%	100%

4.3 Whilst this total alone would indicate a reduction in the number of appeals being made, 37 appeals are under consideration by the Planning Inspectorate. Casework associated with appeals therefore remains high at the present time, with it likely that last year's total of 50 appeals will be exceeded. 7 outstanding appeals relate to decisions made by the Committee or Panel.

4.4 Of the appeals decided, one received a split decision (partly allowed, partly dismissed). For the purposes of performance, split decisions are treated as 'dismissed'. This would adjust the percentage of appeals dismissed to 43%, against 57% allowed. This is still well above the English average of circa. 25-30% of appeals being allowed. However, it is difficult to project annual performance at this time on such a small sample, with it noted that in the first three months of 2021, just one appeal was allowed out of 11 decided. Thus, in the calendar year this would represent 28% of appeals being allowed – aligning with the English average.

4.5 One allowed appeal relates to an enforcement notice whilst another relates to a Lawful Development Certificate. These are both excluded when it comes to MHCLG performance

measures, as they do not relate to planning applications. Of those remaining, 40% have been overturned at appeal so far this year. As a proportion of all decision making and accounting for the fact that last year relatively few decisions on planning applications proceeded to appeal, the Council sits well below the 10% threshold for designation.

4.6 It is also noted that of the 3 decisions listed which were made by the Panel or Committee, two were allowed and the remaining one is only recorded as 'dismissed' as it was turned away by the Inspectorate for being lodged late.

5.0 Enforcement

5.1 Since 1st February 2021, the Enforcement Team have received 361 reports of breaches of planning control, served a total of 6 notices and closed 412 cases. The average time taken to reach a conclusion on a case has slightly reduced from 122 days to 109 days on average. This is despite the Enforcement Team Leader having left post at the end of May, with a new post-holder yet to begin with the authority.

5.2 Additional support has been put in place in the form of an experienced consultant resource and, as of September, a new Senior Enforcement Officer post coming into effect.

6.0 Planning improvement work

6.1 An update on the work of the Planning Improvement Board (PIB), which was formed in January 2020, was reported to DCC on 3rd September 2020. This included the Terms of Reference for the PIB and an Interim Improvement Plan (IIP), which had been prepared by the Planning Service to provide a focus for delivering projects aimed at improving the service. The IIP is based around the following four objectives:

1. Development and maintenance of robust and effective processes;
2. Retention of workforce capacity and developed capability;
3. Reliable IT systems that respond effectively to customer demand; and
4. To be recognised by stakeholders and customers as a professional and high performing service that responds effectively to feedback.

6.2 A report on the first year of the IIP was subsequently considered by Audit Committee on 6th July 2021 (Annex A). It set out the objectives of the IIP alongside a summary of key actions by the PIB. This has included documenting Development Management processes through a 'Planning Handbook' for officers. In addition, a separate 'sign-off' guide provides instructions for officers issuing planning decisions. These aim to provide a toolkit for professional planning officers within the service and enable established processes to be followed in a clear and consistent manner.

6.3 Alongside the review of these processes and procedures, the PIB has overseen a restructure of the Planning Service, development of a new Enforcement Plan and implementation of a Local Validation List, as well as monitoring performance information.

6.4 In response, the minutes of the meeting set out that Audit Committee:

- Notes the background, scope and progress made on the IIP projects during its first year, overseen by the PIB;
- Supports the continuing evolution of the IIP for the Planning Service under the direction of the PIB and the actions it has prioritised;
- Recognises a need to better articulate the work of the PIB to Councillors and the Public. It is a critical part in improving the planning service and it is essential that changes are transparent and open to scrutiny; and
- Requests the report be sent to DCC for their consideration.

6.5 As outlined above, a copy of the Audit Committee report is appended at Annex A for DCC's consideration. Members are asked to note the progress of the PIB in directing the delivery of the IIP and the actions it has prioritised. Progress with relevant actions will be reported to meetings of DCC and included within future performance reports. This will enable the ongoing work of the PIB to be available and considered by Councillors, members of the public and other stakeholders.

7.0 Frequency of future reports

7.1 It is noted that performance reports are generally presented to DCC every 6 months and report on a period covering February to July inclusive, and August to January inclusive. MHCLG performance and designation indicators are respectively based on quarterly (i.e. April to June, July to September, etc.) and 6-monthly periods commencing in April and October. MKC performance is also reported quarterly.

7.2 In continuing to report performance to the Committee on the existing frequency, it is difficult to properly assess the Council's performance relative to national thresholds and neighbouring authorities. It is therefore proposed that future reports cover the April to September, and October to March periods, with reports usually presented to the December and June meetings (accounting for time required in April and October to collate and report data, as well as lead times for reports to the Committee).