

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

22 October 2007

Report of the Director of Planning, Transportation and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 PLANNING DELIVERY GRANT, HOUSING AND PLANNING DELIVERY GRANT AND DEVELOPMENT CONTROL PERFORMANCE

Summary

To advise Members of the last settlement under the Planning Delivery Grant (PDG) regime and the way that such funds have been committed to improve performance and service to the public. To advise also on the position with regard to the emerging Housing and Planning Delivery Grant and to up-date members on Development Control applications and appeals performance for 2006/7 and 2007/8.

1.1 Planning Delivery Grant award 2007/8

- 1.1.1 As Members will be aware performance of the planning service has been specifically assessed in recent years and grants awarded to Local Planning Authorities to reflect performance and improvement in various aspects of planning activity.
- 1.1.2 The award of Planning Delivery Grant to the Council in previous years has assisted in sustaining and improving various aspects of the development control service and helped us to advance our Local Development Framework. It has reduced the call on the base budget for these services and has also been deployed on various corporate projects that have a planning dimension.
- 1.1.3 The award for the current financial year is £353,243 which reflects a favourable award in comparison with other district councils in Kent and is made against the background of a reduction in the yearly total fund made available by Government for the last year of the Planning Delivery Grant regime.
- 1.1.4 The amount of the award this year is reflects a good level of performance in the various areas of planning activity. This has been possible primarily because previous years' Planning Delivery Grant funds have been invested in:

- Staff resources in the Development Control Service to enhance the throughput of planning applications,
 - Upgrading and supporting ICT in planning generally and
 - Covering the cost of the production and Examination of the Local Development Framework, including the Inspector's costs and the use of specialist consultants.
- 1.1.5 The investment in staff has been particularly helpful in sustaining performance. This has been achieved both through temporary contract officers and by the forward funding of new permanent posts agreed by the Council, so as to ensure that we have the resources to deal with Development Control work which gets ever more complex and time consuming. This is an approach that I propose that we should continue in the use of the recent funding award.
- 1.1.6 In addition the major investment in the End-to-End planning system has brought improved efficiency in the administration of the process that has assisted in maintaining performance.
- 1.1.7 The other major project use of the PDG over the past few years, has allowed the funding in whole or in part of:
- The Housing and Market Needs Assessment
 - PPG 17 Open space and leisure provision studies
 - Local Play Strategy
 - Rural Housing Needs Studies
 - Gypsy and Traveller study
 - Travelling Showmen study
 - Customer Relationship Management related works and software
- 1.1.8 For forthcoming years it is intended that the funds will continue to support staffing levels in Development Control but will allow the full costs of the new permanent posts to have no effect on the Medium Term Financial Strategy until 2011/2012. I have worked towards this strategy in consultation with the Director of Finance and her staff in the context of the overall budgetary position that the Council is likely to face in the coming years.
- 1.1.9 There are still a number of areas of enhancement of our ICT capacity in planning that will be addressed in 2007/8 by PDG based expenditure as the various new software enhancements/developments become available. I am also in the process of commissioning a major project to digitise the majority of our planning records which will assist with the efficiency of the service.

1.2 Housing and Planning Delivery Grant (H&PDG)

1.2.1 Last year I reported that the Government intended to replace PDG with H&PDG. Little has been heard until a recent DCLG announcement on improving housing delivery. The Statement commented: *"We will introduce additional funding and incentives for councils and communities who are showing a lead in delivering growth - through a new Housing and Planning Delivery Grant, a new £300m Community Infrastructure Fund, and additional funding dedicated for high growth areas."*

1.2.2 In September this year the Government indicated that the overall value of the Grant was to set at £500m. At the moment it is not clear when the grant system will commence (although it is envisaged as likely to start in 2008/9) nor what criteria for payment will be applied.

1.2.3 The intention of the Grant is explained by the Secretary of State thus:

"This money is about extra support for the councils which are already doing their bit. Some of them are doing a lot of work to support additional housing, but we know that others really need to do more. I want this new cash injection to push local authorities to raise their game."

Councils will be required to identify at least 5 years' worth of sites ready for housing and a further 10 years' worth for future development. A lack of suitable development land is often cited as the reason for blockage in the delivery of new homes. Yvette Cooper has made clear that, while many councils are ahead of the rest in delivering more good quality homes quickly, some are failing to be proactive enough in identifying the homes their communities need.

The Minister will propose that HPDG will be awarded to those councils which:

- *deliver against their housing plans to meet local needs and meet agreed 'development timetables' to speed up new housing. The timetables will commit councils to set out clear and ambitious plans on the number and type of homes needed in a local area, including family homes; and*
- *identify banks of deliverable land suitable for new homes."*

1.2.4 It seems likely that the Grant will be paid on a measure such as housing completions (over a period). Based on the way that PDG was operated, I would think it likely also that more money will be available to those authorities with housing growth needs (such as T&M). In the past PDG was abated if the authority preformed poorly in appeals – it could be that such an arrangement would also apply with HPDG with abatement, perhaps, arising if our development Control performance figures slid backwards. It is to be expected that there will be a formal consultation on H&PDG in due course.

1.3 Development Control Performance

1.3.1 The volume of planning applications received continues to be sustained in this financial year. Year on year the processes and considerations that govern development control and must be taken into account become ever more complex. However it also the case that the Government continues to set great store on speed of performance in determining planning applications and rewarding this performance with PDG up until 2007/8. The proposed H&PDG, trailed above, does not, at this stage, appear to be providing any funding support based on applications determination performance beyond 2007/8. Nevertheless it is to be expected that such performance will still be scrutinised by Government and in any event a prompt and efficient handling of planning applications is a service that the Council should be striving to sustain. Indeed we expect that DCLG will require further refinement of the performance monitoring under BVPI 109, by:

- further disaggregating BVPI 109a into those cases that are “large-scale and small-scale” major developments;
- measuring performance in more time bands, not just 8,13 and 16 weeks
- introducing a measure for gypsy and traveller application decisions.

1.3.2 Our performance is primarily tested against targets set by the DCLG and the following table shows our performance over the last five years.

Appn. type	DCLG target	TMBC 2002/03	TMBC 2003/04	TMBC 2004/05	TMBC 2005/06	TMBC 2006/7	TMBC 2007/8 (first half)
Major BVPI 109a	60% (Within 13 weeks)	54.70%	63.95%	60.29%	65.15%	67.12%	66.67%
Minor BVPI 109b	65% (Within 8 weeks)	45.54%	64.05%	69.72%	65.33%	70.90%	80.21%
Other BVPI 109c	80% (Within 8 weeks)	67.57%	81.23%	84.23%	81.98%	85.67%	90.21%

- 1.3.3 The Council made a very significant improvement in overall development control performance between 02/03 and 03/04 in order to respond to the Government targets and a need in any event to improve aspects of the service.
- 1.3.4 Since 03/04 we have generally maintained our performance on planning applications and carefully monitored throughput and issues such as workload distribution in order to continue to meet best value performance indicators. However, towards the end of last year we became aware that our performance had slipped in comparison with other district planning authorities and particularly those in Kent. This is not an acceptable situation for an excellent authority and consequently some immediate management action has been taken to alter a few aspects of the system. Happily this has brought improvements in the first three-quarters of the current year which I hope will be sustained through to the end-year position.
- 1.3.5 Against this background I am satisfied that the overall level of service quality in development control is good. Other aspects of the service including enforcement, planning advice, consultation and the general soundness of approach are robust. Nevertheless the development control process, as far as the determination of planning applications is concerned, will need to be continuously examined and business processes reviewed and transformed if we are to make continuing performance improvements in the next few years. We have set ourselves some challenging targets that have been approved by members that if achieved would place us in the second quartile for all application categories base on last years performance outturn for all local authorities. This will be a priority for the service managers who will of course need to work closely with members bearing in mind the very strong and well established links that exist on planning matters.
- 1.3.6 Since we last reported in February this year we have been investigating with colleagues in Kent the various steps that have taken to improve performance. It is clear that the number and type of initiatives is as varied as the number of Local Planning Authorities involved.
- 1.3.7 We are considering carefully what we have learnt from these investigations but approaches that we have uncovered include:
- Abandoning the principle of negotiating *during the life of an application*. While pre-submission discussions take place the authority that adopts this approach takes a very firm against negotiation and either seeks a withdrawal or refuses permission, without recourse to time consuming negotiations and subsequent re-consultation. We have been assured that after initial resistance this approach is improving the quality of submissions. This is an interesting approach and not one that I would endorse. However, it does draw attention to the business process aspects of development control which is an area where I believe we can make some further changes in due course.

- Another approach is that most authorities now carry-out limited consultation on matters submitted pursuant to planning conditions. The general view we have found is that this has not been harmful to the planning process and it has enabled these authorities to redirect some resource to those areas of work where improved performance is measured by BVPI 109. As some Members may recall the Council made some changes to its consultation procedures following the Best Value Review.
- Several authorities have introduced or are about to introduced charging for pre-submission negotiations. A key objective of this process is to generate income to cover the service offered but we have also observed that a consequential impact is that far fewer speculative enquires are received and the presentation of work in progress that is carried-out by developers is far more focussed and meetings reputedly therefore more productive. In the main charging practice by other authorities is confined to commercially based development.
- Many authorities have adopted an approach of continuous change to their back-office systems of administration. I am pleased to say that we have been operating in this mode for many years. We are constantly reassessing back office systems and are currently refocusing staff resources to meet new imperatives as the Uniform system software continues to develop.

I intend to do some more research and analysis on each of these areas and will report back to members.

1.4 Appeals

1.4.1 The performance in the outcome of planning appeals for the period from April 2006 to the first week in February 2007 is compared to previous, full years, in the table below.

Year	Appeals allowed	Appeals dismissed
2004/5 full year	28.57%	71.43%
2005/6 full year	33.33%	66.67%
2006/7 full year	32.07%	67.92%
2007/8 (first half)	36.00%	64%

1.4.2 The outcome of planning appeals is dependent on many and mixed factors and although it is currently a Best Value Performance Indicator it is difficult to draw too many conclusions from these figures. More detailed analysis of the background figures does not reveal any obvious areas where further attention is required.

1.5 Legal Implications

- 1.5.1 In both the determination of planning and allied applications and the conduct of appeals it necessary to ensure that the whole process is conducted in a lawful and legally reasonable fashion in accordance with legislation, regulations, national planning guidance and policy.

1.6 Financial and Value for Money Consideration

- 1.6.1 The latest full year's performance figures have affected the final settlement of PDG for 2007/8 As explained above the final PDG settlement will provide funding for continued support to base budget to fund staff resources, that have been provided from previous PDG settlements, and have been used to achieve the performance improvements over the last few years.

1.7 Risk Assessment

- 1.7.1 A failure to maintain and improve performance in these areas would lead to risk to the credibility of the planning service as a whole which would reflect badly on the Council. Poor performance in applications processing could lead to an increased number of non-determination appeals. Any weakness in the conduct of appeals could lead to increased risk of costs being awarded against the Council.

1.8 Conclusions

- 1.8.1 Bearing in mind the continuing focus on the speed of decision making, not least as expressed in the expected BVPI 109 changes derived from the Barker Report initiatives, it is clear that the pressure for improved performance will continue into the future.
- 1.8.2 We will need to continue in our approach of seeking change in processes to improve speed of performance. It is clear that there is a need to act decisively to further revise our approach if we are to make further substantial improvements and avoid difficulties with inspection and audits in the future. Similarly I am highly conscious of the need to proceed sensitively in the high profile area of development control. I therefore intend to review the value and benefit of each action that we take in relation to the processing of applications and ensure expeditious procedures are in place while not damaging the quality of the final decision or the overall integrity of the process, and reflecting on the experience of other authorities.

1.9 Recommendations

- 1.9.1 Members note the initiatives described and a further report be made once further investigation has been undertaken.

The DPT&L confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning, Transport and Leisure