



# Northumberland County Council

Communities and Place Overview and Scrutiny Committee

Wednesday, 29 November 2023

## Planning Services Performance Report

**Report of Councillor(s)** Councillor Horncastle,

**Responsible Officer(s):** Simon Neilson, Executive Director - Place and Regeneration

### 1. Link to Key Priorities of the Corporate Plan

- **Achieving Value for Money** – The Council aims for continuous improvement and innovation in all its services to residents. This is underpinned by a clear understanding of the direction of travel for service performance and assurance.
- **Tackling Inequalities** – Everything the Council does across its services can make a positive impact on tackling inequalities therefore it is important to track performance and understand which key performance measure relate to tackling inequalities outcomes.
- **Driving Economic Growth** – The Land Use Planning function of the County Council plays a key role in facilitating jobs, investment, housing and infrastructure to deliver sustainable economic growth.

### 2. Purpose of report

This report provides an overview of the performance monitoring and assurance arrangements currently in place for the Local Planning Authority (LPA) function of the Council.

### 3. Recommendations

- i. Consider the contents of the report,
- ii. Suggest other information or analysis to be included in the next iteration of the report.

### 4. Forward plan date and reason for urgency if applicable

This report was requested by OSC at its last meeting

## 5. Background

Local Planning Authorities (LPA) in England deal with very large volumes of important and sometimes controversial decisions. A total of approximately 400,000 applications are submitted to LPAs per annum in England. The County Council is the top 50 of all LPA's for application numbers, typically dealing with 4,000-6,000 applications PA. In the last three years it has been in the top 15 of LPAs for the number of major applications.



Perceived delays and “barriers” to growth (especially for volume house building applications) have meant that planning functions have been under intense scrutiny for many years by successive central governments. Conversely, all LPAs receive significant numbers of complaints from affected communities that insufficient controls or constraints are being placed upon new development.

This has meant that government has put in place a performance regime focussed on quick delivery. Service complaints relate to more generic customer service matters, and others (the greater number) stem from the fundamental roles of the LPA in decision making. This is a particular issue in front line planning functions, especially those interfacing with planning applications or the enforcement of alleged breaches of planning control.

There is ultimately an unavoidable bias towards binary decision making in LPA functions. This logically results in the unavoidable situation where one of (at least) two interested parties may be potentially dissatisfied with *any* eventual decision. Given that several parties may have significant emotional or financial interests vested in a decision, complaints or appeals are generally not made on a casual basis. This also means that a disproportionate number of planning service complaints progress through all stages of internal process before being lodged with the Local Government Ombudsman.

As a single tier authority, the County Council handles all types of LPA planning application permissible under the English Planning system. The breadth of application types adds to the complexity of service delivery. For context, the standard types of planning application are listed at Appendix 1.

The combination of these issues have resulted in a dense and complex landscape of performance management. The statutory and non-statutory LPA functions of the County Council are subject to a large number of measures and assurances. These exceed other more “typical” functions of Local Authorities

The performance monitoring and management regime can be broadly broken down into the following headings;

- Central Government quarterly performance statistics, focussing primarily on speed
- Central Government annual performance statistics, focussing primarily on quality, compliance and delivery related matters (with an emphasis on housing)
- Local Key Performance indicators, which mirror the above and incorporate stretch targets
- Local Outcome measures, which focus on contextual and output indicators.
- Local Complaint monitoring and Complaints made to the Local Government Ombudsman

Given the priority of Planning Performance to a range of Government agendas, there also exists a linked “Special Measures” regime. This allows Government to remove powers or supersede local decision making by the LPA if core indicators are not met.

This is no idle threat from government. At the time of writing, 10 LPAs were a risk of being placed in Special Measures purely for speed, including Calderdale, Portsmouth City and Guildford. Other LPAs have faced interventions on quality or housing delivery measures.

The following sections give an overview of the key monitoring measures and current performance.

## **Overview of Performance**

### **1. Overall Approach to decision-making**

In terms of *overall* decision making, complaints about NCC being either too pro- or anti-developer must be seen in context. There are more than 400 LPAs in England. An analysis of CLG data suggests that LPA grant between 54% and 99% of planning applications made to them.

***Analysis of NCC decisions reveals that for the last 4 years, the approval rate was 90.6% for all applications determined. This compares closely with a national overall average of 88% applications approved.***

### **Commentary**

While this grain of analysis does not reflect a range of wider and local factors (including speed or quality of decision), it is possible to state that NCC does not, at least superficially, apparently have an unreasonable bias towards favouring developers or objectors in its planning decisions.

This higher-than-average approval rate is however by necessity a compromise. The Planning Team attempts to facilitate good quality development in the County by working with applicants to amend and improve schemes, and to address the concerns of the public or consultees. Some of the fastest performing LPAs have a low rate of approval and see therefore a corresponding lower level of development schemes being delivered on the ground or a higher appeal loss rate.

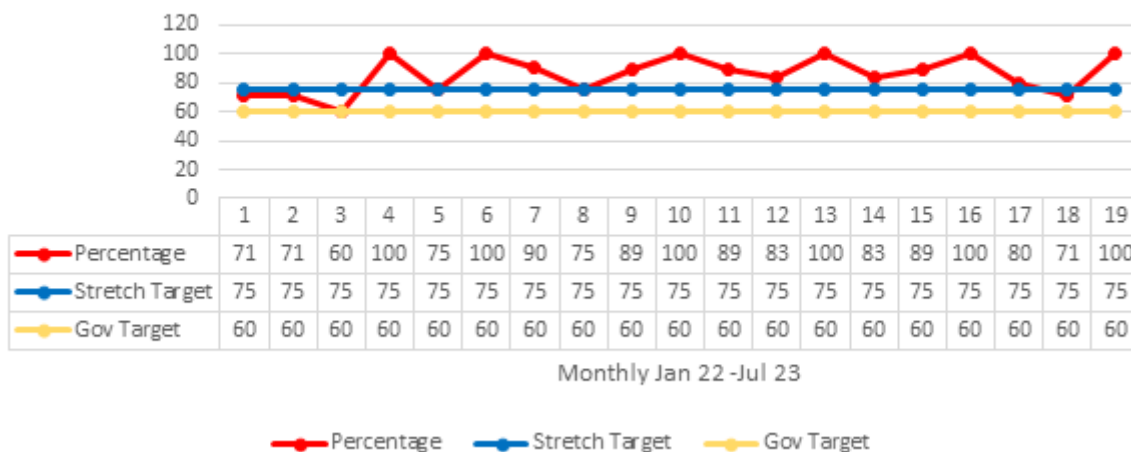
## **2. Headline Speed/Key Designation Metrics**

The Council reports to Central Government on a quarterly basis the number of planning applications made, and permissions decided. Applications are categorised into Major, Minor and All Other Developments. Once a planning application has been validated, the local planning authority aims to make a decision on the proposal as quickly as possible, within the statutory target unless a longer period is agreed in writing with the applicant.

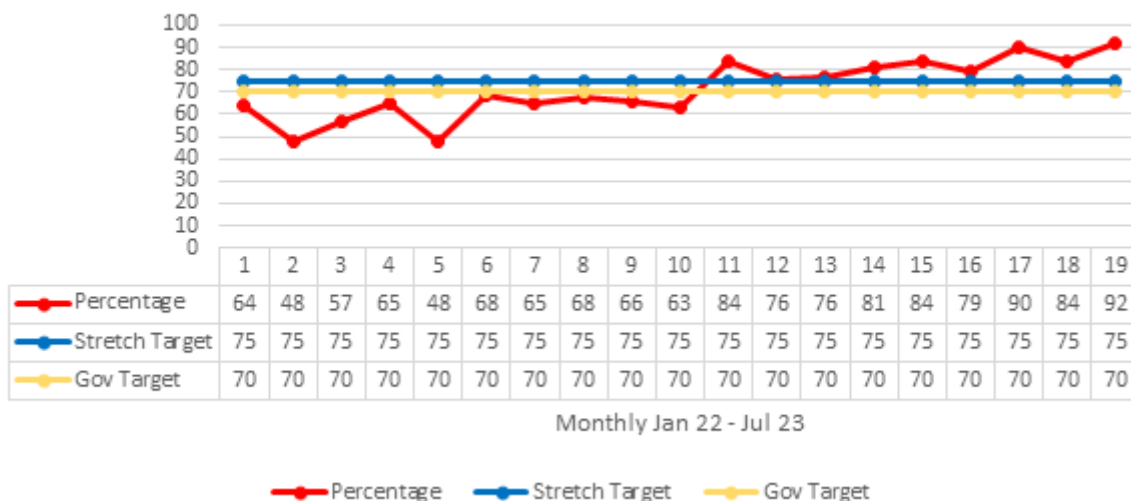
The statutory time targets are usually 13 weeks for major development applications and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16-week limit applies).

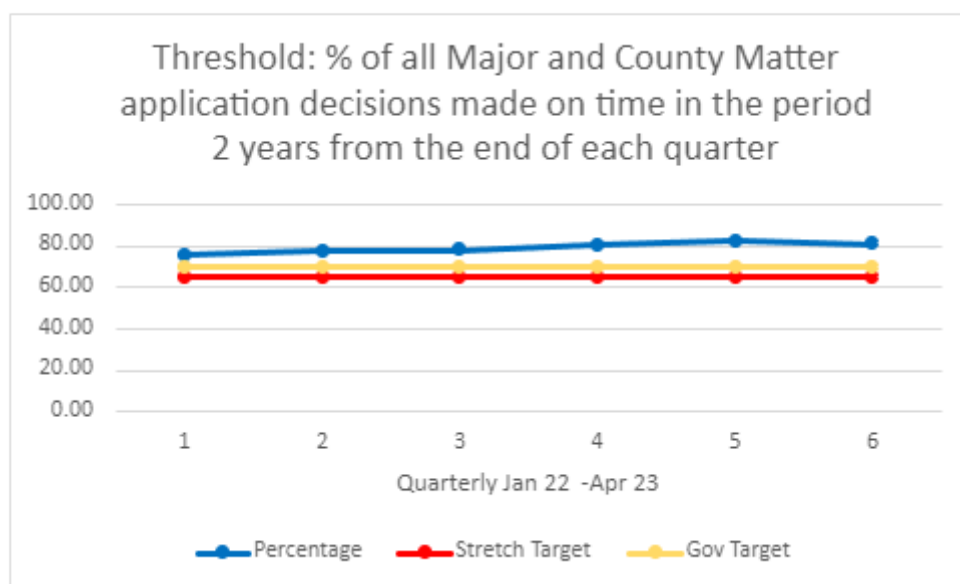
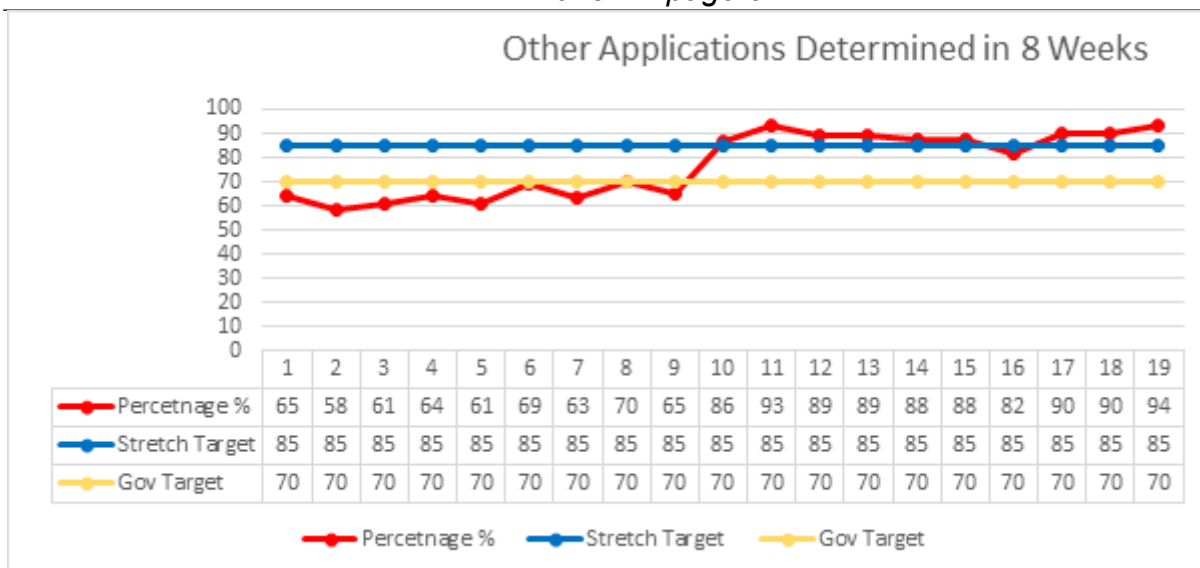
The targets by application type are Major 60%, Minor 70%, Other 70%

### Major and County Matter Applications determined within 13 weeks



### Minor Applications Determined within 8 weeks

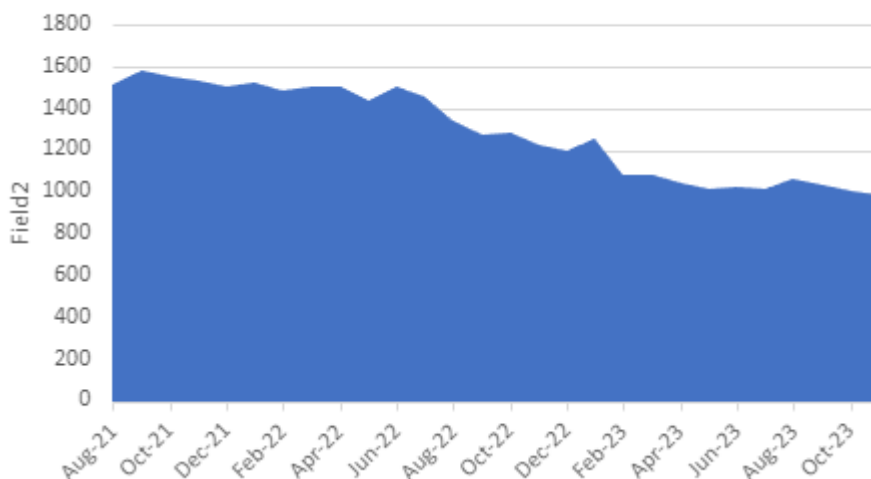




## Outstanding applications

There has been a focus on determining outstanding “backlog” applications. This has been successful as the table below sets out

### Outstanding Applications

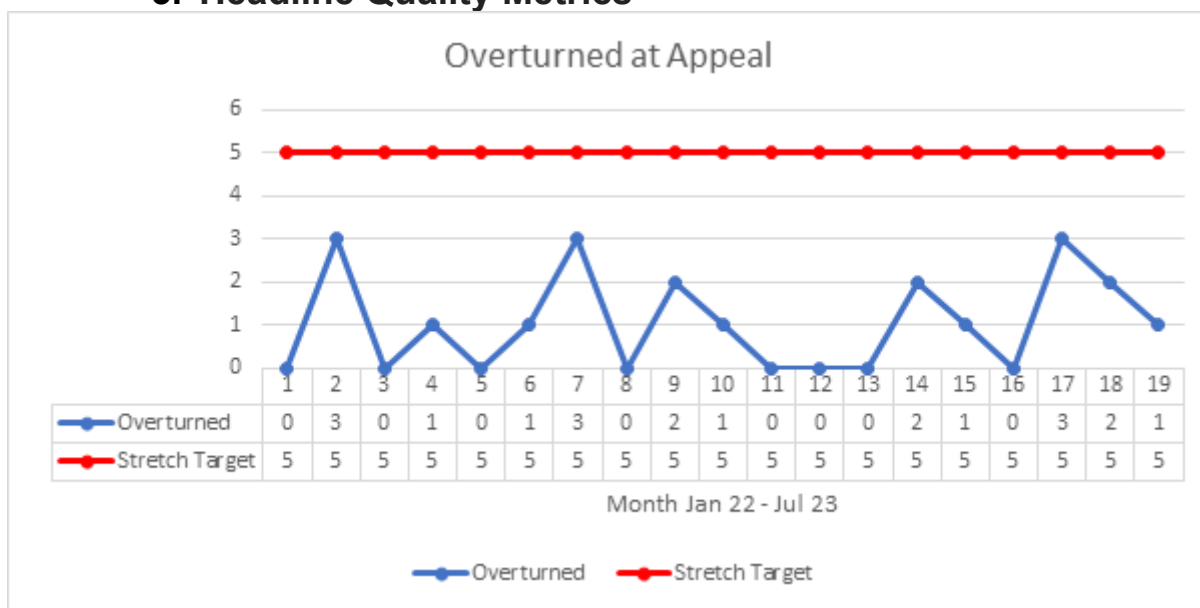


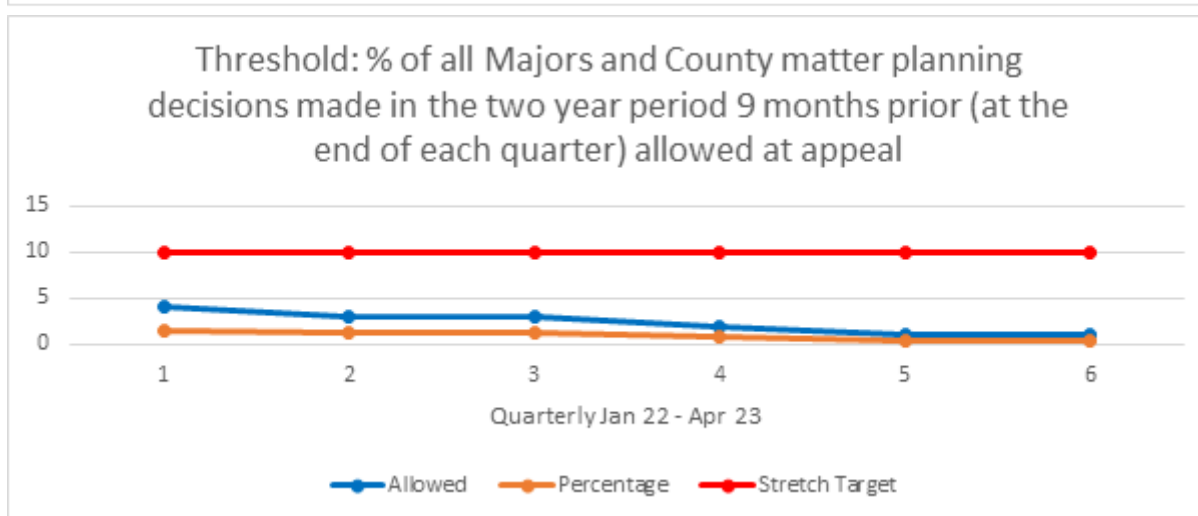
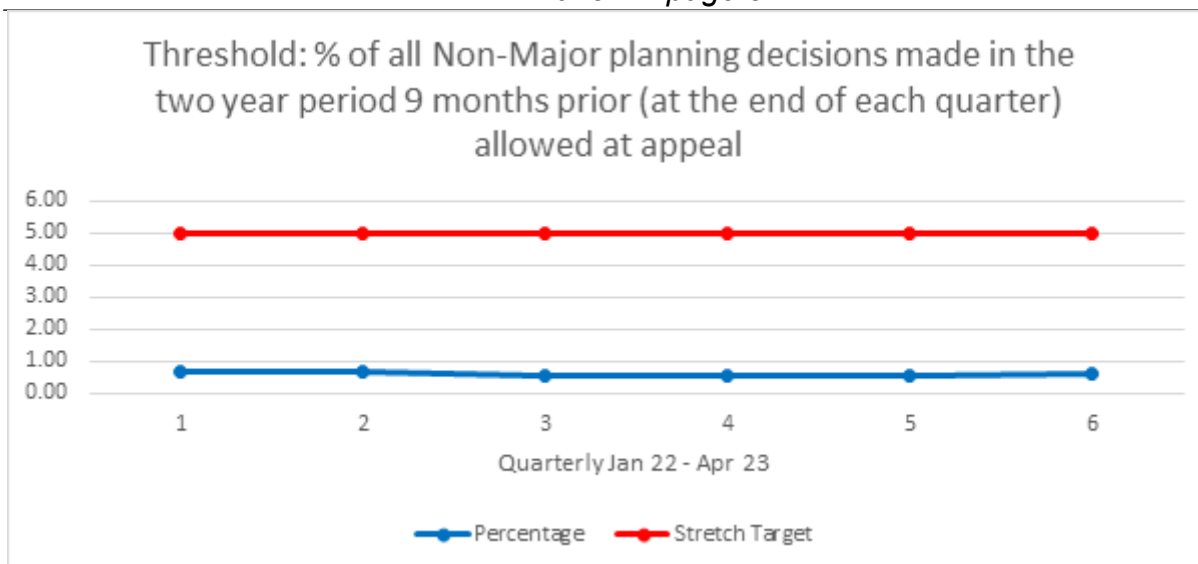
### Commentary

The first three metrics are a clear demonstration on the effects of management prioritisation. During lockdown a conscious decision was made to focus officer capacity on Major and other employment generating schemes. During the last twelve months there has been increased emphasis on minor applications.

These graphs do not expose the differences between a focus on facilitation vs coarse grain performance management.

### 3. Headline Quality Metrics





**Commentary**

A key measure of quality of decision making is the number of LPA decision overturned by the Planning Inspectorate (PINS).

The County Council has a consistently strong record in winning planning appeals against its decisions. The average % dismissed rate for all LPAs is approximately 63%

	<b>Appeals Dismissed</b>	<b>Total Appeals</b>	<b>% Dismissed</b>
2019	74	88	84
2020	56	74	76
2021	47	59	80
2022	57	68	84

Note: Data lag due to appeals taking up to one year plus for PINS to determine

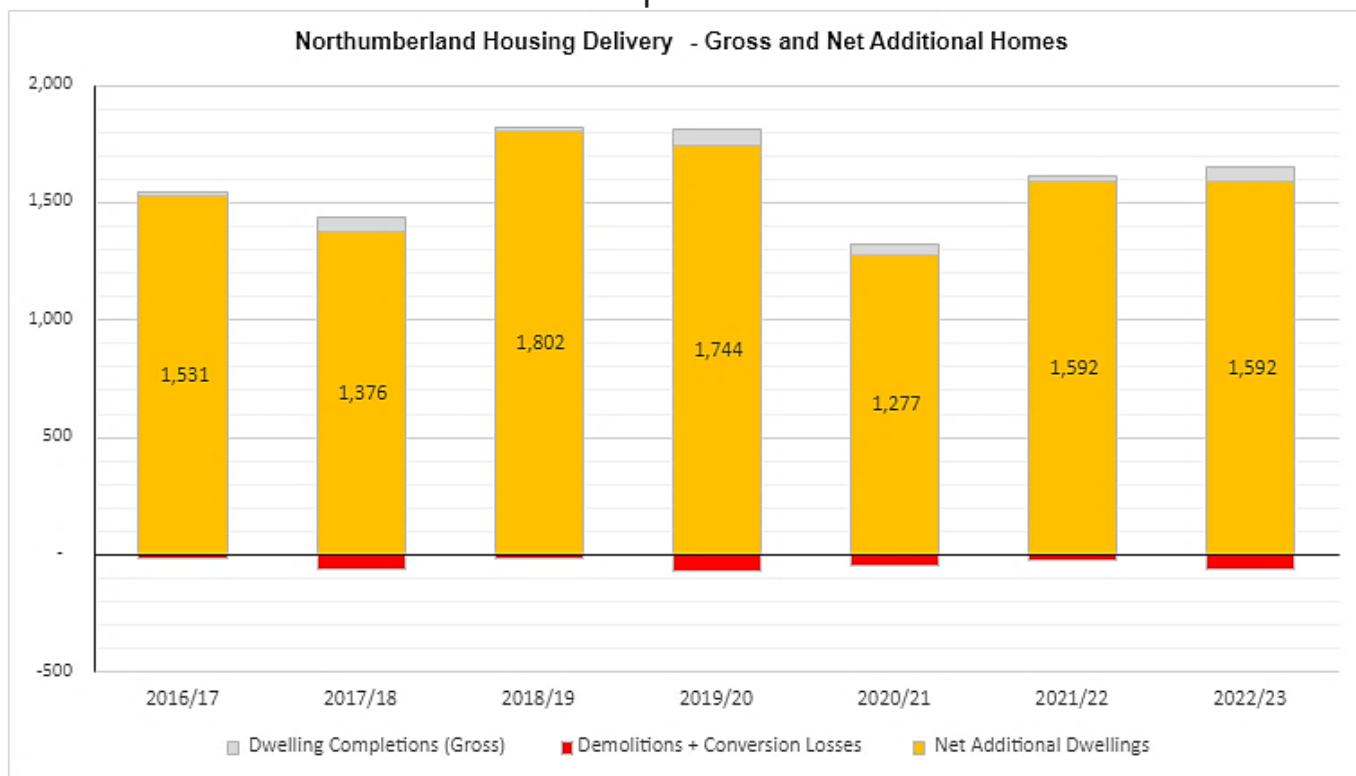


### Contextual and output metrics

In addition to the examples of statutory statistical measures listed above, there are a range of contextual, output and “outcome” measurements. Some of these also form the basis of designation by central government if targets/thresholds are not met.

### Net additional homes

The Council reports to Government on an annual basis the number of dwellings completed. Since the start of the Local Plan period in April 2016, the number of net additional homes delivered per annum has consistently, and significantly exceeded the average local plan requirement of 885 dwellings per annum. For the last 2 years, 1,592 net additional homes were delivered per annum.



### Housing Delivery Test

The Government assesses the delivery of homes using the Housing Delivery Test (HDT). This measures delivery over a 3-year period against the minimum Local Housing Need figure using the Government’s standard method. The latest official Government published result for Northumberland is **280%** for the 3-year period 2018-2021. The latest provisional result using the same method for the period 2020-2023 is **271%**. This test result places the local planning authority within the top 10, or top 5% nationally.

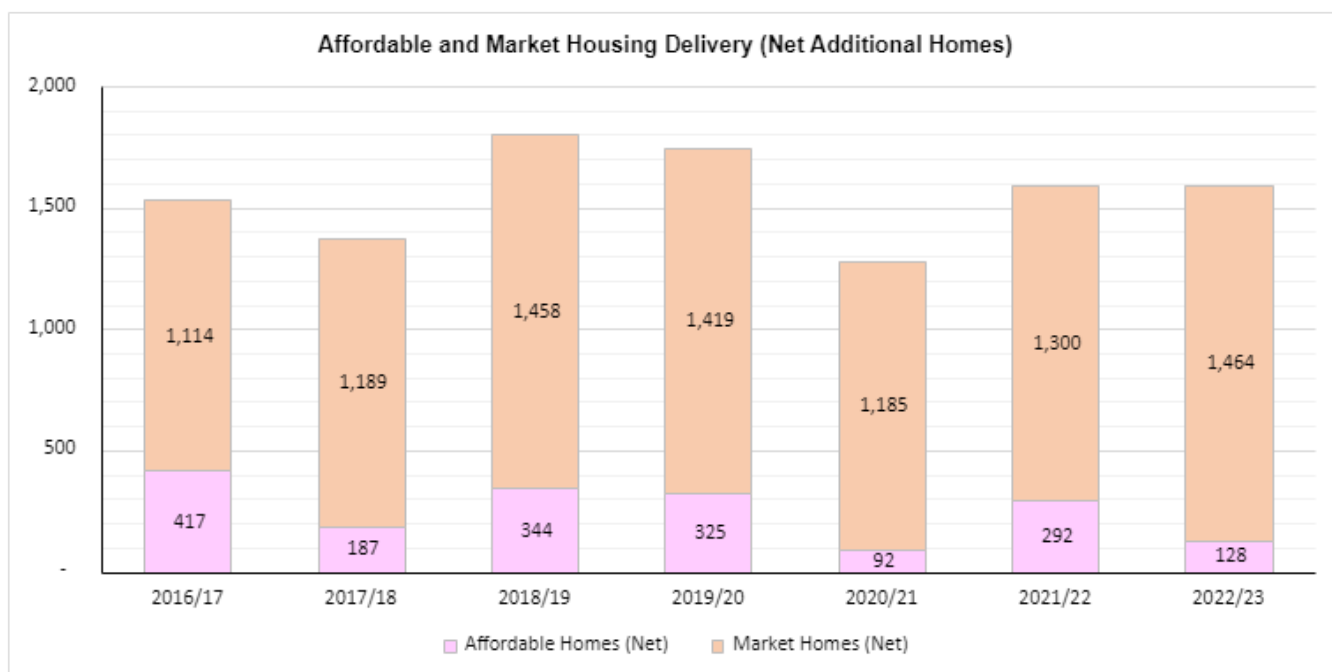
While the HDT reflects past performance, the Council is required to demonstrate that it has sufficient land available to delivery housing over the next 5 years. Not having a 5-year supply of housing land can weaken the strength of the development plan in decision making.

For the period 2023-2028, a deliverable supply of 7,295 net additional dwellings has been identified. This equates to 248% of minimum housing requirement for this period and is the equivalent of a **12.4 year supply**. The Council’s strong 5-year supply position is within the top 10 local authorities nationally. In October 2023 39% of English LPAs were unable to demonstrate a five year housing land supply

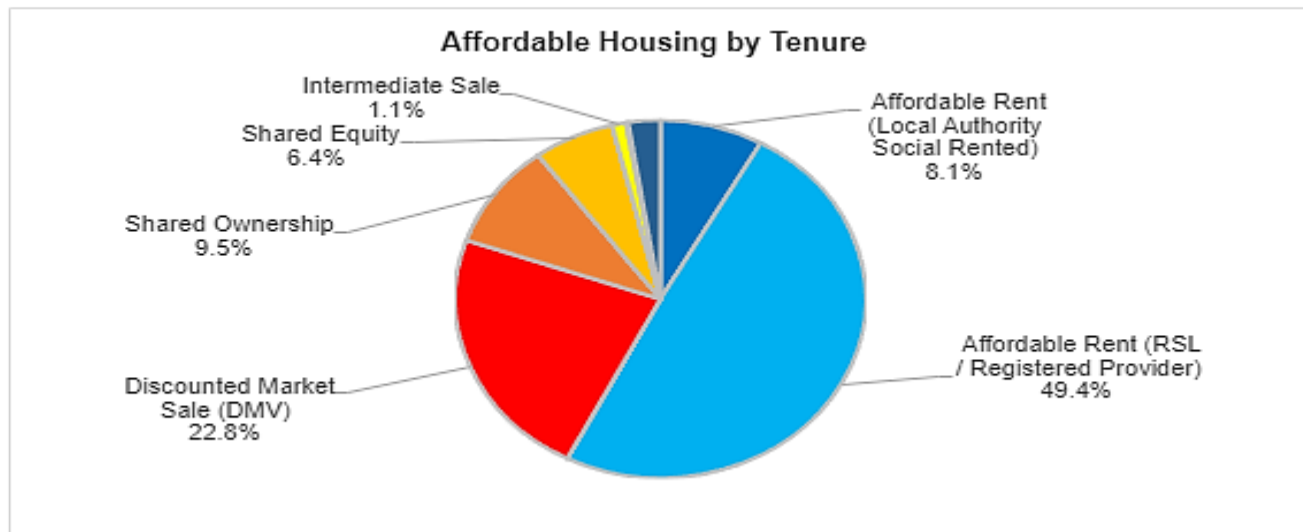
### Affordable housing delivery and permissions

The number of affordable homes delivered, and the percentage of affordable homes permitted on applications including housing are both local key performance indicators.

A total of **1,785 affordable dwellings** have been completed in Northumberland in the last 7 years since the start of the 2016-2036 plan period for the Northumberland Local Plan, at an annual average **255 per annum**. This equates to **16.4%** of all net additional housing completions over this period. The falls just short of the 17% requirement identified in the latest countywide needs assessment.



The affordable tenure of these homes is set out below. Approximately 57% of affordable homes were for rent, with remainder offering routes to affordable home ownership.



While the Local Plan sets out varying affordable housing requirements for new developments across the county based on value areas, the latest overall need requirement is 17%. The percentage of affordable homes permitted on applications including housing gives an indication as to how we will meet needs in the future. During 2022-23 of the 526 new dwellings permitted, 132 were affordable. This equates to **25% of new homes being affordable**.

### Self-build housing

Local authorities have a duty to maintain a self-build register, and to grant planning permissions for enough suitable serviced plots to meet the level of 'demand'. At the end of October 2022, the number of potential self-build plots permitted was 663, against a requirement to permit 334 plots. The Council is therefore **more than fulfilling its duty** in this regard.

### Plan Making

One of the fundamental performance criteria for government is having an up-to-date Local Plan. The Northumberland Local Plan was adopted in March 2022. If no plan had been adopted, it is likely that the County Council would have faced direct intervention by the Secretary of State **on this performance measure alone**.

The timetable for the preparation and review of Local Plan documents is set out on the Local Development Scheme and delivery against this target is a KPI. Until the last quarter, delivery of a new Gypsies, Travellers and Travelling Showpeople Local Plan, and an update in relation to Open Space has been on track. The LDS will need to be

updated to reflect that the Council is now proposing to meet the needs of Gypsies and Travellers directly through the development management process, and to reflect some slippage in timeframe for the open space work.

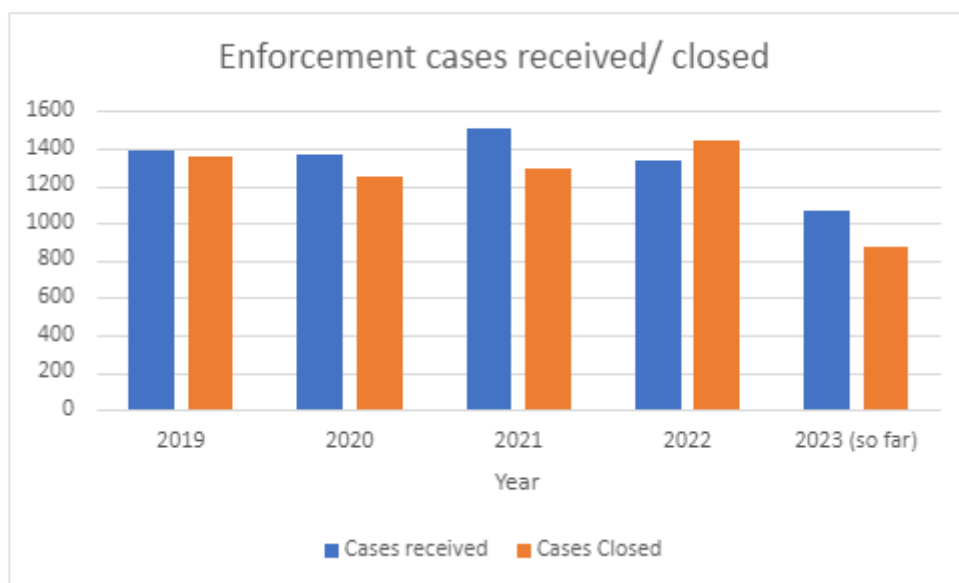
During 2022-23 and the first 2 quarters of 2023-24, 8 area Neighbourhood Areas were designated for neighbourhood planning purposes. **All of these areas were designated in accordance with the regulations.** This is also a local KPI.

### Commentary

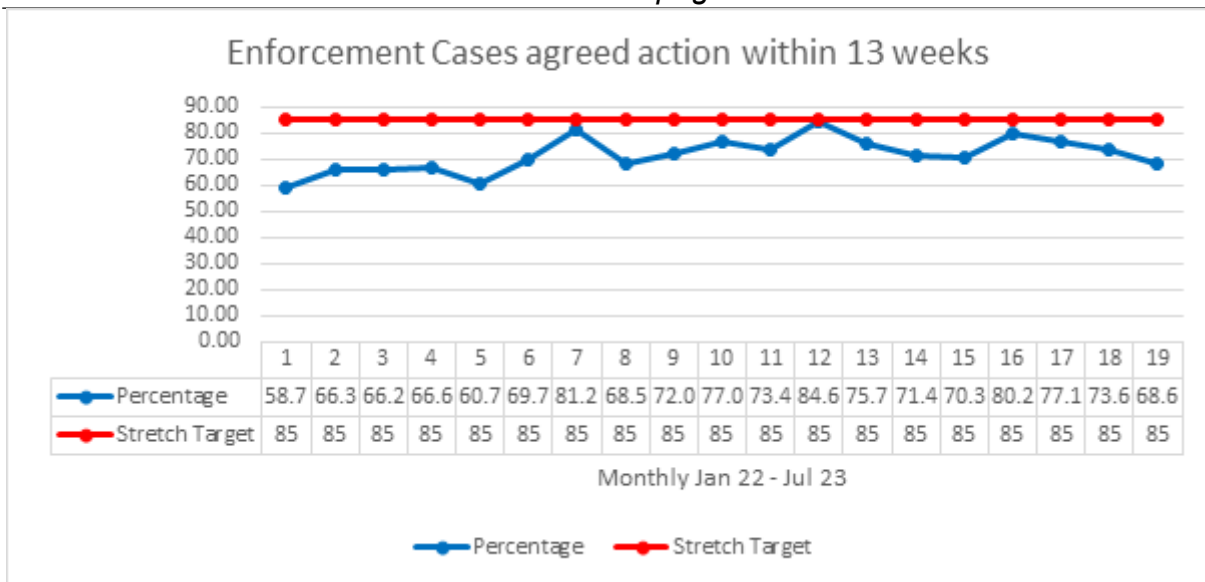
The Housing Delivery Test and the 5-Year Housing Land Supply measures are key performance matters. If these targets are not met there are a range of possible sanctions from government, both in terms of direct intervention and empowering the role of the Planning Inspectorate to directly overturn decisions made by the LPA.

### Planning Enforcement

There are no nationally set targets attached to the planning enforcement function, apart from the overarching measure in relation to the appeal success rate.

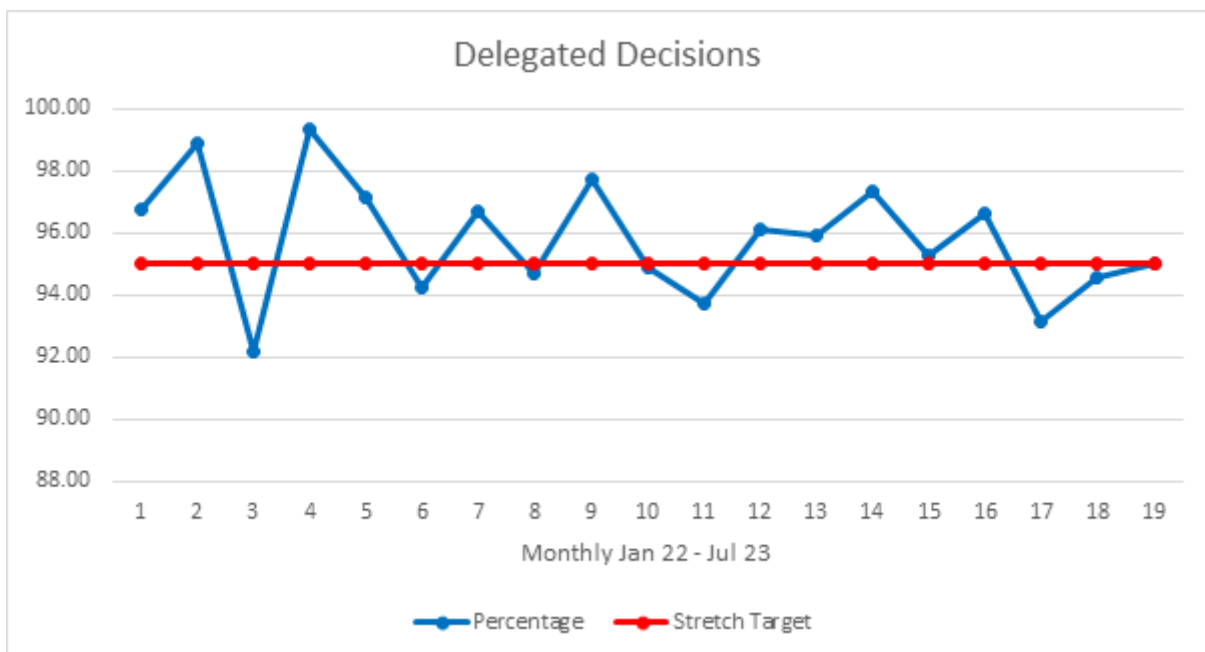


Since review and subsequent adoption of the new Local Enforcement Strategy there has been a significant increase in the numbers of formal Enforcement Notices served. This increase was the greatest of any of the 50 largest LPAs in England.



### Planning Committees

NCC currently operates 5 Local Area Planning Committees and a Strategic Planning Committee. Managing this Committee cycle takes significant time and resource. This is one of the highest number of Planning Committees of any English LPA. There is now a formal referral process for the Chair, Vice Chair and Director to agree which matters are decided by Committee and which can be handled under delegation arrangements. These decisions (committee or delegated) are publicly available, and this approach is regarded as good practice.



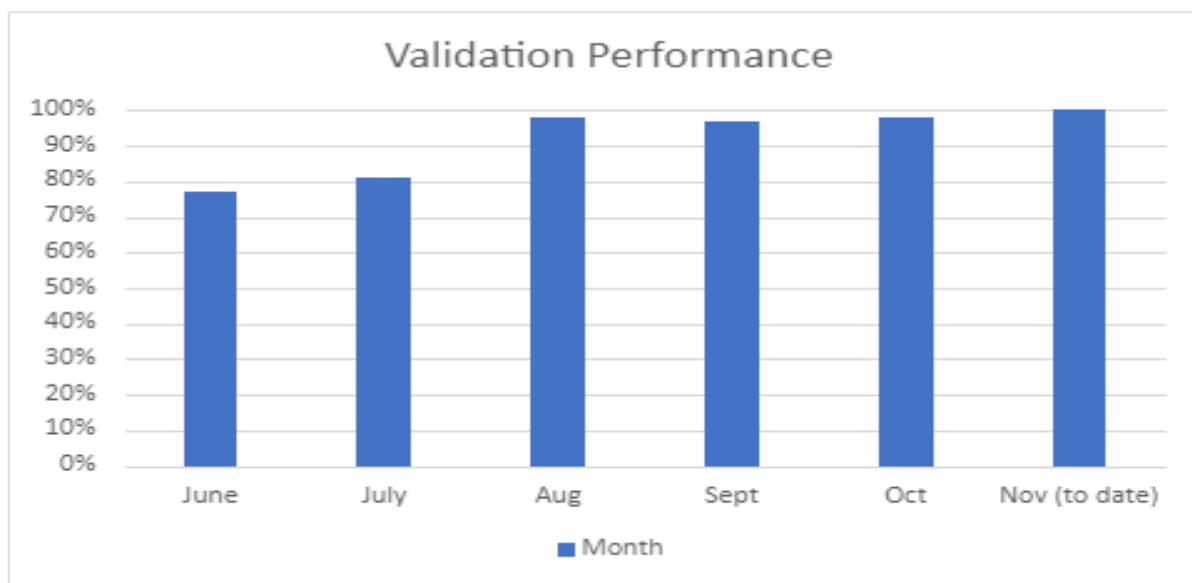
### Validation

The validation of planning application upon submission is a key part of the Development Management process. The “target clock” starts when

applications are submitted, not when they are validated, unless they formally decided to be invalid and returned.

During the lockdown period the majority of LPAs experienced escalating delays in the validation of planning applications. In Northumberland this delay peaked at 21 days. At the same time, Newcastle City Council was experiencing delays of c.30 days. A new Validation Checklist for applicants was implemented on the 4<sup>th</sup> July 2022. The performance now is;

Target 5 working days. Current performance 3-4 working days



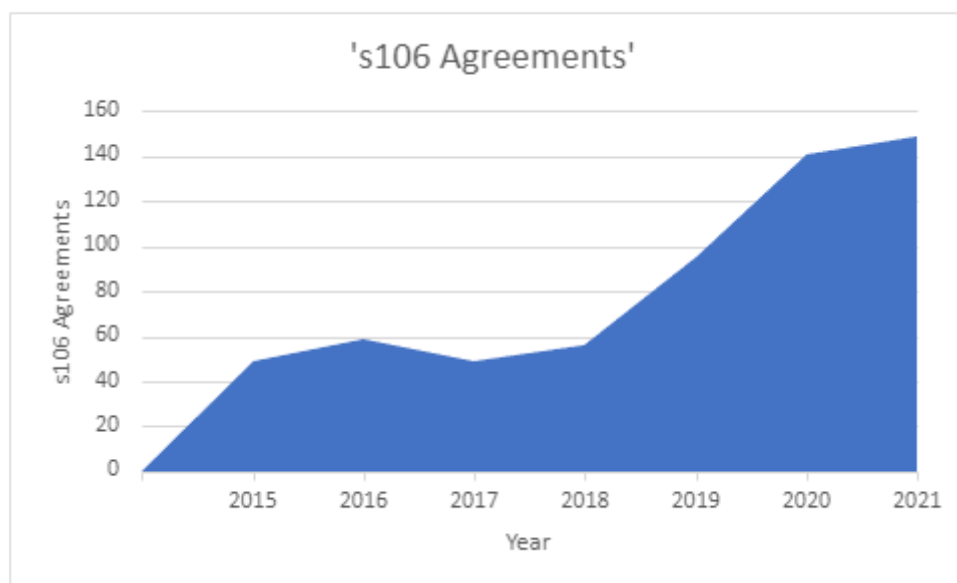
One area that has led to delays in determining minor/other applications has been the lack of appropriate detail and quality when submitted. This has led to excessive officer time being spent carrying out tasks that applicants should normally be expected to address. Prior to the implementation of the new Validation Checklist 37.5% of applications were returned as invalid. Since the new Validation Checklist was introduced, this figure has increased to 41.4%, but this is now starting to drop as agents become more familiar with the new approach and provide the information we need.

It is also important to note that over the past few years, we have seen the introduction of several new application types, bringing the number of different types of applications to 108 (see appendix A). Each type of application has different validation requirements based on the legislation and land constraints adding to the complexity and time needed to validate.

**S106**

Planning obligations under section 106 of the Town and Country Planning Act 1990 are a mechanism which make a development proposal acceptable in planning terms that would not otherwise be

acceptable. They are focused on site-specific mitigation of the impact of development. The number of agreements entered into each year continues to grow, increasing the time it takes to monitor, invoice and agree and process payments.



### Customer Enquiries/ Feedback

In the past 12 months, the central planning mailbox received 20,011 email enquiries. The mailbox is monitored daily, and all emails are triaged within 48 hours (either responded too or redirected to the appropriate officer). The Service also received 2,170 Lagan cases and closed 2168 (99.9%) during this period.

### Formal Complaints

There can be many areas and reasons why formal complaints are submitted about the Planning Service. Very large numbers of formal decisions are made each week, and as set out in this report, there will unavoidably be at least one aggrieved party in any decision.

Following the internal complaints procedure, matters are sometimes taken by complainants to the Local Government Ombudsman (LGO). The average percentage of complaints against local authority services upheld by the LGO has been 66.2% during the last three years. The corresponding figure for complaints upheld against the Planning Service during this period was **19.6%**. In addition, it should be noted that the outcomes for upheld complaints have normally been advisory matters or the requirement for the Service to clarify advice.



**6. Options open to the Council and reasons for the recommendations**

The above data demonstrates that against **all** statutory government Planning performance measures the County Council Planning Service is archiving targets.

On some measures, such as a minor applications, performance was weaker due to an emphasis on major applications during the lockdown period. Performance is now improving.

Measures such as appeal success rate and the low number of complaints upheld are significantly better than average Local Authority performance. These measures indicate that quality of decision has not been sacrificed in order to meet other performance targets.

On some other measures, including Housing delivery, 5-Year Housing Land Supply, Development Plan work (including all metrics on Neighbourhood Plans) performance is within the top 5% of all English Local Planning Authorities.

What these metrics do not fully expose however is the acute difficulty faced by the Planning Service at this period of historically high work volumes and pressures. Balancing and maintaining performance against a wide range of measures is challenging for all local authorities, and the NCC case officer workloads are amongst the highest in the sector (see table below). This leads to sometimes acute pressures from vacancies, which in turn results in a higher staff turnover rate.

Planning Officer role	Average application case allocation during typical peak periods	Typical English LPA application allocation (RTPI study, 2021)
Principal	45	20
Senior	50	25
Officer	75	40
Technician	75	45 or NA

A further report can be presented to OSC when the new range of Government Planning Performance measures are enacted. Draft measures were announced in the Regeneration and Levelling Up Bill consultation but have not yet been finalised. Local monitoring arrangements at NCC have however anticipated all of these criteria;

- Average time taken to validate applications;
- Number of extensions of time agreements;



- Average number of weeks taken to respond to suspected planning breaches;
- % of open planning enforcement cases that are over six months old;
- % of delegated and committee decisions;
- % of committee decisions to refuse permission against the advice of officers that are subsequently allowed at appeal.
- a new “customer experience metric” to provide “a more holistic picture of a local planning authority’s performance”.

Finally, it is worth noting that all of the issues discussed in this report should be seen within the context of the democratic and stakeholder-based planning system. Members will be aware that as controversial activity, a significant proportion of officer time is spent balancing and addressing a range of concerns on development. This relates to the “triangle of tensions” between PC/neighbour objections, improving schemes so that they can be approved and determining applications as promptly as possible.

Higher performance *can* be achieved by simply refusing more applications shortly after submission, rather than working proactively with applicants and statutory consultees to address issues. This however will impact on two out of the three Corporate Plan objectives; Tackling Inequalities and Driving Economic Growth. It risks having the consequences of reducing/constraining economic activity within the local/sub regional economy, reducing affordable housing delivery and undermining related issues such as renewable energy expansion.

## 7. Implications

<b>Policy</b>	Report on historic decisions and performance, not recommendation to alter how decisions are made or policy.
<b>Finance and value for money</b>	NA
<b>Legal</b>	NA
<b>Procurement</b>	NA
<b>Human resources</b>	Staff capacity issues discussed in report

<b>Property</b>	NA
<b>The Equalities Act: is a full impact assessment required and attached?</b>	No - not required at this point Report on historic decisions and performance, not recommendation to alter how decisions are made.
<b>Risk assessment</b>	Risks of interventions from Government identified on the basis of poor performance identified and explained. All current statutory performance measures are now exceeded.
<b>Crime and disorder</b>	Report on historic decisions and performance, not recommendation to alter how decisions are made
<b>Customer considerations</b>	Customer service issues identified and discussed in report.
<b>Carbon reduction</b>	Non identified, apart from risk of refusing greater % of applications for renewable energy/ carbon reduction infrastructure.
<b>Health and wellbeing</b>	Non identified, apart from risk of refusing greater % of applications for schemes such as affordable housing or ones generating increased economic activity.
<b>Wards</b>	(All Wards);

**8. Background papers**

NA

**9. Links to other key reports already published**

NA

**10. Author and Contact Details**

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## **Appendix A**

### **Types of Planning applications (108)**

AAL PA COU Shop to Assembly and Leisure  
ACD PA COU Amusements/Casinos to Dwelling  
ADDS PA Enlargement dwelling additional storey  
ADE Advertisement Consent post April 07  
AEA Additional Environmental Application  
AGRGDO Agricultural Determination Application  
AGTFLX Prior Approval Agric to Flexible Use  
AGTRES Prior Approval Agric to Residential  
ATSN PA COU Agriculture to School/Nursery  
BT BT Request to Remove Phone Box  
CAAD Certificate of Appropriate Alt Dev  
CAC Conservation Area Consent  
CBSD PA COU Commerical to Dwelling  
CCD County Council Development  
CCDEIA County Council Development with EIA  
CCM County Matter  
CCMEIA County Matter with EIA  
CFA PA Collection Facility within  
CFS PA Collection Facilities for Shops  
CLASSR COU Agricultural Building under Class R  
CLEXIS Certificate of Lawful Existing Use  
CLLBC Cert of Lawfulness of Prop Works to LBC  
CLPROP Certificate of Lawful Proposed Devel  
CMU PA Change of use to mixed use  
CNA Consultation by Neighbouring Authorities  
COD PA COU Takeaways to Dwellinghouses  
COU Change of Use  
CROWN PA Cornw of single living accommodation  
CUD PA Change of use to Dwellinghouse  
DBC PA Dwelling on detached building commercial  
DDBF PA Dwelling on detached blocks  
DECO PA New dwelling on detached buildings  
DEDW PA New Dwelling on detached dwelling  
DEDWE PA Demolition and construction Dwelling  
DEMD PA Demolition of Buildings/Dwellings  
DEMGDO Demolition Determination Application  
DISCON Discharge of Condition  
DTBC PA Dwelling on terrace building commercial  
EDAS PA Enlargement of dwelling add storeys  
EDWM PA Excavations of Waste Material  
EEU PA Erection, extension of university  
ELEGDO Electricity Determination  
FDN 5 Day Notice (Trees)  
FELTPO Application to Fell Protected Tree

FILM PA Temp use Comm Film making  
FISH PA Fish Tank  
FLAT PA New dwelling detached block flats  
FUL Full Application  
FULES Full application with Env Statement  
HAZARD Hazardous Substances Consent Application  
HED High Hedge Complaint  
HEGRMN Hedgerow Removal Notice  
HOURS Modification Construction Working Hours  
HPA Householder Prior Notification  
HVA PA Movable structure  
LBC Listed Building Consent  
LDO Local Development Order  
LDOSUB Local Development Order Submission  
LIC License Applications  
LID PA COU Light Industrial to Dwelling  
LITD PA COU Light Industrial to Dwellinghouse  
MAST GPDO Determination for Telecom Mast  
MINREV Mineral Review Application  
MISC Miscellaneous  
MRVEIA Mineral Review Application with EIA  
MSH PA Movable structure for historic visitor  
MUTF PA COU Commerical to mixed use  
NDBD PA Dwelling detached use as dwelling  
NONMAT Non-Material Amendment  
OFF PA COU Shop to Office  
OFFRES Prior Approval Office to Residential  
OHL Overhead Electricity Lines  
OUT Outline Application  
OUTES Outline application with Env Statement  
PA GPDO Prior Notification  
PIP Permission in Principle  
PREAPP Pre-Application  
PRUTPO Application for Works to Protected Tree  
RAILPA Prior Notification Railways  
RC PA COU Retail to Café  
RECA PA COU Shop to Restaurant  
REG Regulation 77 GDO  
REM Approval of Reserved Matters  
RENE Renewable Energy Developments  
RENEIA Renewable Energy Developments EIA  
RETRES Prior Approval Retail to Residential  
ROAD Prior Notification of Road  
RTL PN COU Retail to Assembly Leisure  
S106A Section 106 Agreement  
SCHNUR Prior Approval to School/Nursery  
SCOPE Scoping Opinion  
SCREEN Screening Opinion

SLA PA Single Living accommodation defence  
SOLAR PA Solar PV Panels non-domestic  
TDD PA Terrace buildings use as dwelling  
TECO PA New Dwelling on terrace commercial  
TEDW PA New Dwelling on terrace dwelling  
TIME Time Extension  
TREECA Work to Trees in a Conservation Area  
TSB PA Temp School Buildings  
TTD PA COU Takeaway to Dwelling  
TTO PA COU Takeaway to Offices  
UNI PA Extension to University  
VAC PA Temp Schools on vacant Comm Land  
VARCCD Variation of Planning Condition on CCD  
VARCCM Variation of Planning Condition on CCM  
VAREIA Variation of Planning Condition EIA  
VARYCO Variation of Planning Condition