



Planning gain or pain?

Lessons from local planning authorities performing well against the 13 weeks major applications target

December 2014



Summary

This briefing focuses on local planning authorities (LPAs) that rank highly against the 13 week time limit for processing major planning applications (or a time limit as agreed with the applicant through a Planning Performance Agreement or an Extension of Time Agreement).

The briefing examines what these councils have done to improve their performance against measure, and draws out lessons and tips for other LPAs.

Lessons

- Challenge the status quo: all the case study LPAs analysed their existing service and asked the question 'why do we do it this way?' This has led to more efficient processes and higher job satisfaction
- Use the pre-application stage effectively: pre-app helps to identify issues that can be addressed before the 13 week application timetable begins
- Actively manage application processes: most of the time savings reported by the case study LPAs have been achieved through efficiency gains in how applications are managed from the moment they are submitted
- Streamline decision-making processes: systems that provide early warning of complex applications and the need to prioritise them ensure that they can still be processed in a timely way
- Engage applicants and consultees: promote the benefits of timely decision-making for all stakeholders, as a way of ensuring that everyone understands their role in securing a good decision within the timescale.

Tips

- Focus on overall improvement, not just speed: case study LPAs report that achieving the target is a by-product of improving all aspects of the service
- Enable staff to work proactively: creating systems that encourage staff to take their own decisions can help both job satisfaction and timeliness
- Ensure timetable is clear to everyone: the targets are for LPAs to meet, but they need the help of applicants and consultees to get there
- Talk early, talk often: no news isn't always good news

Introduction

In June 2013 the government published [Improving Planning Performance](#), which set out the time periods for determining planning applications. Local planning authorities (LPAs) that fail to achieve thresholds for how many applications they determine within the specified periods may be 'designated'. One consequence of being designated is that applicants have the option of bypassing the LPA and submitting their major applications directly to the Planning Inspectorate. The criteria for designation were updated in June 2014. The Chancellor announced in the Autumn Statement 2014 that the threshold could be raised again.

This briefing focuses on major planning applications – the current measure is that at least 40% of major applications should be determined within 13 weeks or a time limit as agreed with the applicant (through a Planning Performance Agreement or an Extension of Time Agreement).

<http://planningguidance.planningportal.gov.uk/blog/guidance/determining-a-planning-application/what-are-the-time-periods-for-determining-a-planning-application/>

The case study LPAs are all performing well against this 13 week (or otherwise agreed) limit (based on the two years of DCLG data to June 2014). The briefing examines what these councils have done to improve their performance against the target, and draws out lessons and tips for other LPAs.

All the case study LPAs are mindful of the potential for an indicator of speed to lead to unintended consequences regarding other aspects of the service, such as a fall in development quality, or decisions that aren't in the customer's best interest. However, while they are proud of doing well against the time limit, they place this within a context of overall service improvement and maintaining a focus on outcomes, not just the process.

The [Planning Advisory Service](#) has recently developed the [Planning Quality Framework](#), a new benchmarking, performance measurement and improvement resource which can assist with many aspects of performance improvement.

About the case studies

The descriptions below include the following data as collected by the Department of Communities and Local Government:

- the number of major planning applications (majors) the local planning authority had in the 24 months to end of June 2014
- percentage that were decided within the 13 week target, or within the deadline agreed with the applicant
- percentage of applications (majors and minors) receiving permission (national average 88 per cent).

Appeal rates for major applications at all the case studies are low.

- Bury Metropolitan Borough Council (60 majors, 90.6 per cent, 90 per cent): Bury has a population of 185,100 (2011 Census) and is part of the Association of Greater Manchester Authorities (AGMA). Planning sits within the Department of Resources and Regulation. The examination of Bury's local plan is currently suspended.
- Coventry City Council (145 majors, 99.3 per cent, 92 per cent): Coventry is the 10th largest city in England, with a population of 316,900 (2011 Census). The Department of Planning, Highways and Transportation sits within the Place Directorate. Coventry is due to submit its local plan for examination in autumn 2015.
- Oxford City Council (71 majors, 91.5 per cent, 88 per cent): Oxford's population is 150,200 (2011 Census), however it is growing rapidly and projected to be 165,000 by 2021. An end-to-end development management service is provided by bringing together development control and building control within the City Development Service. Oxford's core strategy was adopted in 2011.
- Sandwell Metropolitan Borough Council (134 majors, 88.8 per cent, 95 per cent): Sandwell has a population of 314,300 (June 2013). It is one of the seven councils that make up the West Midlands conurbation, and one of the four LPAs that adopted

Black Country Core Strategy in 2011. Planning is located within the Regeneration and Economy Directorate.

- Three Rivers District Council (35 majors, 94.3 per cent, 95 per cent): The Three Rivers district area has a population of 87,900 (2011 Census). The district is one of ten within Hertfordshire County, and is located to the north-west of London. Development Management and Planning Policy are located within the Community and Environmental Services Directorate. Development Management is part of Regulatory Services and Policy sits with Economic and Sustainable Development. The Three Rivers Core Strategy was adopted in 2011.

Lessons

Challenge the status quo

One of the consistent themes across the case study LPAs was that they all analysed their processes and found ways of saving time. If an LPA hasn't done this already then it is an obvious place to start: challenge existing ways of doing things, within a culture that will embrace change.

This isn't always easy. In Coventry, one of the criteria when the council was recruiting a new planning manager was to take the LPA into the top 50 performing authorities, as measured by speed of determining planning applications. This drove a review of how the service operated, which revealed that there were around 200 cases languishing in the system, some for years. The planning service set a date by which all these old cases were to be dealt with, and made a commitment that from then on it would stick to the time limits set by government.

Richard Sykes, Team Manager (Outer City) at Coventry City Council, says that these months of transition were 'painful but cathartic':

'It is hugely demoralising to have piles of files not going anywhere, and people constantly chasing and complaining. Eliminating that is a lot less stressful because you aren't wasting so much time, customers are getting a good service, and the council is delivering its development policies.'

Encouraging staff to identify where time was being wasted in existing processes, and the prospect of being able to focus more on a smaller more active caseload, helped to overcome the difficulties.

Enabling councillors to understand their role in helping to meet the time limit also influences overall success. This includes encouraging them to take outline reports seriously and to make early decisions about whether or not a site visit is necessary. Claire Westwood, Areas Team Leader at Three Rivers District Council, says that member training has been crucial for helping them to understand the development management process, why targets are important, and 'how they can help us to achieve them'.

Use pre-application stage effectively

All LPAs said that they focused deliberately on working with potential applicants at pre-application (pre-app) stage. The aim is to end up with higher quality applications that have a better chance of being approved within the 13 week timeframe because any significant issues with the application have been resolved prior to submission. It also helps to alert the LPA of the likelihood that they will receive an application and to ensure that applicants are clear about what they need to be submitting as part of their application (see below).

This does not necessarily mean charging for a pre-app service; Bury, Oxford and Three Rivers do, while Coventry and Sandwell provide a free service. The high performance of all these authorities suggests that both models can work. What they have in common is a commitment to persuading potential applicants of the benefits to them of engaging in a thorough pre-app. Claire Westwood says that:

‘The feedback has been that developers are quite positive about going through the pre-app process and ironing out problems before the formal submission.’

Despite this, developers occasionally choose to avoid the pre-app process. Niko Grigoropoulos, Development Performance Manager at Oxford City Council, says that the planning service makes it clear to these developers that ‘they will get a much better service and an easier process if they engage at pre-app stage’.

Using pre-app effectively is helped by having up-to-date NPPF compliant plans and policies that give a clear indication of the types and location of development that LPAs are looking to approve.

Actively manage application processes (workflow management)

A common focus has been improving how quickly applications are processed from the moment they are submitted to the LPA. Richard Sykes again:

‘We discovered that once an application was submitted the file was getting passed all around the place and we were losing loads of time right from the beginning. We asked the question “why” and the answer was often “because that’s the way we have always done it”.’

Coventry’s solution to improving receipt, validation and consultation processes was to make these the responsibility of the allocated planning officer so they ‘have it from day one’. At Bury, a technical officer is responsible for receipt, validation, sending out notifications and advising statutory consultees. Moreover, they have a target of achieving that within 2.5 working days of receiving the application.

Using technology has also helped: Bury was one of the first LPAs to use an IT system that electronically handles applications and shows real-time progress of all applications to help analyse and manage work flow across the development management team. John Cummins, Development Manager at Bury Council, says that the system, developed by Idox, gives ‘very high visibility to case officers, administrative staff and managers in terms of what we are actually doing, who is doing what and where applications are in the process’.

Using these kind of tools to actively manage cases (and caseloads) can help to remind development management planners of the need to be proactive. Mike Nicholls, Development Manager at Sandwell Council, reflects that:

‘Sometimes the problem is that the application file sits on the desk and you only do something with it when the next thing arrives... sometimes you’ve got to grab hold of it and give it a shake.’

Another improvement in many of the case study authorities has been a requirement that applicants submit draft heads of agreement for the Section 106 with the application. This provides early notification to the authority’s solicitors who can start doing their work from the moment the application has been received. Despite this, agreeing the Section 106 obligations was cited often by case study LPAs as one of the most common challenges to meeting the 13 week/agreed target. One solution to this has been to recommend approval subject to the Section 106 being signed by the target date – otherwise the application will be refused.

Streamline decision-making process

As well as improving the process of managing applications, the case study LPAs have looked hard at how they can eliminate delays in the decision-making process.

A common solution has been to identify applications that may be complex, and to prepare an outline report for the first possible planning committee meeting. This gives councillors an opportunity to have an initial debate and decide whether or not a site visit will be required (if the LPA has site visits). Sandwell cites these ‘skeleton reports’ as the single most effective initiative for their high performance against the 13 week target. Councillors need to be supported to learn how to use these initial reports effectively. Claire Westwood reflects that:

‘We’ve used member training to reinforce the message that we want to make good decisions, not rushed decisions. They have come to recognise that they need to raise issues early when given the opportunity, and they are getting good at doing that.’

The case study authorities have reviewed their existing schemes of delegation to identify whether they can be refined to speed up the process without affecting the quality of decision-making. Revisions have included further extending the powers of delegation to officers, for example, to uncontested major planning applications. The aim is to give planning committees more time to spend on the more complex applications.

Engage applicants and consultees

Most case study LPAs stressed the importance of building as much consultation as possible into the pre-app stage, but some of this can’t happen until the application has been submitted. The systems set out above are designed to ensure that any applications that may struggle to be decided within the time limit are identified early and applicants advised that the scheme may be refused. Alternatively, the LPA and developer can negotiate a Planning Performance Agreement, which includes a bespoke timetable (see ‘Ensure timetable is clear to everyone’ below), or negotiate an Extension of Time Agreement.

Whatever method is selected, case studies stress the importance of getting developer buy-in to meeting the agreed timescale, particularly around Section 106 agreements. This may need LPA officers to be proactive and provide timely reminders to applicants of the importance of finalising any outstanding paperwork from their end so that there is no delay to the approval being granted.

There were mixed views from case study LPAs about the difficulty of getting statutory consultees to comment on applications within the requested timescales. Clearly communicating to consultees what the LPA needs, and giving them as much time as possible within the available timescale, is a good start, but this needs to go hand in hand with building relationships with the individuals involved and getting them to understand the timescales that LPAs are working to. Three Rivers involves external statutory consultees in member training, which helps the consultees to explain their role and expertise while also reminding them of the LPA statutory timescales and targets. LPAs are using their workflow management systems to alert statutory consultees early to relevant applications.

To help improve communication with some consultees and to better reflect working realities Bury is considering restructuring some elements of its services so that highways, drainage and contaminated land sections will report directly to the development manager.

Tips

Focus on overall improvement

While performing well against the target is something that all the case study LPAs are keen to maintain, most of them stress that their success is a by-product of overall attempts to improve their service, often as part of council-wide restructures and initiatives.

For example, a new chief executive at Sandwell encouraged a renewed focus on encouraging development because of the benefits it could bring the local area. The roots of taking targets seriously in Oxford go back to being a poorly performing authority under the previous government's Best Value regime. As John Cummins from Bury puts it:

'We are good at meeting government targets as a consequence of all the other changes we have made.'

Some case studies are keen to stress that overall improvement includes increasing the design quality of development locally. For example, Oxford has contracted Design Council CABE to run its Design Review Board, and Sandwell has retained specialist urban design officers despite the cuts. Mike Nicholls reflects that:

'Achieving speed with quality is a constant balance, and an ongoing challenge to get right.'

Enable staff to work proactively

A common theme from all the case study LPAs is that development managers have been granted as much autonomy as possible to 'take charge of their applications'. This has been facilitated by some of the process changes outlined earlier. Staff are motivated by transparent performance management information and a desire to retain existing high

performance. There appears to be recognition from the managers of the case study LPAs that retaining good staff is key to ongoing performance. In recognition of its focus on staff development Oxford City Council achieved Investors in People Gold accreditation in July 2014.

The high performance set out in this briefing has been achieved during a period of significant public sector cuts, with more on the way; most case studies reported job losses that have stretched the workload of the remaining staff. One of the LPA interviewees reported that a perverse outcome of high performance against the 13 week target was that higher level managers looked at the performance levels and concluded that more resources were not required. This was despite requests for more support because staff were working much longer hours than they were supposed to in order to maintain performance against the target: 'it's almost as if we have to perform worse to get the support we need... something will have to give.'

Ensure timetable is clear to everyone

The 13 week target may be for LPAs to achieve, but they will struggle to meet it unless this overall timetable, and the markers along the way, are made crystal clear to everyone who is involved in submitting the application and making the decision.

Getting the buy-in of all stakeholders has already been outlined above. Some LPAs have found that an effective way to secure the commitment of all parties is via a Planning Performance Agreement (PPA). Oxford encourages applicants to agree PPAs on most major applications, which vary in complexity and can include a 13-week application timetable to start with. This enables discussions to continue while also providing the opportunity for review and extension of the timeframe if needed. It helps to ensure better quality outcomes and provides a responsive service for the applicant. LPAs still need to use the range of measures set out in this case study to achieve the timetable set out in a PPA.

Talk early, talk often

Case study LPAs have identified that an important aspect of a working culture that supports meeting the target has been a willingness to initiate contact with applicants, consultees, elected members and so on. This is especially important when the information to be conveyed may be difficult to hear, as Claire Westwood explains:

'If it's not good news that you have to share then you can easily put off the conversation. While a developer might not like what you've got to say they generally appreciate you raising concerns and raising them early – this gives them a chance to do something about it.'

Acknowledgements

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- Claire Westwood, Areas Team Leader, Three Rivers District Council