

PLANNING COMMITTEE-10 DECEMBER 2013

GROWTH AND INFRASTRUCTURE ACT 2013

REPORT DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. **PURPOSE OF REPORT**

To apprise the committee of the proposals in the Growth and Infrastructure Act 2013 ("the Act") concerning designation of local planning authorities and to indicate the Council's own position

2. **RECOMMENDATION**

That the report be noted

3. **BACKGROUND TO THE REPORT**

3.1 The Act introduced a new section into the TCPA 1990 permitting certain planning applications to be made directly to the Secretary of State where the local planning authority has been `designated` for this purpose

3.2 The criteria for any such designation are set out in a document published in June 2013 entitled "Improving planning performance: Criteria for designation"

3.3 A local planning authority can only be designated if, by reference to the criteria, *"the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications"*

3.4 Local planning authorities will be assessed in two ways, namely;

- a) on the basis of the speed with which applications for `major development` (see later) are dealt with, and
- b) the extent to which such decisions are overturned at appeal (as an indicator of the quality of the decisions made by them)

3.5 Because the criteria deal with two different aspects of performance, local planning authorities will be assessed against each aspect independently, and so could be designated on the basis of either aspect or both.

3.6 It is proposed that data showing the performance of local planning authorities against these measures will be published on a quarterly basis

Criterion one –Speed of decisions

3.7 The measure which will be used is the average percentage of decisions on applications for major development made:

- a) within the statutory determination period; or
- b) within such extended period as has been agreed in writing between the applicant and the local planning authority,

as recorded in the data collected by the Department for Communities and Local Government

- 3.8 The assessment period is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation
- 3.9 The threshold for designation is 30% or fewer of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant

Criterion Two-Quality of Decisions

- 3.10 The measure to be used is the average percentage of decisions on applications for major development that have been overturned at appeal once nine months have elapsed following the end of the assessment period, as recorded in the Department's data records
- 3.11 The average percentage figure for the assessment period as a whole will be used
- 3.12 The nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known
- 3.13 The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning applications are available at the time of designation, taking into account the nine months to be allowed for beyond the end of the assessment period
- 3.14 The threshold for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being overturned on appeal
- 3.15 There are limited exemptions from this measure in that local authorities will not be liable for designation if they decided ten or fewer applications for major development during the assessment period

`Major Developments`

- 3.16 These are divided into `large-scale major developments` and small-scale major developments`
- 3.17 For dwellings, a large-scale major development is one where the number of residential units to be constructed is 200 or more. Where the number of dwellings to be constructed is not given in the application, a site area of 4 hectares or more should be used as the definition of a large-scale development. For all other uses, a large-scale major development is one where the floor space to be built is 10,000sqm or more, or where the site is 2 hectares or more.
- 3.18 For dwellings, a small-scale major development is one where the number of residential units to be constructed is between 10 and 199 (inclusive). Where the number of dwellings to be constructed is not given in the application, a site area of 0.5 hectare and less than 4 hectares should be used as the definition of a small-scale major development. For all other uses a small-scale major development is one where the floor space to be built is 1,000sqm and up to 9,999 sqm or where the site area is 1 hectare and less than 2 hectares.

Statistics

3.19 Tables published by the Department for Communities and Local Government for the period July 2011-July 2013 indicate that Hinckley determined 77% of applications within the appropriate time period (the 'speed of decision' measurement)

The Appendix to the report sets out the number of decisions on major developments made during the assessment period and indicates where a decision was overturned at appeal The summary is set out on page 19 of the Appendix

3.20 The first and so far only designation is Blaby District Council which was designated against the criteria for determining the speed of decisions

4. FINANCIAL IMPLICATIONS [initials of person writing the implications]

[Finance to insert – reports must be submitted to Finance by the deadline stated on the list of deadlines which can be found on the intranet. If there are no implications, it is for the relevant Finance officer to state 'none']

5. LEGAL IMPLICATIONS [MR]

Set out in the report

6. CORPORATE PLAN IMPLICATIONS

The report relates to the corporate aim of providing value for money and proactive services.

7. CONSULTATION

None as the report is for noting only

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Submission of planning applications for major development directly to the Secretary of State with consequent loss of planning fees and the need to take action to improve in order to apply	Careful consideration of applications for major developments and sound planning reasons for a refusal of permission	Planning Committee and Planning officers

to have any designation removed		
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9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

Inability of elected members to determine applications for major development

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: Growth and Infrastructure Act 2013
Improving Planning Performance

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