

NFNPA RAPC 283/16

NEW FOREST NATIONAL PARK AUTHORITY

RESOURCES, AUDIT AND PERFORMANCE COMMITTEE – 1 FEBRUARY 2016

TIMESCALES FOR DETERMINING PLANNING APPLICATIONS

Report by: Steve Avery, Executive Director

Summary:

At the last RAPC meeting Members requested that a report be prepared setting out further details of those planning applications that had not been determined within three months of their application date. This report sets out the timescales for determining planning applications and considers the contributing factors that have led to a delay in determining some applications.

1. Background

- 1.1 Once a planning application has been validated, government guidance requires a local planning authority to “*make a decision on the proposal as quickly as possible*” and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant.
- 1.2 The statutory time limits are usually 13 weeks for applications for major development and eight 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).
- 1.3 Where a planning application takes longer than the statutory period to decide, and an extended period has not been agreed with the applicant, the Government’s policy is that the decision should be made within 26 weeks at most in order to comply with the ‘planning guarantee’¹.
- 1.4 Where a valid application has not been determined within the relevant statutory period, the applicant has a right to appeal to the Secretary of State against non-determination.
- 1.5 If the applicant has not exercised this right of appeal, and the application remains undetermined after 26 weeks, then the fee paid by the applicant must be refunded to them (unless a longer period for the decision has been agreed).
- 1.6 More recently, the government has amended planning legislation that allows the Secretary of State to designate local planning authorities that “*are not adequately performing their function of determining applications*”, when assessed against published criteria. In these circumstances, an applicant can elect to submit applications for major development directly to the Secretary of State (and bypass the local planning authority altogether).

2. NFNPA Performance

- 2.1 The table below shows that the Authority's performance in determining planning applications within the statutory time limits has been steadily improving over recent years. The bulk of applications received are in the 'others' category which includes householder applications and advertisements. About a third of all applications are in the 'minor' category which includes new dwellings (<10) and change of use proposals whilst relatively few (10 or less applications a year) are in the 'major' category.

	2012/13	2013/14	2014/15	2015/16 (Q3)
Majors (13 wks)	50%	100%	100%	88%
Minors (8 wks)	72%	74%	82%	83%
Others (8 wks)	80%	88%	91%	95%

Table1: Performance in determining planning applications

- 2.2 Performance against the statutory time limits is included in our quarterly Progress Reports to RAPC (and make up part of our set of National Performance Indicators). With effect from the last meeting, the Key Performance Indicators (KPIs) now also include a footnote which records the average additional time taken to determine those applications which exceed their statutory time limit (for the end of Q2 this was 13.8 days, excluding those delayed by s106 agreements).

3. Outstanding applications of three months or more

- 3.1 The team currently have six applications which remain undetermined and are more than three months past their application date (date received). The details of these applications and the reasons why they remain undetermined are recorded in the table attached as Annex 1. It will be noted that in three of the cases the reason for delay is due to the pending completion of a section 106 legal agreement. Other contributing factors are mainly protracted negotiations whereby both parties are seeking to achieve a successful outcome for the application.

4. Conclusion

- 4.1 Requiring local planning authorities to determine planning applications in a timely manner is likely to remain a high government priority and further sanctions are being considered for those authorities that consistently fail to meet government targets. Delays in the planning process are neither in the applicant's or the local authority's interest and we shall continue to closely monitor our own performance through the regular reporting of KPIs to RAPC.

5. Recommendation

That Members note the report.

Papers:

NFNPA RAPC 283/16	Cover Paper
NFNPA RAPC 283/16	Annex 1

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Equality and Diversity Implications:

There are no specific equality or diversity implications arising out of this report.