

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 11th April 2013
Report for: Information
Report of: Chief Planning Officer

Report Title

Clearing the backlog of planning applications

Summary

To advise of measures introduced to clear the backlog of undetermined planning applications

Recommendation(s)

That Committee note the measures introduced to clear the backlog of undetermined planning applications

Contact person for access to background papers and further information:

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Background Papers:
None

1.0 Purpose of the Report

This report advises Members of measures introduced to clear the backlog of undetermined planning applications

2.0 Background

2.1 There are 586 “historic” undetermined planning applications on the Council’s Planning Register which are more than 6 months old. Of these 495 are more than 12 months old. Many of these applications are ones where the applicant clearly has no intention to progress them. There are 130 applications where the Planning Development Control Committee has resolved to grant planning permission but the developer has not completed the necessary S106 Agreement, so the decision cannot be issued. There are 97 planning applications which are clearly duplicate entries or are cases where we know they have secured a decision on an alternative proposal.

2.2 A number of different categories of applications have been identified:-

- Applications awaiting S.106 Agreements;
- Applications where the applicant needed to submit further information but has not done so;
- Applications submitted but subsequently superseded by alternative proposals;
- Applications where the Applicant and Agent have otherwise ceased pursuing the application.

2.3 These applications are shown on the Planning Register as applications which are clearly outside the timescales set for the determination of applications under the Town and Country Planning (Development Management Procedure) (England) Order 2010 and which have not been finally disposed of. If these applications come forward for a decision, that decision would be recorded on the statistical returns to Government. As the applications are clearly well beyond target, this would have a negative impact on performance figures.

2.4 The Growth and Infrastructure Bill will make provision to speed up planning decisions by allowing applications to be swiftly decided by the Planning Inspectorate if a council has a very poor record in turning around applications or they are consistently being overturned on appeal. The Government has issued a consultation on its new performance regime. The most significant proposal is that those Councils which determine less than 30% of Major applications within target will face sanctions. If applications are not determined within 26 weeks, the fee would need to be returned.

2.5 To ensure that Trafford improves its speed in determining applications and does not fail to meet performance targets, risking sanctions from Government or risk having to return application fees, a number of actions have already taken place. Work has been done on improving the processes for dealing with

applications; speeding up the S.106 process; and the introduction of a new performance management regime. This has been done as part of a wider programme of service improvement aimed at providing a better quality of service to customers. As a result there have been significant improvements in performance in dealing with current applications. At the end of September 2012, 41% of planning applications were being dealt with on target. By the end of March 2013, that had risen to 81%

3.0 The Way Forward

3.1 The issue of the 'legacy applications' needs to be carefully managed to ensure the potential for these to impact adversely on performance levels is minimised.

3.2 Under Article 36(13) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 applications are deemed to be "finally disposed of" where they remain undetermined after the period of 6 months following the original eight or thirteen (as appropriate) week target period for determination, or in the case of applications where a S106 agreement was required, 6 months from the date of the committee resolution. This would mean that any application which has passed the 6 month time limit and where an extension of the time for determination has not been agreed should be deemed to be 'finally disposed of' and should be removed from the register.

3.3 In order to regularise the register so that only live applications are listed and in order to clear off the historic applications it has been necessary to review the historic applications and to identify:-

- whether they have passed the 6 month limit without being determined;
- whether there has been any extension of time agreed for the determination of the application;
- whether there is any indication as to the reason why the matter is not currently being pursued to determination;
- the period of time during which the application has been dormant; and
- whether there are any other circumstances which might suggest that the application is unlikely to be pursued.

3.4 The backlog can be cleared by wherever possible determining that an application is "finally disposed of" because it has passed the time limit without extension and there are no other circumstances which might suggest that the application is still live. The application should then be removed from the planning register and no further consideration will be given to that application.

- 3.5** Given that this represents a significant change to current practice, consideration has been given to the extent that it is necessary to bring the proposed action to the attention of applicants and agents, and this is dealt with below.
- 3.6** It is important however that this is not seen just as a means of addressing the current issue with historic applications but that it is incorporated into and becomes a matter of good management practice within the service. Applications are now to be routinely reviewed as they approach the 8/13 week deadlines and if they are unlikely to be determined within that period, written agreement to extend the period for determination of the application will be sought, wherever possible. In all cases where the date set for determination, (either original or extended), has passed the application will be diarised for review after 6 months and consideration given at that time to whether the case should be removed from the register on the basis that it is deemed to be finally disposed of. Applicants will be advised at the outset that the application will be managed on that basis.
- 3.7** Clearly some applications will not be able to be disposed of and will continue to be determined. This will need to be carefully managed to minimise the adverse impact on performance figures.

4.0 Implementation Plan

- 4.1** It is necessary to put in place measures to deal with the backlog of undetermined applications on the Planning Register which are more than 6 months old and which have been identified for clearance following the steps in 3.3 above. The applications have been reviewed to determine the best course of action in each case. Three different categories can be identified. The following action will be taken, dependent on the particular circumstances of the case:-
- In cases where there has been no contact from the applicant/agent in a long time or where the application is clearly defunct e.g. where a subsequent application has been approved, the application will be removed from the Planning Register on the basis that it is deemed to be “finally disposed of” and will not be considered further. The Applicant and Agent will not be contacted. This is likely to be the approach taken in the majority of cases.
 - In cases where there has been no recent contact from the Applicant/Agent but there is an indication that the Applicant or Agent may still wish to pursue the application, a letter will be sent advising them that the LPA has decided that the application will be removed from the Planning Register on the basis that it is deemed to be “finally disposed of” and will not be considered further unless they contact the LPA within a 14 day timescale. They will then be asked to agree an appropriate timescale to bring the application to conclusion and to agree an extension of time on that basis. They will however also be advised that the option of declaring the application “finally disposed of”

will remain.

- In cases where there has been contact relatively recently from an applicant/agent, a letter will be sent requiring discussions to bring the application to conclusion or to agree an appropriate extension of time. They will however be advised that the Council will consider declaring the application “finally disposed of”, which will remain an option.

- 4.2** For the cases in the 2nd and 3rd categories, an initial series of letters (40, comprising 20 of each type above) are will be sent out. This will enable an assessment of the effectiveness of the approach.
- 4.3** An assessment is currently being carried out to determine how many applications fall into each of the above categories. The programme will be completed within 6 months, concluding by 31st August 2013.
- 4.4** A report will be brought to the September meeting of this Committee to advise on progress in clearing the backlog of “legacy” applications.

Background Information

Relationship to Policy Framework/ Corporate Priorities	A Cleaner, Greener Borough
Financial	If applications awaiting the signing of S.106 contributions are disposed of, that contribution will no longer be identified as a potential contribution. In some cases this programme will encourage the completion of S.106 Agreements. If new Regulations do come into force this year, the Council would need to refund planning application fees for any applications taking longer than 26 weeks to deal with and the applicant has not agreed an extension of time.
Legal Implications	None directly from this report.
Equality/Diversity Implications	None directly from this report.
Sustainability Implications	None directly from this report.
Staffing/E-Government/Asset Management Implications	None directly from this report.
Risk Management Implications	None directly from this report.
Health and Safety Implications	None directly from this report.