



**24 April 2018**

**Agenda Item: 6**

## **REPORT OF CORPORATE DIRECTOR - PLACE**

### **DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE**

#### **Purpose of Report**

1. To report on planning applications received and determined (including the decision made) by the Development Management Team between 1<sup>st</sup> March 2018 and 31<sup>st</sup> March 2018 and to confirm those applications that remain outstanding for more than 17 weeks at 31<sup>st</sup> March 2018. The report also covers end-of-year performance.

#### **Background**

2. Appendix A highlights applications received between 1 March 2018 and 31 March 2018, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks as at 31<sup>st</sup> March 2018. Appendix C is a table of County Council performance nationally, for the year ending December 2017. Appendix D sets out the Committee's work programme for forthcoming meetings of the Planning and Licensing Committee.

#### **'County Matter' planning applications**

3. County Matter applications relate to proposals for Minerals or Waste development. In the 12 months up to 31<sup>st</sup> March 2018, a total of 47 County Matter applications were received. This compares with 34 received in the same period 2016/2017. In the period 2017/2018, 6 applications were accompanied by environmental statements, compared with 8 received in 2016/2017. At 1<sup>st</sup> April 2017, 25 applications were outstanding. This gave a total of 72 applications to be processed in the 2017/2018 period, compared to 62 in 2016/2017.
4. A total of 43 County Matter applications were determined throughout the year, compared with 37 in the previous year. Table 1 (overleaf) shows the performance over the year, indicating the time taken to determine applications. In addition to the 43 applications determined, 5 were withdrawn and 6 were returned. As at 1 April 2017, 25 applications were in hand.

5. Committee has resolved to grant planning permission for a further four applications, subject to the signing of S106 Legal Agreements. These are:
  - (i) Nether Langwith Quarry, a variation of condition to allow the continuation of extraction and processing of Limestone unit 2035.
  - (ii) 2 planning applications at Girton Quarry near Newark to allow an extension of time until 2035.
  - (iii) Stud Farm, Anaerobic Digestion Plant, Rufford, for a revised layout and design of buildings.
6. Since 2013 the Government has been monitoring local planning authority performance on the speed and quality of decisions on planning applications for major development. The target to determine major development applications within the statutory period of 13 weeks (or an extended period agreed with the applicant) has gradually increased since being introduced and presently stands at 60%. The Government has now introduced a similar target for the determination of non-major development applications within the statutory period of 8 weeks (or an extended period agreed with the applicant) which has been set at 65%, increasing to 70% in 2018.
7. This is the third year the performance report will reflect the Government's introduction of targets for measuring the County Council's performance for determining planning applications. All county matter applications are classed as major applications and therefore should be determined within either a 13 week period or a 16 week period for applications accompanied by an Environmental Statement. If the Authority considers that an application is not going to be determined within these timescales, it is allowed to ask applicants for a time extension. If the time extension is agreed, and the application is determined within the agreed time extension, the Authority will meet the required performance criteria. Reasons for seeking time extensions can range from the need to undertake further consultations, the timing of committee cycles, negotiating S106 legal agreements, or competing workload pressures. Appendix C shows the performance of the Authority against other county councils in the country.
8. The figure for applications dealt within 13 weeks for the period 2017/2018 was 53% (see Table 1 below), compared to 35% for 2016/2017 (see Table 1 below). However, with the inclusion of applications dealt within an agreed time extension the figure rises to 100%. This compares to the present Government target of 60% of applications to be dealt within 13 weeks or an agreed time extension.

**Table 1 Annual Performance for County Matter applications**

No. of County Matter applications determined	Within 8 weeks*		Within 13 weeks*		Within Agreed Time Extension*		Over 17 weeks No Time Extension		Total	
	no	%	no	%	no	%	no	%	no	%
April 2015 to March 2016	13	24	31	57	48	89	6	11	54	100
April 2016 to March 2017	5	14	13	35	32	86	5	14	37	100
April 2017 to March 2018	7	16	16	53	43	100	0	0	43	100

\*The figures are cumulative

9. In terms of how County Matter applications were determined, this can be summarised below.

County Matter applications determined under delegated powers:	21
County Matter applications determined by Committee:	19
County Matter – Active Mineral Review application - determined by Committee	1
County Matter applications withdrawn:	5
County Matter applications returned:	6
County Matter EIA applications determined by Committee:	3
<b>Total</b>	<b>55</b>

10. The Development Management Team has continued to determine other matters related to permissions granted by the County Council during the past year. These include applications for Non-Material Amendments (19 compared to 31 in 2016/2017) and the discharging of details required by conditions (88 compared to 80 in 2016/2017). The team has also provided 5 (compared to 2 in 2016/2017), 'screening opinions' upon receipt of a specific 'screening requests' under the Environmental Impact Assessment (EIA) Regulations, in addition to screening all planning applications received to assess whether they trigger the need for EIA. In cases where it has been determined that EIA is required, the team has also issued 5 'scoping opinions' (compared to 8 2016/2017), liaising with statutory bodies and other consultees to obtain their views on what environmental issues the EIA should assess. The team offers formal pre-application advice, for which a fee can apply, (7 compared to 5 in 2016/2017) and advice in respect of permitted development rights (1 compared to 11 in 2016/2017) where officers determine whether proposals can be carried out without the need for formal planning permission. Consultations are also received from other statutory bodies, for example the Environment Agency, which consults the team on waste management licences and environmental permits.
11. Similarly, the district/borough councils consult the County Council on planning applications which may affect mineral or waste sites, for example a wind turbine on a sewage treatment works. Views are also sought on significant proposals

outside but close to the county boundary. These matters are dealt with by the Council's Planning Policy Team.

### County Council Development

12. The County Council determines applications for its own development under the procedures laid down in the Town and Country Planning General Regulations 1992 (usually Regulation 3). This is a privileged position afforded to local authorities and it is essential that applications for the County Council's own developments are subject to the same level of scrutiny as that for other applications. In the 12 months up to 31 March 2018, a total of 42 County Council development applications had been received. This compares with 30 in the same period last year.
13. Seven applications were outstanding as at 1 April 2017 giving a total of 49 to be processed during last year, compared to 35 in 2016/2017. As at 1 April 2018, 9 applications were on hand.
14. During 2017/2018 a total of 42 County Council applications were determined, all of which were granted permission. A further 2 applications were withdrawn by the applicant department, and 3 applications were returned for being incomplete.

**Table 2 Annual Performance for County Council applications**

No. of County Council Developments applications determined	Within 8 weeks*		Within 13 weeks*		Agreed Time Extension*		Over 17 weeks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2015 to March 2016	32	52	47	77	52	85	9	15	61	100
April 2016 to March 2017	12	34	28	80	31	89	4	11	35	100
April 2017 to March 2018	23	66	31	91	35	100	0	0	35	100

\*The figures are cumulative

15. In terms of how County Matter applications were determined, this can be summarised below.

County Council Development applications determined under delegated powers:	32
County Council Development applications determined by Committee:	3
County Council Development applications withdrawn	2
County Council Development applications returned:	3
<b>Total</b>	<b>40</b>

16. The Development Management Team has dealt with other matters relating to the County Council's own development during the year. These include applications for Non-Material Amendments (6, the same as 2016/2017); the discharge of conditions on applications that have been granted planning permission (107, compared to 198 2016/2017); and permitted development proposals (19, compared with 13 in 2016/2017).

### **Outstanding applications**

17. At the start of this new financial year 1<sup>st</sup> April 2018, a total of 31 County Matter applications and 9 County Council development applications are outstanding. A list of those applications outstanding for longer than 17 weeks is attached as Appendix B.

### **National performance**

18. The Department for Communities and Local Government produces statistical information on planning applications received and determined by County Planning Authorities. The latest available table includes performance for the year ending December 2017 and is attached as Appendix C.
19. In that period, Nottinghamshire received 48 County Matter applications (i.e. minerals and waste applications), the third highest amongst County Councils in England, and determined 46, equal sixth highest in the country. This compared to 44 received (sixth highest) and 44 determined (fourth highest) in the year ending December 2017.
20. In terms of County Council developments (Regulation 3 applications), Nottinghamshire determined 41 (equal 11 highest) applications in the year ending December 2017, compared to 49 during the same period ending December 2016.

### **Monitoring and Enforcement**

21. The determination of planning applications goes hand in hand with the monitoring and enforcement of development. A separate report on Monitoring and Enforcement work over 2017-2018 will be presented to the next available Committee.

### **Appeals**

22. The County Council has not been involved any appeals for the year 2016/2017

## **Ombudsman investigations**

23. No complaints have been referred to the Local Government Ombudsman (LGO) in the reporting period.

## **Development Plan progress**

### Minerals Local Plan

The current adopted Nottinghamshire Minerals Local Plan is out of date and work is now underway to draft a replacement Plan.

Following withdrawal of the submitted Minerals Local Plan from examination in May 2017, the Council has begun to prepare a revised Minerals Local Plan based on new evidence and covering a new timescale of 2016-2036. It will cover the County area (the City's minerals policies are included in its draft Part 2 Local Plan). The Plan has now been through the initial stage of consultation concerning Issues and Options which took place between 20 November 2017 and 14 January 2018.

Responses to the Issues and Options consultation are currently being assessed, with the main issues emerging concerning the level of provision in the Plan for sand and gravel extraction, the issue of priority for extensions over new quarries and whether there needs to be a geographical spread of sites across the County.

A call for sites was also made in association with the Issues and Options stage and a range of sites have been submitted by mineral operators or landowners involving potential sites for extraction of sand and gravel, Sherwood sandstone, Clay and Gypsum.

Responses to the consultation on Plan options and call for sites are now being assessed. It is proposed to carry out community consultation and involvement on a Draft Plan in the summer with the aim of submitting and adopting the Minerals Local Plan by the end of 2019.

### Waste Local Plan

24. The County and City Councils agreed in 2017 to prepare a single Joint Waste Local Plan to replace the Nottingham and Nottinghamshire Waste Core Strategy (2013) and the saved policies within the Nottingham and Nottinghamshire Local Plan (2002). The proposed Plan will provide updated strategic planning policies for the development of future waste management facilities, set out detailed development management policies and where necessary, identify specific sites appropriate for waste treatment and disposal. The timetable for the new Local Plan is set out in the County Council's Local Development Scheme (August 2017) and will also be reflected in the City Council's forthcoming Local Development Scheme which sees Consultation on Issues and Options in April 2019 followed by a Draft Plan with the submission of a final plan in 2020 and adoption envisaged in early 2021.

## **Other Issues**

25. The County Council's Statement of Community Involvement was approved by Policy Committee in March. This sets out how the Council consults on the planning applications it receives. There will be greater use of electronic communication making the planning process more efficient and cost effective for its service users. Details of all planning applications, including the final decision, associated conditions and legal agreements will be published on the County Council website.
26. Following the granting of planning permission and the completion of the associated legal agreements the two shale gas sites, one at Misson Springs and the other at Tinker Lane, have commenced work on site. This has attracted significant media attention and has had a major impact on the work of the Development Management Team in terms of ongoing monitoring, the discharge of planning conditions and continuing work with the community liaison groups.
27. The Government has recently published a draft National Planning Policy Framework (NPPF) for comment. Following the consultation the Government intend to publish the final revised NPPF before the summer recess. The Development Management Team will face fresh challenges meeting the anticipated changes to the document.
28. Last year this Committee approved a revised Scheme of Delegation, setting out which applications are reported to committee for a decision and also the Guidance on the Validation of planning applications (the Local List), setting out information needed to validate a planning application. These will have implications for the team in terms of its processing of planning applications in the future.

## **Statutory and Policy Implications**

29. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATIONS**

That Committee considers whether there are any actions they require in relation to the contents of the report.

**ADRIAN SMITH**

**Corporate Director - Place**

### **Constitutional Comments**

The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 10/04/2018]

### **Comments of the Service Director - Finance**

The contents of this report are duly noted – there are no direct financial implications. [SES- 10/04/2018]