

Seven councils below benchmark in first 18 months of two-year period // DCLG will make first designations in October // PINS

## Seven councils facing 'special measures'

**EXCLUSIVE**  
By Jamie Carpenter and John Geoghegan

Seven local planning authorities are currently in line to be placed in 'special measures' allowing developers to bypass their planning departments, according to an investigation by *Planning*.

Under the controversial policy, councils that determine fewer than 30 per cent of major applications within 13 weeks over a two-year period are to be stripped of their planning powers. In such cases, developers will be given the option of submitting major applications directly to the Planning Inspectorate (PINS), rather than the local planning authority.

Setting out further details of the policy last week, the Department for Communities and Local Government (DCLG) confirmed that the performance of local planning authorities in determining major applications would be assessed between July 2011 and June 2013. The department expects to announce initial designations in October.

An analysis of official quarterly planning application statistics by *Planning* reveals that seven local authorities - Horsham, Daventry, Halton, Hounslow, Fylde, Cherwell and Enfield - determined fewer than 30 per cent of their major applications over the first 18 months of the two-year period (see table). These authorities will need to improve their performance in the

final two quarters of the two-year period in order to escape a special measures designation.

Planning minister Nick Boles had told the communities and local government select committee last December that he expected "vanishingly few" councils to be caught by the measure.

Horsham District Council, which according to *Planning's* analysis determined 19.8 per cent of its major applications within 13 weeks between July 2011 and December 2012, said that it had approved 78 per cent of major applications in the two years up to June 2013. The speed of determination of major applications over the period does not represent the true picture of the quality of service provided for major applications, a spokesman said.

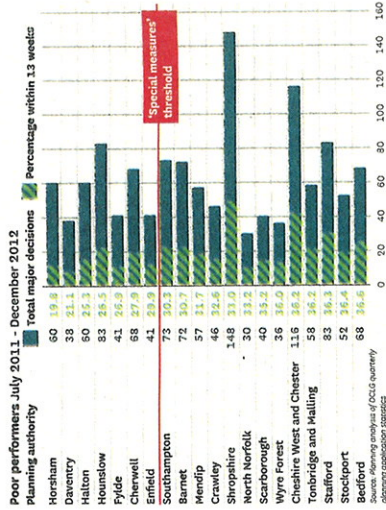
Halton Borough Council said that its approval rate for major applications is 98.7 per cent. But a statement said that it had appointed four additional staff to "deliver a significant improvement in performance statistics".

"We are confident the additional resource we have already invested in the service will resolve the time element of decision making," the council said.

The London Borough of Hounslow said that it is "confident" that it will not be placed in special measures "due to a very high percentage of major applications determined within 13 weeks over the last two quarters of 2013".

The London Borough of Enfield

**TIMELINESS OF DECISION-MAKING: JULY 2011-DECEMBER 2012**



said that an action plan has been developed to "improve performance against the statutory time frames".

It said that it works with developers to secure a good planning outcome, "rather than solely adhering to strict timescales".

Maria Taylor, community manager at Daventry District Council, said it is "premature" to conclude that the council is at risk of being placed in special measures, as the figures "do not include live major applications scheduled to be determined in the DCLG timeframe".

Cherwell and Fylde councils had not responded to a request for a

statement at the time of going to press.

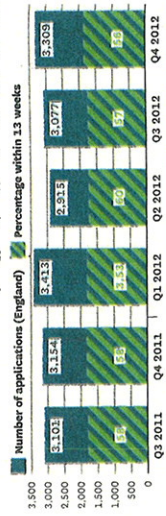
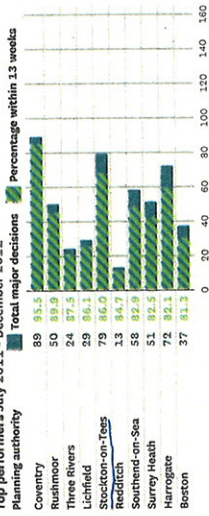
In a response last week to a consultation on the special measures proposals, the DCLG said PINS would hold local hearings to determine applications if developers have chosen to bypass "poorly performing" planning departments.

Previously, the department had proposed that such applications should be examined "principally" by written representations. But now it says that a local hearing chaired by an inspector "will be appropriate in most cases", to "allow the key issues to be aired in public".

to hold 'local hearings' to decide applications

## measures'

**Top performers July 2011 - December 2012**



The DCLG went on to say that the process "will be modelled on relevant aspects of the local planning committee process", with "interested parties" able to "summarise their position" and the inspector issuing a decision "shortly after" the hearing.

Meanwhile, councils that fail to provide data on planning performance of more than three quarter-years to the department face a penalty. Their average application determination speed would be reduced by upwards of 10 percentage points, depending on how much missing data there was, said DCLG. Oliver Wright, a solicitor at law

firm Forsters, said it was a "wise decision" by the government to introduce local hearings. "With the previous proposals, you had the feeling they were totally side-stepping local people and issues."

But Duncan Field, a partner at law firm Wragge Co, said: "My worry is that this type of local hearing grows in concept and turns into a lengthy and costly process - something it was never meant to be."

Additional reporting by Jim Dunton

**MORE ONLINE** Special measures' criteria for designations a primer <http://bit.ly/19a5wPw>