

## **Committee: Sustainable Communities Overview and Scrutiny Panel**

**Date: 23 February 2023**

**Wards: Borough wide**

## **Subject: Development control performance**

Lead member: Cllr Aidan Mundy, Chair Planning Applications Committee

Contact officer: Jon Berry, Head of Development Management and Building Control

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### **Recommendations to Sustainable Communities Panel:**

- A. Note the improved Development and Building Control performance, and the implications of the intention noted in the Levelling Up and Regeneration Bill to standardise planning data and software.
- B. To recommend to Cabinet:
- (i) An officer taskforce is established to:
    - a. Scope opportunities to maximise and optimise current development control software. This would include opportunities to improve data quality;
    - b. Subject to available resource, and increasing returns to scale, implement improvement opportunities identified that support system migration;
    - c. Scope the resource and processes required to stand up a programme of work to:
      - i. Replace the current development control software.
      - ii. Iterating processes to improve efficiency and software utilisation following migration.

Both with the aim of being compliant with the regulations following the Royal Assent of the Levelling up and Regeneration Bill.
  - (ii) Plan to resource the programme of work and purchase through capital funds a replacement development control software system as early as fiscal year 2024/25

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. Merton Council's Sustainable Communities Overview and Scrutiny panel was updated by the Chair of the Planning Applications Committee on an identified underreporting of performance to the panel. This affected reports between May – November 2022.

1.2. Subsequent analysis has identified the gap in reported and actual performance and found our development performance is on an upward trajectory. This is further detailed in Table 1.0.

1.3. The primary cause of underreported performance was identified in the limitations of Merton's development control software. This has resulted in high levels of manual data processing increasing the risk of error.

1.4. The Levelling Up and Regeneration Bill notes an intention to mandate specific data and software standards for all Planning Authorities in England. Therefore, taking into consideration the lifecycle of our current development control system and national direction of travel this paper recommends the panel support efforts for its replacement as soon as 2024/25.

## 2 DETAILS

2.1. As part of wider quality assurance programme, the Development Control team performed a spot check on reported performance to scrutiny. The subsequent analysis identified underreporting of performance affecting May to November 2022. Results are summarised in Table 1.0.

2.2. Examples illustrating the underreporting include:

NOTE:

Minor applications are those under 11 units

Major applications are 11 units and above

- May 2022: Major applications from 66% to 80%
- October 2022: Minor applications from 32% to 85%
- November 2022: Minor applications from 44% to 76%

2.3. The panel was informed of this issue at the earliest opportunity by the Chair of the Planning Applications Committee on 19<sup>th</sup> January 2023.

2.4. Following verbal report to scrutiny further investigation identified the primary cause was the Development Control teams software used to record, track and report on applications.

- Record: Development control records for finalised applications that do not include a populated decision letter release date field are not included automatically in calculations. This requires manual processing to correct.
- Track: We're unable to provide a view of the end of end process in real time. This introduces a longer than optimal lag between case management and reporting of performance. Such a view would have contributed to earlier identification of under reporting of performance.
- Report: To compile a single performance report two separate reports are produced, manually reconciled and quality assured. This process

is sub-optimal taking officer time and reducing opportunities to remove variation.

2.5. This system is at the end of its lifecycle and recommended for upgrade, at cost, by the software vendor M3.

2.6. An additional factor to consider is the data and software standards planning authorities must comply with are shortly due to be updated. The Levelling Up and Regeneration Bill (19 December 2022 version) Chapter 1 section 81 will put a duty on Merton Council to only use approved planning data software systems. The bill is in the Lords Committee stage in Parliament.

2.7. Extract from the Bill:

Power to require use of approved planning data software in England

Planning data regulations may make provision restricting or preventing a relevant planning authority in England from using or creating, or having any right in relation to, planning data software which—

(a) is specified or described in the regulations for the purposes of this subsection, but

(b) is not approved in writing by the Secretary of State. 10

“Planning data software” means software which is capable of being used for the purposes of enabling or facilitating the provision of planning data to, or the processing of planning data by, relevant planning authorities.

2.8. The panel is recommended to support a course of actions that:

- a) Mitigates further risk of reporting issues; while,
- b) Prepares the planning authority for a programme of work to identify the resource implications and practical steps required to prepare our data and processes for migration to as of yet unidentified system.

Table 1.0 Comparison of reported and actual performance

		A) Reported			B) Actual		
Month		Majors	Minors	Other	Majors	Minors	Other
May	Numerator	2	12	132	4	12	128
	Denominator	3	12	139	5	12	139
	%	66.6%	100%	94.9%	80%↑	100%↔	92.1%↓
June	Numerator	0	7	69	0	14	83
	Denominator	0	19	100	1	19	100
	%	N/A	36.8	69%	0%↓	73.7%↑	83%↑
July	Numerator	8	24	126	6	22	115
	Denominator	8	25	143	6	25	143
	%	100%	96%	88%	100%↔	88%↓	80.4%↓
August	Numerator	0	11	99	2	22	109
	Denominator	0	13	152	2	28	155
	%	N/A	85%	65%	100%↑	78.6%↓	70.3%↑
September	Numerator	0	12	76	1	12	108
	Denominator	1	21	128	1	21	128
	%	0%	57.1%	59.3%	100%↑	57.1%↔	84.4%↑
October	Numerator	0	9	79	1	24	112
	Denominator	0	28	139	1	28	139
	%	N/A	32.1%	56.8%	100%↑	85.7%↑	80.6%↑
November	Numerator	0	11	134	2	19	172
	Denominator	0	25	202	2	25	202
	%	N/A	44%	66.33%	100%↑	76%↑	85.1%↑

### **3 ALTERNATIVE OPTIONS**

The current planning applications software is unlikely to be compliant with the requirements of the Levelling Up Bill. The system will require replacement.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. Prior engagement with Sustainable Communities Panel 19 January 2023.

### **5 TIMETABLE**

5.1. It is anticipated these recommendations are dependent on the passage of an act of parliament. Scoping work to be completed no later than March 2024.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

No specific implications at this time. The paper recommends further work is conducted to scope the programme of work to update Merton's planning applications software.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. The council reports planning performance to national bodies. Reporting lower than actual performance will lead to sub optimal outcomes.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. No specific implications at this time. The paper recommends further work is conducted.

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. No specific implications at this time. The paper recommends further work is conducted.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. No specific implications at this time. The paper recommends further work is conducted.

### **11 BACKGROUND PAPERS**

11.1. Merton Council Sustainable Communities Panel

(i) [19 January 2023](#)

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