POS Enterprises

FINAL REPORT

Uttlesford District Council

Organisational review of the Planning Service

3 March 2018

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1   Introduction and summary of main findings and recommendations

1.1   POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Uttlesford Council to undertake a review of its Planning Service.

1.2   Throughout the process the staff have been helpful, open and constructive in their comments. The consultants wish to highlight this and thank all involved for their positive attitude to the entire review process.

1.3   During the course of the review both positive and negative factors of the authority's performance came to light. Both have been highlighted, and recommendations provided throughout the report where there is scope for improvement. In some cases the recommendations are specific; others the authority will want to explore in more detail. All the recommendations are made with the aim of improving the service and tackling historic and current difficulties which have been identified.

1.4   The Council has an ambitious growth agenda and the aspiration to be a good or very good planning authority, both of which will require a well-resourced and competent planning service to ensure delivery.

1.5   The review identified a number of areas which in the opinion of the Review Team should be the focus for the authority, and recommendations are included for consideration. This summary covers the main findings and recommendations.   There are further recommendations in the report where there is room for improvement, but these are not considered to be of the same priority. Following consideration of the report, the authority should prepare an action plan with clear priorities and timescales, in consultation with the staff.

1.6   The Review Team found a Service working towards delivering the Local Plan to an ambitious timescale, and many well motivated and competent officers committed to providing a good service to the public.

1.7   However, the overall view of the Review Team was that the Service was not operating to a level that is consistent with the Council's objective to provide a very good planning service. Development Management performance against the Government's key criteria for major applications was in the lowest quartile, and the 'quality' indicator (performance at appeal) is at a level where there is a risk of intervention. Non-major applications performance is better but still 3rd quartile, well below where a very good authority would be found. Perhaps even more worrying is that neither staff nor members were sufficiently aware of performance levels and the monitoring and management of performance was found to be very weak.

1.8   The Council is very aware that the position with the Local Plan has left the authority in a vulnerable position and is committed to progressing the plan to a rigorous and ambitious programme. In the short term the lack of an up to date plan and a 5-year land supply leaves the authority vulnerable at appeal, and the Local Plan strategy in which much of the housing development is scheduled for delivery later in the plan period could still leave the authority vulnerable unless a convincing case is made at examination and appeal.

1.9   The relatively stable financial position of the service compared to many other planning authorities is reassuring as is the possibility of additional resources if there is convincing evidence of need. There is a problem of attracting permanent staff to the authority. The Review team was told that salaries were not competitive, but there has not been the

opportunity to test this. Recruitment of planning staff is a national problem and most authorities throughout the country rely on temporary and agency staff to a greater or lesser extent. Salaries, reputation, location and the type of work can all be factors in recruitment. The Council needs to understand what factors are relevant for Uttlesford and how they can be addressed.

Priorities for Development Management

1.10   There are two main areas which the Review Team considers should be priorities for Development Management. Firstly, it should review its performance management process to establish a clear set of prioritised performance criteria. These should be set at levels which relate to external comparisons – nationally set criteria, national or comparator group average or upper quartile performance. The selected criteria and the associated performance reporting should be tailored for the appropriate audience dependant on whether they are delivering against corporate, departmental, service, team or individual objectives. This is dealt with in more detail in Section 7 of the report. The specific recommendations relating to this are:

Review the performance monitoring process to ensure that corporate, department and service priorities are regularly monitored at the appropriate level and to the right timescales

Quarterly monitoring of CLG current and proposed "designation" criteria

Regular reporting of the key performance indicators to members

1.11   Secondly, and closely allied to the first finding, is that there is an urgent need to clarify the management responsibilities in development management. Neither the Development Manager or the Team Leaders manage performance regularly or effectively and performance management information is not readily available. Both Team Leaders carry a significant caseload and in this respect act as 'senior professionals' as well as managers. The conflicts this creates between dealing with major applications, managing team and personal workload and performance and managing staff create competing priorities which are difficult to reconcile. The authority needs to be much clearer on where the responsibilities lie which may involve restructuring and/or revising roles. This is explored in more detail in paras 7.27-7.29.

Review the roles of the DM Manager and the Team Leaders to ensure their respective management and professional roles are clarified.

1.12   There are a number of points raised in this report which would assist in improving development management performance. Some of these would be relatively straightforward (eg. streamlining delegated reports) others need further consideration (eg. development management staff resources). The effectiveness of these measures can only be judged if the right monitoring and management structures are in place which is why these are seen as the overarching priority. The preparation of a Service Action Plan should therefore prioritise monitoring and management aspects and at the same time highlight the 'easy wins'. An action plan's effectiveness is dependant on clarity of purpose, clear responsibilities and challenging but realistic timescales. Too many actions with too many top priorities can quickly lead to failure.

Priorities for Local Plan and Policy

1.13   There is a clearly understood objective to deliver the Local Plan to an ambitious timescale. This has the support of officers and members at the highest level and there is an understanding of the resources necessary to achieve it. This is to be commended.

1.14   The commitment to deliver expresses itself in weekly meetings involving the Chief Executive, Director, Assistant Director, Policy manager and Team Leader. In addition, there are also fortnightly Leader's meetings with the leaders of the 3 political parties. The objective of these meetings is to project manage the plan process. In the opinion of the Review Team this is counter-productive. It involves the officers who are preparing the plan servicing the meetings (preparing agenda, notes and actions arising), diverting them away from the priority task. The meetings are too frequent to allow work to progress between them in a meaningful way. The project is being over-managed and the process needs to be reviewed to ensure the right people have the right involvement at the right time to keep the project on course without diverting scarce resources from the task at hand. The recommendation is therefore:

The authority reviews the project management process to ensure delivery while freeing up key resources for plan preparation,

2   Background

2.1   POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Uttlesford District Council to undertake a review of its Development Management service in February 2018.

2.2   In the autumn of 2017 the planning service had prepared growth bids in response to the both the resources required to complete the production of the local plan during 2018 but also to ensure that the development management team was adequately resourced to deal with the anticipated applications in respect of Stansted Airport expansion and the siting of three new garden village communities almost entirely within the District's boundaries.

2.3   Before agreeing any further staff expansion, the Council has decided that it would be beneficial to have an external review of the existing structure and organisation of the entire service to provide an independent and informed assessment of the challenges ahead for the service, how well it is currently placed to deal with them, and the adaptations necessary to do so. The review aims to complement the detailed knowledge of the Council's managers and their experience of the service in action.

2.4   Throughout the process the staff have been helpful, open and constructive in their comments. The consultants wish to highlight this and thank all involved for their positive attitude to the entire review process.

2.5   During the course of the review both positive and negative factors of the authority's structures and performance came to light. All have been highlighted, and recommendations provided throughout the report where there is scope for improvement. In some cases the recommendations are specific; others the authority will want to explore in more detail. All the recommendations are made with the aim of improving the service and tackling historic and current difficulties which have been identified.

3   Terms of reference

3.1   The review has been undertaken at a high-level focusing on what changes are necessary or desirable to make the service fully fit for purpose over the next three to five years. The review team has considered the wider strategic and corporate challenges the service will need to address; assessing the suitability of the current structure and organisation and the skills required to meet these challenges; and providing advice on necessary adaptions or reinforcement.

3.2   Through documentary and other research including interviews and workshops with elected members, senior officers and planning staff, the report seeks to address the following key questions:

The changing demands on the service

- corporate priorities and ambitions - how might they influence the service in the future?
- the role of the new local plan - how will local strategy need to develop to meet identified needs and capture opportunities?
- the likely number and scale of planning applications and demand for pre-application discussions
- the use of resources and systems – particularly IT
- working arrangements between officers and members

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- performance - what is current performance in terms of both speed and quality, and what are the pressures and vulnerabilities?

The consequences for organisation and structure

- the capabilities and experience of the existing staff - given that its people are any Council's greatest asset, how well do their competencies fit with anticipated future needs, what gaps are there and what development will they need?
- the service budget - how is fee application income likely to change over the next few years, and will that provide headroom to better match resources to demand and enable the use of external specialist services where needed?
- management structure - does the current structure fit well with expected needs, does it enable effective service delivery and support to more junior staff, and is it robust enough to cope with pressures and changes?
- resourcing - are the staff resources adequate to manage the anticipated challenges and workload, and if not, how can they best be strengthened?
- particular issues - what specific aspects of the service are currently under pressure or vulnerable, and how can this best be rectified?

3.3   The Review Team has remained mindful of the financial pressures upon local authorities, and the need for staff structure and numbers to be economical and efficient as well as the current difficulties in recruitment of good quality planning staff, and the need for pragmatism in any new staffing proposals.

4   Methodology

4.1   Two POS Enterprises consultants visited Saffron Walden for six days in February 2018, to meet with members of the department and to undertake documentary research and review performance statistics and data.

4.2   The review has been undertaken using four main techniques:

Interviews and workshops
4.3   A series of interviews were held on a one-to-one basis and workshops were held with small groups of people with related responsibilities.

4.4   A full list of those interviewed and shadowed is contained at Annex A.

4.5   Throughout the process all interviewees were completely open and frank about their experiences, on the basis that no comments or information used within the report would be attributed.

4.6   Discussions covered the following areas:

- Performance against Government and local targets
- General service delivery
- The team structures within the Planning service and operational issues
- Communications – both internal and external
- The current use of the pre-application discussion process
- Consistency and process of decisions on major applications
- Planning appeals regarding major applications
- Performance monitoring and statistical analysis
- Committees and member relationships
- Issues around S106 agreements

Documentation and process review
4.7   During the visit the team undertook a detailed examination of documentation, reference material, systems and processes currently being used including:

- The emerging local plan documentation and timetable for production of a new plan
- Public information material from Uttlesford's website, particularly that relating to S106 agreements and pre-application engagement
- Planning Committee and delegation processes
- Monitoring reports

Statistical analysis
4.8   Reports were made available from UNIFORM relating to the processing of applications from receipt to decision and appeal processes. These provided current case load figures, invalidated applications and pre-application workload, as well as statistics relating to numbers and types of application received. The Review Team also interrogated the CLG planning statistics which are used to assess performance against Government criteria.

Observation
4.9   The Review Team observed the site visits and meeting of the Planning Committee held on Wednesday 14 February as well as the Chairman's briefing held earlier in the week.

5   Initial appraisal

Strengths and weaknesses

5.1   The review has identified the following strengths and weaknesses of the existing Planning service and its operation:

5.2   **Strengths**
- Strong commitment and interest in planning at corporate management and member level
- Combination of long service and new staff members
- Commitment to resourcing the service
- Good working relationship between officers and members
- Track record of "Grow your own planners"
- Good validation process and performance
- IT system with capacity to develop
- Commitment and resourcing of training (particularly external)

5.3   **Weaknesses**
- Lower quartile performance in development management
- Absence of performance monitoring and management
- Risk of designation re major applications quality indicator
- Management of under-performing staff
- Lack of performance reporting to members
- Poor performance on pre-application requests
- Top heavy structures
- Local plan is over-managed – diverting officers from progressing production
- Too little delegation in some areas
- Communications blockages
- Call-in timescales too generous – impacts on performance
- Delegated reports are over engineered
- Effectiveness of enforcement
- S106 procedures and monitoring is poor
- Public speaking provisions at committee are very generous
- Numbers of temporary staff

5.4   **Opportunities**
- Ambitious members
- Senior officer support
- Availability of resources – particularly the 20% planning fee increase
- Officers with a clear desire to improve
- CIL

5.5   **Threats**
- Risk of local plan timetable not being met
- Public opposition to local plan
- Planning by appeal in the short/medium term
- Quality designation
- "The Uttlesford way"

6   What does good look like?

6.1   The Terms of Reference call for the Review Team to consider what would constitute a 'fit for purpose' planning function in the light of future challenges over the foreseeable future. This can never be an exact science if only because of the recent pace of change in legislative changes and new guidance coming from the government, something which shows no signs of abating. Nevertheless, the Review Team would suggest good practice would include:

> ➤ an up to date fully NPPF compliant local plan, reflecting corporate objectives, in place at the earliest opportunity;
> ➤ a local plan evidence base tested by the PAS checklist and a proactive approach to the duty-to-co-operate with relevant partners;
> ➤ evidence of at least a 5-year housing land supply to meet OAN (and mindful of emerging standard methodology);
> ➤ a comprehensive Infrastructure Delivery Plan signed off by all relevant partners;
> ➤ A clearly expressed policy towards the use of S106 obligations setting out when they will be required, for what purpose and the necessary mechanisms to ensure delivery
> ➤ a pre- applications service including PPAs and charges, a protocol for involving Councillors on significant cases and MOUs with key consultees;
> ➤ an efficient proactive development management service that meets all statutory and local targets and offers good customer care and consistent planning advice, using up to date technology and delivering, enabling, monitoring and enforcing quality outcomes;
> ➤ a proactive approach to implementation including masterplans and/or development briefs for significant sites, regeneration schemes and proactive care for the historic environment;
> ➤ a valued, motivated and skilled officer corps, working as an integrated planning service with appropriate performance management systems and training opportunities;
> ➤ an effective scheme of delegation, mandatory training for Councillors especially those sitting on the Planning Committee, clear and transparent Committee procedures with clear co-ordinated professional planning advice available to Members.;
> ➤ adequate resources to deliver all of the above.

7 Performance issues

Development management performance

7.1 An authority's performance in determining planning applications remains an important focus for measuring the 'success' of the service. The criteria for judging DM performance have been reviewed by successive Governments, as have incentives and penalties. What has remained is a measurement of speed in decision-making which is easily measured and recorded in government statistics. Finding a measure for assessing the quality of decision making has proved more difficult and the current government has settled on the proportion of a local planning authority's decisions overturned on appeal against the number of decisions made. This may not be perfect but will remain in place for at least the next 2 years.

7.2 Speed of decision making cannot and does not reveal a complete picture of an authority's development management function but as the principal criteria used in external judgement it must be recognised as a key performance indicator. There is a continuing debate amongst planners about the balance between speed and quality and this was raised in group discussion. In a well-managed and resourced planning service there is no reason why speed should be at the expense of poor decision-making. There are many examples of authorities achieving both. What is essential for a planning service to improve its development management performance in respect of speed of decision making is a knowledge and understanding of current performance and a commitment to improvement. Both elements were found lacking in Uttlesford.

Current Government 'Designation' Regime

7.3 The Government currently uses 2 measures of speed and 2 measures of quality in determining whether an authority should be 'designated' as underperforming with the consequent threat of Government intervention.

7.4 **Speed**: For major applications the measure is the percentage of decisions on major applications made within the statutory determination period (13 weeks, or 16 weeks where an EIA is required) or within such extended period as may be agreed between the LPA and applicant through an Extension of Time (EoT) or Planning Performance Agreement (PPA). The threshold for designation is 60% over a rolling 2-year period up to the most recent quarter for which CLG data is available (September 2017 at the time of writing this report). While there has been no formal indication of any change in the threshold, it was increased by 10% from 50% to 60% in 2016 and further increases are likely.

7.5 For non-major applications the measure is on the same basis but the threshold is 70%.

7.6 **Quality**: For major applications the quality criteria is the number of a local authority's decisions overturned at appeal against the number of major applications determined. This again operates over a rolling 2-year period, but because of the timescales for appeals the latest available period is to March 2017. The threshold for designation is 10%.

7.7 For non-major applications the criteria and threshold is the same.

7.8 The penalty for an authority that is designated for major applications (speed or quality) is that applicants have the option of submitting applications directly to the Planning Inspectorate (PINS) therefore taking the decision out of the Local Authority's hands. This would also apply to authorities designated for failure on non-major applications except for householder applications which would be the subject of a government monitored improvement plan. Apart from the potential loss of local decision making, designation would also represent a reputational failure with the attendant risks this brings of attracting staff (or losing existing quality staff) and threatening investment. It is therefore of

paramount importance that development management performance does not pose a risk of designation.

Current performance against designation criteria.

7.9   **Major Applications**: In terms of speed, Uttlesford's performance for the latest published 2 year rolling period was 73.9% against the designation criteria of 60%. While this gives no immediate cause for concern (in respect of designation) it cannot be a reason for complacency. The numbers of major applications received is low and a poor quarter could have a significant impact, and there is the possibility of the threshold being increased, possibly to 70%. Either or both of these two factors could result in Uttlesford being on the margins of designation.

7.10   The quality indicator gives even more cause for concern. The current performance of 7.6% against a threshold of 10% is again based on a rolling 2-year period and the quarterly performance is set out in Table A. This shows the numbers of overturns are heavily weighted to the period post April 2016, which will be taken into account until a further 4 quarters of results are included. At current levels 4 or 5 more appeals lost over this period could result in the threshold being exceeded.

Table A
Uttlesford: Appeals overturned by quarter April 2015-March 2017

Quarter	Appeals determined	Appeals overturned
April-June 2015	1	1
July-Sept 2015	1	1
Oct-Dec 2015	3	0
Jan-March 2016	0	0
April-June 2016	5	3
July-Sept 2016	5	0
Oct- Dec 2016	3	2
Jan-March 2017	1	0

7.11   The Review team has examined the appeal decisions which were allowed in the relevant period. Four were refusals by officers under delegated powers and the other three were Committee cases where the Committee overturned an officer recommendation for grant. This is not the place to go into the merits or otherwise of decisions, but it is relevant that two of the appeals hinged on the lack of a 5-year housing supply. Both members and officers should be acutely aware of the vulnerability of the authority at appeals where this is a significant issue as Inspectors will give it considerable weight in their decision making. The Review Team also noted that at one appeal the Council accepted that the only reason for refusal on the decision notice had been satisfactorily dealt with, but had added in another reason at appeal. This is considered poor practice and opens the authority to potential cost applications.

7.12   **Non-major applications:** Current performance for non-major decisions for the relevant period is 83.9% against a 70% threshold. This looks reasonably comfortable. The absolute numbers are far higher than for majors and therefore the average is unlikely to suffer from significant fluctuations, but there is the threat of the threshold being increased which would make the margin much more precarious. The 'appeals lost' quality indicator for non-majors is at 1.1% against a threshold of 10%. This indicator is far less of a risk as it is currently calculated and few authorities nationally are close to the threshold.

Overall DM Performance

7.13 The risk of designation is a critical matter for the future of the Planning Service. However, if the Service has aspirations to be a good or very good service, designation should be a remote possibility and Uttlesford should be at least upper quartile nationally and among the best in Essex. Tables B-E below show how Uttlesford's performance ranks nationally and against the other Essex District authorities.

7.14 **Speed of decision making for major applications**: (Table B) With 73.9% of applications determined within 13 weeks or timescale otherwise agreed Uttlesford currently ranks 300 out of 338 nationally (lower quartile) and 11 out of the 13 Essex districts. The upper quartile threshold is 93.8%

Table B
Performance of Essex Authorities against DCLG Criteria for designation – Speed of Major decisions: Designation threshold 60% of applications determined within 13 weeks October 2015-September 2017

National rank	LPA	Number of decisions	Within 13 weeks	PPA/ EoT/ EIA	% with PPA or EoT	Within agreed time	%
35	Epp Forest	81	27	52	64	52	97.5
81	Thurrock	78	16	60	77	57	93.6
97	Harlow	26	17	9	35	7	92.3
119	Colchester	102	32	64	63	61	91.2
131	Chelmsford	137	54	75	55	69	89.8
145	Maldon	121	61	52	43	47	89.3
212	Castle point	37	15	17	46	16	83.8
216	Brentwood	42	20	17	40	15	83.3
229	Rochford	23	1	19	83	18	82.6
296	Braintree	112	33	57	51	51	75.0
300	Uttlesford	88	15	65	74	50	73.9
330	Basildon	44	16	14	32	13	65.9
338	Tendring	217	87	74	34	44	60.4

Uttlesford ranks 300/338 nationally (lower quartile) and 11/13 in Essex
Source CLG Planning Statistics Table 151A:Planning Performance Speed of Major decisions Oct2015-Sept 2017

7.15 **Quality of decision making for major applications**: (Table C) With 7.6% of major decisions overturned at appeal Uttlesford currently ranks 326 out of 338 nationally (lower quartile) and 11 out of 13 in Essex. The upper quartile threshold is 0.0%

Table C
Performance of Essex Authorities against DCLG Criteria for Designation Nov 2016 – Quality of decisions made by the authority on applications for major development: Designation Threshold 10% of appeals overturned against major decisions over 2 year period

National rank	LPA	Decisions	No. appeals	Overturned	%
12	Castle Point	32	0	0	0.0
45	Rochford	26	0	0	0.0
95	Brentwood	43	3	0	0.0
127	Thurrock	83	3	1	1.2
147	Chelmsford	136	5	2	1.5
185	Basildon	46	6	1	2.2
210	Colchester	111	3	3	2.7
225	Braintree	95	12	3	3.2
240	Epping Forest	85	12	3	3.5
325	Maldon	133	22	10	7.5
326	Uttlesford	92	19	7	7.6
327	Harlow	26	3	2	7.7
332	Tendring	186	27	18	9.7

Uttlesford ranks 326/338 nationally (lower quartile) and 11/13 in Essex
Source CLG Planning Statistics Table 152A: Planning Performance Quality of decisions Major Applications April 2015-March 2017

7.16 **Speed of decision making for non-major applications**: (Table D) With 83.9% of applications determined within 8 weeks or an otherwise agreed timescale Uttlesford ranked 237 out of 338 nationally (3rd quartile) and 10 out of 13 in Essex. The upper quartile threshold is 92.3%.

Table D
Performance of Essex Authorities against CLG Criteria for Designation – Speed of non-major decisions: Designation threshold 70% October 2015 – September 2017

National rank	LPA	No. decisions	Within 8 weeks	PPA/ EoT/ EIA	% with PPA or EoT	Within agreed time	%
5	Thurrock	1607	1267	335	21	332	99.5
31	Colchester	2541	2077	391	15	353	95.6
45	Epp Forest	3216	2083	960	30	960	94.6
51	Chelmsford	3159	2538	481	15	432	94.0
100	Castlepoint	1163	997	70	6	63	91.1
105	Maldon	1554	1109	341	22	305	91.0
131	Tendring	2116	1580	379	18	309	89.3
221	Harlow	526	400	73	14	46	84.8
230	Brentwood	2100	1505	290	14	263	84.2
237	Uttlesford	2418	1756	335	14	273	83.9
262	Braintree	2229	1457	435	20	377	82.3
292	Rochford	1309	939	132	10	108	80.0
315	Basildon	1884	1224	252	13	209	76.1

Uttlesford ranks 237/338 nationally and 10/13 in Essex
Source CLG Planning Statistics table 153: Planning Performance Speed of Non-Major Decisions Oct 2015-Sept 2017

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7.17 **Quality of decision making for non-major applications:** (table E) With 1.1% of applications overturned at appeal Uttlesford ranked 219 nationally (3rd quartile) and 3 out of 13 in Essex. The upper quartile threshold is 0.5%.

Table E
Performance of Essex Authorities against CLG Criteria for Designation – Quality of non-major decisions: Designation threshold 10% of appeals overturned against total number of decisions over 2 year period

National rank	LPA	Total non-major decisions	Total appeals	Overturns	%
21	Chelmsford	3137	61	9	0.3
47	Rochford	1224	44	5	0.4
219	Uttlesford	2358	87	27	1.1
224	Basildon	1823	68	21	1.2
233	Colchester	2476	85	30	1.2
234	Harlow	493	26	6	1.2
255	Brentwood	2014	113	27	1.3
285	Thurrock	1496	65	24	1.6
292	Castle Point	1143	49	19	1.7
296	Braintree	2199	104	37	1.7
300	Epping Forest	3141	173	54	1.7
308	Tendring	1963	99	36	1.8
338	Maldon	1561	159	64	4.1

Uttlesford ranks 219/338 nationally (3rd quartile) and 3/13 in Essex

7.18 If the authority's aspirations is to be among the top performing authorities it is apparent that there needs to be a significant improvement in performance against national criteria.

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Team Performance and workload

7.19   Table F below shows the comparative workload and performance of the 2 development management teams over the period April – December 2017. There appears to be an imbalance in the workload of the teams which may be a contributory factor in the lower performance levels of the North Team on minor and other applications. This would need to be monitored over a longer period before any action is considered to even up the workload. In the short term dealing with the Stansted Airport application will complicate the position even further.

Table F

Comparative Team workload and performance (April 2017-December 2017)

Team	MAJOR/MINOR/OTHER	No of apps	In time	Not in time	%
North	MAJOR	20	18	2	90
	MINOR	162	129		79.6
	OTHER	542	456		48.1
	Other applications inc Prior notifications/NMA/DOC/CLP/CLE	510			
South	MAJOR	9	7	2	77.8
	MINOR	166	162	4	97.6
	OTHER	438	305		69.6
	Other applications inc Prior notifications/NMA/DOC/CLP/CLE	376			

Quality v Speed

7.20   As already mentioned measurement of development management performance has concentrated on the speed pf decision making. This lends itself to statistical analysis whereas quality is more problematic. The Government's measure on appeal performance is the latest attempt to measure quality and is, at best, partial. Quality of development is to some extent subjective although methodologies have been developed which score against compliance with policy, improvements made through the process and post completion reviews. They are not widely utilised and can be resource intensive.

7.21   On the other hand there is no clear correlation between speed of decision making and quality. Remarks are often made in reviews about the emphasis on meeting performance standards and how this stands in the way of negotiating better schemes. There is little evidence to support this view and planning performance agreements and extensions of time are available where changes need to be negotiated to deliver a scheme that can be recommended for approval. These processes are considered in more detail in Section 9 below. The proper use of these mechanisms, as well as pre-application advice and design review can all contribute to the development of good quality schemes within set timescales.

7.22   Uttlesford does not currently have a post-development review system in place for either members or officers, although such a monitoring activity has occurred previously. Setting one day a year aside to visit completed developments to see how schemes have translated from drawings to buildings can draw out learning both good and bad. This may be something to consider re-instating for the future.

Performance monitoring and management

7.23   This is an area which needs to be addressed as a matter of urgency. Before performance can be improved it is essential that all the key players have an understanding of how the authority is currently performing, what the key indicators are and what targets the authority has in place. Only then can performance be measured and understood and actions identified to bring about improvement. Uttlesford's members and corporate management team have voiced the aspiration that the authority should be a very good planning authority. If they are to drive this ambition it is imperative that they play a role in setting targets and managing performance. Targets need to be ambitious but achievable, and therefore reflect the level of resource as well as aspiration. For example, in terms of major decision making it is not realistic for the authority to move from bottom quartile to top quartile in one year (particularly as the figures are calculated over a 2-year rolling period) and therefore there will need to be an interim target (national average would be an appropriate interim level). Setting targets and devising an action plan to achieve them should involve all of the staff to ensure that there is common ownership and commitment.

7.24   It is recommended that the 4 Government criteria (Speed and quality for both major and minor applications) should be reported quarterly, to the corporate management team, the Planning Committee and the Cabinet. In the longer term, when performance reaches upper quartile, an annual report may suffice, but in the meantime quarterly reporting will keep the focus on improvement.

7.25   The Planning Management Team should see improving development management performance as one of its two key priorities (with delivering the Local Plan) and therefore should have monitoring reports on the agenda for all of its monthly meetings. It should be their function to monitor and manage the action plan. Similarly, performance should be reported at the development management meetings and the area team meetings. Monitoring reports should be appropriate for the audience and therefore at a more detailed level for the development management and area team meetings.

7.26   At the moment performance information has to be extracted manually from the Uniform database. The Enterprise module, which the Council already has available, can provide this information in detail in real time, at service, team and individual level, and this should be implemented immediately. The risk with Enterprise is that it can provide so much information that managers can lose focus on what the priorities are. It is therefore very important that the implementation is managed carefully, concentrating on the essentials, with proper training for all users.

7.27   Processing major applications is an area where Uttlesford will need to improve its performance significantly to reach the national average and then move to upper quartile. Major applications vary considerably in scale and complexity, and the authority should consider introducing a separate process for managing them. This would include a schedule of major applications showing progress towards determination, an early 'triage' (see para 9.11 below), regular progress reporting, and identifying if and when an extension of time should be requested. It should be extended to include pre-apps to show progress, where a planning performance agreement may be needed and the likely timescale for future submission of an application.

7.28   Paragraph 1.10 highlights the need to clarify responsibility for management in the development management section. The Review Team found that there was a lack of clarity in terms of managing performance at section, team and individual level, reinforced by the lack of regularly and readily available performance information. Clarity of responsibility between the Development Manager and the Team Leaders is imperative if performance is to be driven forward. The position is complicated by the Team Leaders carrying a significant caseload and therefore being conflicted between managing the work of the team

and processing their own cases. The Stanstead Airport application, which is to be dealt with by one of the team leaders on a full-time basis for some months, will further complicate the position at a time when the authority will be looking to implement an action plan for improvement.

7.29   Within the present organisational structure the Development Manager should have responsibility for the overall performance of the service, measured against the key national and local performance indicators. Targets against which performance and improvement are measured should be set out and measured in the appraisal process. This needs to be the top priority for development management if the authority is to avoid the risk of designation and achieve upper quartile status.

7.30   The targets should then be cascaded down to the Team Leaders who should then be responsible for the performance of their teams. This includes managing the workload of the case officers. To do this effectively the Team Leaders need regular and readily available information on caseload progress, and this can be supplied through the Enterprise module. Improving performance requires the commitment of the officers. The Review Team found that there was a general willingness to move forward but this needs to be channelled through more active management. Elsewhere in the report there are a number of initiatives that could assist in improvement. An early 'triage' of cases, streamlining delegated reports, amending the 'call-in' timescales, improving the internal consultation processes, and above all developing a performance culture all have a part to play.

7.31   An important element of any action plan will be moving officers' thinking from 'I've got 8 weeks to deal with this' to 'how soon can I get this determined'. This does not mean cutting corners – it means managing each application professionally and realistically, including early identification of issues that could lead to an Extension of Time request for example, with the clear acceptance that if an Extension of Time is agreed the application will get determined within the agreed time limit. Experience elsewhere shows that determined efforts to improve performance can bring with them motivation and pride in providing a good or very good service.

7.32   In the short/medium term the authority should be considering how to free the Team Leaders from their caseload responsibilities in order for them to be the catalysts for improved performance. This will have knock on effects on caseloads (see below in Section 12). In the longer term there may be scope for reducing the management hierarchy which appears "top heavy" for an authority of this scale, but this is a matter for the authority as a whole rather than for the Planning Service to deal with independently.

SECTION 7 RECOMMENDATIONS

Para 7.10
Reinforce with both officers and members the need for an approach to decision making which reflects the Council's vulnerability at appeal, particularly in respect of 5-year housing supply issues, and the potential impact on designation as a poorly performing authority

Para 7.23
Local targets set should be ambitious but realistic, with interim and ultimate levels

Para 7.24
Quarterly reporting of CLG Designation Criteria to Corporate Management Team, Planning Committee and Cabinet

__Para 7.25__
__Performance reporting to all management meetings__

__Para 7.26__
__Implement Enterprise as soon as possible, with training for all DM and Admin staff__

__Para 7.27__
__Introduce a monitoring system for major applications.__

__Paras 7.29-7.30__
__Clarify responsibilities for performance management__

__Para 7.31__
__Set up initiatives to embed a performance culture__

__Para 7.32__
__Initiate an organisational review with the intention of de-layering the structure__

8   Policy & specialist services

Overview

8.1   Planning Policy, economic development, conservation, landscape GIS and energy management are grouped together under the Planning Policy Manager. They provide a range of policy and specialist services which are high on the list of priorities for members and the community. Because of the specialist nature of the roles officers typically develop policy as well as being responsible for policy advice and implementation.

The Local Plan

8.2   The planning policy team are fully committed to producing the Local Plan to an ambitious timetable. As set out in the introduction, the Review Team welcomed the commitment and interest in the project from senior officers and members but thought the project management process was very top heavy. This is illustrated by the weekly meetings of the Local Plan Project Board consisting of the Chief Executive, Director of Public Services, Assistant Director of Planning, Planning Policy Manager and Planning Policy Team Leader effectively managing the work of the team leader and 2 planners. The resources devoted to managing the project and to undertaking the work seem out of balance. It also diverts scarce resources away from preparing the local plan into servicing the meetings, not only of the Project Board but also the member level Planning Policy Working Group.

8.3   Good project management is the key to the timely delivery of the LP, but this relies on the proper allocation of resources and clear management responsibilities. The Review Team was not convinced the right balance has been struck.

8.4   The policy team also calls upon consultancy support when needed. Having such support available can be very valuable but again needs managing. It should not be used on a regular basis to supplement inadequate staffing levels. This is a more basic problem and use of consultants is an expensive solution. Preparing a Local plan is resource intensive, but the workload is unlikely to reduce post adoption with the need to deliver the garden village proposals and to support the 9 incipient neighbourhood plans.

Monitoring reports

8.5   It would also appear that monitoring has been neglected as there has been no Annual Monitoring Report produced since 2014. While the duty to produce an AMR as a single report for submission to the Secretary of State was amended in the Localism Act 2011, it is still the duty of the LPA to prepare reports on the implementation of the local development scheme and the extent to which the policies in local development documents are being achieved, and to make the reports available to the public. Whether it is in the form of a single report or a number, the preparation of monitoring reports is a statutory requirement and is a valuable method of informing the public (and members) of the authority's performance on a wide range of planning related matters. This would be expected as a matter of course in a good planning authority.

Five-year land supply

8.6   Identifying a five-year land supply is a critical issue as it impacts on the risk of losing appeals and therefore the potential threat of designation as an under-performing authority. This is a short, medium and long-term concern for the authority to address.

Specialist Services

8.7   The Service has several specialist staff in place who are experienced, competent and committed in their specialist roles. It is frequently the case that specialists can be viewed

and view themselves as divorced from the service mainstream and while there was not a serious disconnect at Uttlesford this was still an issue to be aware of. In the best authorities there are common objectives which all sections and staff have signed up to, with strong integration of policies, strategies and their implementation. This is not fully apparent and initiatives should be put in place to improve communication and understanding with clear statements of the service objectives and targets. A better understanding throughout the service of how the specialist roles contribute to the bigger picture would promote better integration and help deliver the key priorities.

8.8   In this respect there did not appear to be the synergy between planning policy and economic development which comes with common objectives and purpose, and the role of conservation was not as developed as would be expected in an authority second only to Westminster in its number of listed buildings and with so many conservation areas.

8.9   GIS is located within the Policy Section. GIS can be a powerful tool in many service areas, not least the planning service. Its use has not been fully exploited to date and there is some frustration at the current incompatibility of systems and the lack of licences available for users.

SECTION 8 RECOMMENDATIONS

Paras 8.2-8.4
Review of the LP Project Management process to ensure the focus is on process rather than content and to make the best use of officer resources

Para 8.6
Ensure that the Local Plan Strategy minimises the risk of vulnerability at appeals for major applications

Para 8.7
Put mechanisms in place to establish common objectives which are fully communicated and endorsed throughout the Planning Service

Para 8.9
Review GIS licences and the compatibility of GIS with other IT systems

9   The development management service

Development management from development control

9.1   The whole thrust of Spatial Planning (Town and Country Planning as it used to be called) in England is to be proactive rather than reactive, creative rather than regulatory and this applies equally in respect of dealing with planning applications as with policy. In best practice authorities, Development Control has been replaced by Development Management.

9.2   In the Review Teams' experience what constitutes development management as opposed to development control is not concisely and precisely set out anywhere but it is helpfully summed up in the phrase 'right development, right time and right place'. As far as development management is concerned this means focussing on, and managing, the whole development from pre-application through processing and decision to delivery and monitoring.

9.3   It follows that as much effort should go into pre-application as to processing applications. It is at this stage that there is the most opportunity to influence what an applicant will formally propose. On average 9 out of 10 applications will be approved and, in addition, a third of appeals are allowed. It follows that development management is therefore not just a 'yes' or 'no' – it is more often a 'yes' but the question is – how good can it be made so that the development fits in with what the District needs? How can value be added? It is likely that greater change can be achieved at pre-application stage rather than after applicants have firmed up their proposals to be included in the formal submission of an application.

9.4   Such a flexible approach to case management could enable officers to spend more time on proactive pre-application work in partnership with others in a formalised and systematic 'whole development team approach' which would mean that many issues would be resolved before a formal application was submitted. Such a team could involve other disciplines such as conservation, highways, education, etc. In other good practice examples (see Croydon example at Annex C) a slightly different approach has also proved effective. However, it is vital that a clear internal view is carried forward into the application stage. It is also the case, especially on the larger schemes, that proactive policy work sits alongside development management negotiation.

9.5   It is also appropriate to find an effective way to involve Elected Members in pre-application work so that they have an awareness of developments in the pipeline and an early opportunity to understand the issues and the possibilities involved. To understand the parameters of the members' role, and the opportunities and pitfalls of such an approach, training is essential. Elected members' involvement should be set out in clear protocols, alongside the standard of service that applicants should expect. In this way early member involvement can be achieved without prejudicing future decision making.

Pre-application advice

9.6   The Council has a duty planner and a process for pre-application advice. The duty planner system involves a planning officer sitting in the reception area every morning on a rota basis. While the presence of a duty planner offers a good customer service, the authority needs to recognise that this requires a high level of a scarce resource. The pre-application form available on the website sets out how the system works, what is required from the applicant, the fee scale and the Council's timescales for responding. The system is extensively used with about 100 applications per quarter over the past 2 years.

9.7   There was an acknowledgement that the pre-app process was not working well. While some officers saw it as more important than others, it was not given the same priority as dealing with current applications. The authority has a system in place with charges for a specified level of service which is not currently, or consistently being provided as it is understood that approximately 40 requests for pre-application advice are currently outstanding in the South team. It is suggested that the fee levels and time periods need re-examining urgently. This would allow charges to be set at a level where the service covers it cost and there are differing models of provision which could be introduced such as a dedicated pre-application advice team.

9.8   In addition the Review Team learned that there is currently no regular checking or monitoring of the pre-application advice being given by case officers and this raises concerns about the quality and consistency across the authority of the advice that is being provided.

Frontloading, "triage" and allocation

9.9   The term frontloading normally encompasses the need for pre-application engagement on major applications as well as the processes in place for when an application has been received. In Uttlesford's case there appears to be a good take up of the offer of formal pre-application advice.

9.10   However, when an application is received the Review Team observed that there did not appear to be any protocol in place to ensure that major applications, are fast tracked through the registration/validation process   (see also para 11.4 below)

9.11   Good practice would not only point to these applications being given priority through the system but it is also suggested that it would be advantageous for a 'triage' to be undertaken on all incoming cases, with the Team Leaders giving some initial guidance to the case officer at the time of allocation. This triage process would allow for a more sophisticated allocation of cases and would ensure that the correct resources are applied for all applications. However, it is also important that at no time should this "triage" stage become another bottleneck so it needs to dealt with continuously and arrangements need to be put in place for at least one identified person to deputise in the event of the Team Leader's absence.

9.12   It is also suggested that a weekly time could set aside for a forum of key officers where problematic cases could be referred. The forum would need to include officers from all the relevant sections (and on occasions other disciplines) to ensure a combined corporate view is acted upon as early as possible and, where appropriate, communicated by the case officer to the applicant. Such meetings can also contribute positively to ensuring a consistency of approach is taken to decision making across the authority. This forum could also incorporate a major case review process as outlined in para 7.26. In the Review Team's experience it is better to schedule a regular weekly meeting which can be cancelled if no business needs to be dealt with rather than to try and arrange conversations or meetings on an ad hoc basis.

Allocation

9.13   Allocation of cases is currently undertaken by the two Team Leaders who review case-loads and any previous contact with the site in question through previous applications or the pre-application process. However, the Team Managers do not currently include the pre-application case load as part of this review when cases are allocated and this has led to some bottlenecks occurring in the process.

The use of Extensions of Time

9.14   Extensions of Time (EoTs) and Planning Performance Agreements (PPAs) are widely used by local planning authorities to enable them to determine applications within a realistic timescale with the agreement of the applicant. Both are very useful tools which recognise, particularly for major applications, that the statutory deadlines can be unrealistic with the complexity, consultations and revisions which may be necessary. However, they can also be used to artificially improve performance figures. Whether this is the case at Uttlesford was difficult to ascertain because there is no formal process or protocol in place for seeking extensions of time and therefore no indication of the reasons behind their use in any particular case.

9.15   Extensions of time also have the effect of setting a new deadline for an application to be determined. Table G below sets out the use made of extensions of time over the past three years. As can be seen Uttlesford makes extensive use of extensions of time, particularly for major applications. Tables B and D in Section 7 above give the comparative figures for the Essex districts. Uttlesford's use for major applications is towards the top end of the range whereas for non-major applications it is about average.

Table G

Percentage of applications with Extensions of Time past 3 years

2015 - 2016	% of Extensions of Time
MAJORS	72%
MINORS	19%
OTHERS	8%
2016 – 2017	
MAJORS	68%
MINORS	26%
OTHERS	16%
2017 – 31/01/2018	
MAJORS	75.5%
MINORS	23%
OTHERS	11%

9.16   The Review Team had two concerns about the use of extensions of time.   Firstly, there is no protocol or set procedure for their use. Individual case officers currently decide to seek extensions of time without reference or authority from managers. This means there is no audit trail, the reasons for requesting extensions of time are not transparent and there is no consistency in how they are used. There are many good practice examples from other authorities and it is recommended that a formal protocol should be introduced as soon as practicable to monitor their use.

9.17   The second concern is that the use of extensions of time has not led to an improvement in determining applications within the agreed time limit and therefore has not appreciably improved performance. Particularly with the major applications, Uttlesford's use of extensions of time is high but the performance remains at the bottom end of the scale.

The use of Planning Performance Agreements

9.18   Planning performance agreements are a formal agreement which sets out a programme for determination which both the authority and the applicant should comply with, and often involves the applicant paying for any additional resources the authority might need to process the application. They are usually used for large scale developments which require additional skills or expertise and/or officer time to deal with them in a timely manner. Uttlesford has just entered into its first planning performance agreement for the Stansted Airport expansion application and this experience should be used to enable the negotiation of further such agreements for large developments in the future.

9.19   Given the substantial level of existing pre-application engagement, the Review Team was surprised that the authority has not previously made use of PPAs.

9.20   In the experience of the Review Team, many authorities are now using PPAs extensively on major applications, in many cases to build on the pre-application engagement between developers, applicants, consultees, the community and elected members. The added benefit of such an approach is the income that can be derived from such agreements, which can enable a development management service to bolster its resources and provide added resilience.   This could be particularly useful in the light of other expected developments

9.21   The use of PPAs does not have to be a complicated process that requires significant legal input. Many authorities provide a simplified approach. For example, Cotswold District Council publish an outline on their website. See Annex D for further information.

9.22   It is worth noting that using such an approach can also assist in the development of stronger and better liaison with external consultees, particularly where their own resources are also under pressure, ie. the highways authority.

Consultation responses

9.23   Getting timely responses to consultations is a constant source of complaint from development management planners in many authorities. Uttlesford planners had less concerns than most in this respect and the performance of consultees seemed good although the Review Team saw no statistical evidence on this issue. The one area where the case officers expressed serious concerns was in responses from the Conservation Officers. There was evidence of this at the Planning Committee where an application was deferred by members until a formal conservation response had been obtained. Deferring what appeared to be a relatively straightforward case was embarrassing for the authority particularly with the applicant present. With conservation and listed buildings so high on the Council and Community agenda and the large number of cases that raise conservation issues, providing a timely service is a critical factor for development management service delivery. This is an internal planning matter where procedures may be a partial solution. A drop-in surgery has been tried but has not been continued, although there seemed support for it from the case officers. The Review Team did not have the time available to investigate the matter in detail, but there is a need for this to be pursued to establish whether it is an on-going problem of communication, procedures or resources.

S106 and planning obligations

9.24   The Review Team heard a number of concerns about S106 agreements. Some members expressed frustration about their enforcement, which seemed to stem from a specific case where a developer had been told that the Council would not enforce the S106 provisions. This had led to a degree of cynicism about their use. A concern of the Review Team was the degree of monitoring that was taking place. S106 obligations are a means to make a development, that is otherwise unacceptable, acceptable. This may be about securing

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policy requirements, in particular affordable housing, or providing infrastructure without which the development should not proceed. Local planning Authorities use of S106 varies widely, but its reputation has been tarnished by taking monies and not providing the benefits, or seeking contributions which are not justified.

9.25   CIL was introduced in part to overcome these issues but Uttlesford has decided against introducing CIL. S106 remains an extremely useful tool for delivering on site infrastructure and providing affordable housing. Best practice is that there should be a public register of S106 agreements, with a robust monitoring process which ensures that obligations are delivered when they should be delivered. Uttlesford has recently agreed to appoint a S106 monitoring officer who will be a member of the enforcement team. This should be a major step towards a fit for purpose S106 process aided by the purchase of a system S106 software module.

9.26   The Review Team were told that there had been a difficult relationship with Essex County Council over S106 contributions, many of which go towards the provision of County services, in particular highways and education. The position has now improved. The County relies on a financial formula approach to contributions. This can be problematic in terms of satisfying the legal tests. Obligations must be necessary to make the development acceptable, directly related to the development and fair and reasonable in scale and kind. There are appeal decisions which indicate that a formulaic contribution which goes in to a general fund for an unspecified purpose would not meet these tests. Obligations also need to be carefully worded to avoid falling foul of the pooling provisions in the regulations, which were introduced within the CIL provisions, and which prevent more than 5 contributions for a particular project or type of infrastructure. While contributions may be collected for County service provision, it remains the duty of the LPA to comply with the legal requirements and to ensure that the obligations are fulfilled.

Site notices

9.27   The authority does not provide site notices for all application sites but where they are necessary the validation team produce ones that are dated, as at three weeks after the validation date. This, in theory, gives case officers three weeks to visit the site and put up the notice, and still allows representations to be made for 21 days after that time. This seems to be a sensible way of dealing with site notice dating although it does mean that no applications can be determined earlier than 6 weeks. In practice, the Review Team heard that many case officers still do not get out on site within the 21-day period and instead change the date on the printed site notice but do not update that field on the Uniform system. This can and does cause issues when representations are received after the date shown on Uniform.   In the Review Team's opinion if a case officer cannot visit the site within the 21 days shown on the site notice then it would be better, and safer, to arrange for the notice to be re-printed.

9.28   There are other ways of dealing with site notices which might be worth considering. The site notice could be printed off by the case officer directly (rather than by the validator) with the correct date shown, but this would still require an early enough site visit so that a decision could be made well within the eight-week target.

9.29   Alternatively, many local authorities have now shifted the onus of displaying appropriate site notices to the individual applicant/agent. The local authority produces the formal notice and forwards it to the applicant/agent, together with instructions for its display. It is then the responsibility of the applicant/agent to visit the site and display the notice. In most cases they are then required to provide a signed form stating when the notice has been displayed and providing photographic proof of display. This would allow case officers to make their site visits at their own convenience, it would not delay the public consultation process, and, given the size of the authority, would probably allow some economies in

travel time when case officers could manage their site visits in a more logical, economical way.

Officer reports

9.30   The Review Team considered that the full reports presented at committee were well written with a good degree of consistency in format and written style and there were no concerns raised about the quality of written material provided to the planning committee

9.31   However, the Review Team looked at a range of delegated reports and considered that these could be simplified significantly, without any loss of substance. As they are currently prepared they are little different from a full Committee report in their form and content. The purpose of a delegated report is to provide the decision maker with sufficient information to take the decision, and this can be done in a more abbreviated form than for a Committee report for members. Case officers expressed the view that a comprehensive report was useful in reducing the work necessary if there were to be an appeal. However, as the authority deals with in the order of 1500 applications per year, but only 50 appeals, it would be a better use of resources to cut down on the report writing and deal with the appeals as they arise. The combination of a simplified standard template for delegated cases and the use of tablets by case officers (which is already the case in Building Control) would allow officers to complete much of the report during site visits for the straightforward cases. An example of a streamlined best practice version of a delegated report is attached at Annex E.

Last minute decisions

9.32   The Review Team was also concerned at the number of decisions taken on the last day of the determination period. For the year 2015/16, 25% of decisions were issued on the last day and for 2017/2018 so far the figure is 20.1%. This is as a result of case officers not dealing with them until the last minute rather than any hold up in the administrative system. This a concern on two counts. Firstly, it poses considerable risk – if there is a systems problem for example and decisions cannot be issued - the deadline will be missed. Secondly, it implies a culture of working to a deadline rather than deciding applications to an efficient work cycle.

Enforcement

9.33   The planning enforcement team has only recently come back under the direct supervision of the Development Manager, following a period of time where the enforcement function was a corporate team.

9.34   In the last year the team of three staff have dealt with 480 cases, many of which related to listed buildings. One of the two Conservation Officers spends a significant amount of time advising on this work, including attending weekly sign-off meetings.

9.35   The district has been split in two geographical areas but surprisingly the split here is an East/West one rather than mirroring the development management team areas of South and North.

9.36   Because of current delegation arrangements which are referred to further in Section 12 below the Enforcement Team Leader does not currently have any sign off rights. As a result the Development Manager needs to be involved in day to day enforcement matters, signing off all closed cases at weekly case sign off meetings and acting as the de facto line manager for the whole team.

9.37   Similarly, the Enforcement Team Leader currently drafts all enforcement notices but these can only be signed off by a member of the legal team and such sign off is not always forthcoming as the legal team appear to quite "risk averse".

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9.38   Enforcement was raised by many of those interviewed as being an important, high profile element of the planning service where the public perception is that little is done to deal with habitual offenders. Encouragingly, it is understood that the Enforcement team have recently started to send "good news" stories about action taken to all parish clerks and ward members and the Enforcement Team Leader is now proactively visiting parish meetings to discuss concerns and issues.

9.39   The Review Team were told that measures were in hand to resolve the delegation issue which would entail job evaluation. This should be expedited. Similarly, administrative support for the team is to be put in place in the immediate future, and the Exacom enforcement module is to be purchased. These measures should add substantially to the Team's effectiveness.

Handling of appeals

9.40   The Review Team learned that in most cases the case officer who had handled the original application would be responsible for preparing material for any appeal but that it was customary, in the case of an overturn by committee, for the authority to employ an outside consultant to prepare statements and present the evidence at the appeal.

SECTION 9 RECOMMENDATIONS

Paras 9.6-9.8
Introduce a fit for purpose Pre-application process, with realistic timescales which are achievable and with fees which cover the costs of the service. Set up a monitoring system and introduce performance targets.

Para 9.6
Review the requirement for an advertised duty planner system

Paras 9.9-9.12
Introduce a triage process for applications to give initial guidance and assist allocations

Para 9.12
Set up regular major case meetings to project manage large applications from pre-app through to implementation.

Paras 9.14-9.17
Establish a clear protocol for the use of Extensions of Time

Paras 9.18-9.22
Consider what applications may benefit from Planning Performance Agreements at pre-app stage

Para 9.24
Use the appointment of a S106 Monitoring officer to develop a fit for purpose S106 monitoring system

Paras 9.30-9.31
Introduce a format for streamlined delegated reports

10   Officer member relationships

The Planning Committee

10.1   Currently the Planning Committee consists of 10 members, and allows for substitutes to attend.   The Committee meeting observed was well chaired and good tempered throughout, despite a couple of rather difficult items being considered.

10.2   During the time spent on site the Review Team observed not only the Chairman's briefing meeting with staff, but also the site visits which preceded the planning committee meeting, as well as the meeting itself.   It was clear that there was a good working relationship between members and officers with easy communication and interaction about individual cases and planning across the District and respect on both sides.

10.3   All case officers, as a rule, present their own cases to committee (with the exception of Planning Assistants – whose cases are presented by the appropriate Team Leader).   The case officer introductions were, in the main, concise, and highlighted important issues which had been covered in the written reports.   The Committee may want to consider limiting officer presentations to a description and recommendation and then opening with questions to officers. For the straightforward cases where there are no questions the Committee can then move straight to the recommendation.

10.4   The Review Team would however like to comment on one aspect of the meeting where a member of the committee raised a significant point of principle with very little notice given to the officers who then had to seek clarification through legal advice whilst the meeting was in progress.   In the Review Team's opinion such an issue could have easily been raised with officers well in advance of the meeting and sorted out satisfactorily.   The authority's code of conduct for members and officers is clear that members can approach staff for exactly this sort of clarification between meetings.

10.5   At the same meeting the Planning Committee granted an application which was recommended for refusal. This rarely happens but when it does it raises some issues about procedure. In planning law the function of planning conditions is to enable an application to be granted which would not be acceptable otherwise. They are an essential element of the decision-making process. Where there is a recommendation for refusal the Committee does not have the benefit of seeing the conditions which should be attached and the reasons for so doing. To grant an application in such circumstances, even if conditions are attached by the Committee or by officers later leaves the validity of the decision open to challenge. While the particular case was dealt with competently in the circumstances with a deferral to consider conditions, it would be preferable to have a protocol in place in such situations which requires the application to be deferred for conditions (and if necessary any planning obligations) to be reported. This safeguards the authority and indeed the applicant.

Levels of Delegation and committee call in process

10.6   The percentage of decisions delegated to officers has been consistent over the past 3 years at 94/95%. (See Table H below) 94% also represents the national average, and the Review Team saw no reason to suggest amendments, except in respect of the member call-in arrangements. The Review Team acknowledges the role of members and their ability to have applications considered by the Planning Committee. However, giving members a five-week period to decide whether to call-in an application is considered excessive. This prevents any application, however simple or straightforward, from being determined before the five weeks is up and effectively ensures that applications which are called in to be determined by Committee towards the end of the period cannot be dealt with within the eight-week deadline for non-major cases.

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Table H
Uttlesford 2015-2017 Numbers of applications received, decided, granted and delegated

year	received	decisions	% delegated	granted	% granted
2017	1738	1619	95	1351	83
2016	1656	1492	94	1288	86
2015	1703	1542	94	1340	87

Source CLG Planning Statistics Table 134
CLG Planning Statistics table 134: Applications received, decided, granted and delegated and environments statements, years ending Sept 2015,2016, 2017

10.7   The majority of authorities work with a call-in period which coincides with the notification period of three-weeks. The justification given for the five-week period was that this enabled parish council planning committees to meet and inform their ward member of their views. In the opinion of the Review Team it is reasonable to expect parishes to work electronically if there is not a convenient meeting within the three-weeks.

Site visits
10.8   There is a clear written protocol relating to the conduct of site visits and the committee's adherence to this was observed during the site visit, although there was perhaps more discussion about the merits of individual schemes than would normally be expected.

Representations at Committee
10.9   It is considered that the current arrangements for public speaking at committee are very generous; significantly more so than most other authorities that the Review Team have visited. It is best practice to allow one 3-minute speaking slot for objectors and if more than one wishes to speak then the time period must be shared – or the objectors must agree between themselves which of them should present. Similarly, if an application is recommended for approval then there is often no opportunity allowed for the applicant or supporters to contribute unless there are speakers against the application. Under the current system operating at Uttlesford it is calculated that up to 39 minutes could be spent simply on public speakers for each item on the agenda. The Review Team would recommend that this procedure is reviewed and would commend best practice as per the Leeds Plans Panel protocol for public speaking (see Annex F).

Monitoring/performance reports
10.10 The Review Team was surprised to find that currently the Planning Committee does not receive any regular performance report on either development management or enforcement activity, nor do they receive any formal feedback on appeal decisions.

10.11 In most authorities such reports are received on a regular basis with appeal decisions being reported at all meetings and performance reports being reported on a quarterly basis.

SECTION 10 RECOMMENDATIONS

Para 10.4
Consider what opportunities there could be for briefing members in advance of Committee to ensure that the answers to any members questions are available at the meeting

Para 10.5
Introduce a protocol for applications recommended for refusal which the Committee wishes to grant

Para 10.6 & 10.7
Reduce the member call-in time period from 5 to 3 weeks

Para 10. 9
Review the public speaking arrangements

Para 10.11
Report performance against national criteria at least quarterly to the Planning Committee

11   Administration and processes

General comments

11.1   During the shadowing of various members of the Support & Registration Team it became clear that a great deal of thought had been put into making the processes undertaken as streamlined as possible and that the team were working fully through the Uniform system and the IDOX document handling system.   This refers not only to the validation of applications but also to the handling of pre-application requests, and the appeals process. In fact there was very little in the processes that the Review Team felt required comment.

Planning email in-box

11.2   A single planning email in-box has been set up for receipt of all documentation relating to applications.   This is monitored continuously and emails are colour coded by the two Managers and then picked up by the team member responsible for an individual application or process.   The in-box is extremely heavily used and in less well organised teams could be unwieldy but appeared to operate very efficiently at Uttlesford.

Validation

11.3   The validation system is well explained in administrative notes available to staff and the current performance target is to validate all applications within five days.   This is being met on a regular basis at the moment.   The Review Team heard that previously the registration team had worked to a three-day target but the number of part- time staff involved the process meant that this target had been difficult to maintain.   It is suggested that this target should be reviewed on an annual basis to see if improvements might be possible.

11.4   The Review Team were concerned to note that the majority of major applications are validated by one member of the team.   The only other member of the team currently trained to validate such applications is the current Support & Business Manager.   Such upward delegation is unsatisfactory and add a high degree of risk to this process.   It was noted that in 2017 100% of all major applications were validated within five working days with 62.5% being validated within three days.   This means that the service is providing a fast turnaround which currently allows case officers the maximum time possible for assessing these applications as referred to in para 9.10 above.   However, there is no resilience within the team to maintain such a performance during leave, sickness or other absences and it is recommended that training and delegation are implemented to a much greater extent in this area.

11.5   At the moment paper files are still made up for all applications but the number of documents printed off has been significantly reduced to the following:
- Front cover
- Site notice (where necessary)
- Application form
- Constraints sheet
- Plans

This "paper lite" approach is to be commended.

11.6   Unfortunately at the time of the review the team were still having to send out parish consultations in hard copy, on the basis of concerns about poor broadband access in some of the parishes.   However, the consultation process has again been simplified so that parishes now only receive a copy of the application form and the proposed development and site plans.   Parish consultation documents are filed together under the parishes concerned and a single envelope is despatched to each parish once a week.

11.7   The team members use an extremely clear and comprehensive checklist sheet throughout the process to ensure things are not forgotten, which is stapled to the front of the file

throughout the validation process and only removed when validation has occurred and the file is sent to the Team Manager for allocation.

Invalid applications

11.8   The team estimated that around 50-75% of all applications received are missing documentation when they arrive at the authority. This unexpectedly large percentage of invalid applications may be due in part to the fairly stringent local validation list and some recent changes which have been made to it. Uttlesford now require that all plans should include scale bars and the bio-diversity check list now requires additional forms to be completed and returned with the application.

11.9   The existing electronic application form doesn't reflect these changes in its checklist. It should be noted that this form also states that four copies of documents must be provided when in fact only two are now required.

11.10   Notifications are despatched to all applicants/agents requesting missing documents and if any documents are still missing at 21 days then these should be chased with a second reminder. However, the team admitted that such chasing had a low priority against dealing with current applications.

SECTION 11 RECOMMENDATIONS

Para 11.4
See recommendation in Section 12

Para 11.9
Arrange for the electronic application forms to be updated to reflect recent changes in the local validation list and also the number of copies of documents required.

12 Resources, management and resilience

General comment

12.1 The Review Team was very impressed by the examples of ways in which the authority, and particularly the planning department, supports and encourages staff at all levels, especially those going through periods of ill health, or requiring extra assistance as a result of special needs, but also through generous training provision which promotes a career path within the authority and enhances skill sets.

Accommodation

12.2 The Review Team noted that the entire department was based in one open plan area so that there were plenty of opportunities to communicate between teams and managers. The accommodation was light and airy, not as cluttered with files and boxes as many others visited by the Review Team and phone calls being answered was not disruptive.

12.3 However, it was noted that there was only one printer available for the entire office and that this was situated at the far end of the building, farthest away from the Support & Registration team members who have to do the most printing. It is understood that the siting of the printer is due to noise factors, but the Review Team observed that the Validation team in particular, currently have to spend a great deal of time walking backwards and forwards to collect printed items during the validation process. In any further office accommodation reorganisation the siting of the printer used by the validation team should be reviewed.

Communications

12.4 Despite working in a single office, which should allow for good communication, the Review Team was told that there were still communication problems across the department, particularly where decisions are currently supposed to cascade downwards. This seemed to be a particular problem when trying to keep part-time workers up to date with changes.

12.5 The Review Team was provided with information about the regular pattern of section and team meetings but heard that in effect these meetings do not take place as regularly as notified and some staff referred to the situation being that they "don't know what they don't know". It is clearly helpful if regular meetings are diarised in advance with the option of cancellation if there is no pressing business but the Review Team would recommend that these meetings should take place at least once a quarter, regardless of other pressures on staff time. It is also important to vary the days of these meetings so that part-time staff can attend.

12.6 It was also noted that there do not currently seem to be any cross departmental meetings where, for example, the policy team could brief development management officers on what the current position was with policies in the local plan. Similarly, no-one from the development management team attends support & registration team meetings to brief them on changes that might be required to the processing of applications.

12.7 On a more positive note the Review Team were pleased to note that staff appraisals are undertaken regularly and that staff felt these are particularly helpful in reviewing workloads and identifying training requirements.

The use of temporary staff

12.8 The Review Team have already commented in Section 8 on the use of agency staff to provide professional input to the local plan process, and there was evidence of long-term agency staff also being employed to cover development management cases.

12.9   As commented in para 8.4 the reliance on agency staff to deliver the local plan is a high-risk strategy, however well embedded in the Uttlesford culture, and it will be adding considerably to the staffing costs for both areas of planning. The Review Team heard from several sources that Uttlesford salaries are historically on the low side against neighbouring authorities and that this is why it has been so difficult to procure permanent staff. In the Review Team's view it would be worth exploring whether there was any leeway in increasing the salaries offered, as this would almost certainly still cost less than the current expenditure on agency personnel. (See also comments in para 1.8)

12.10   One final point here related to the surprising fact that the Team Leaders themselves are currently responsible for making all procurement arrangements for agency staff themselves. Although the Review Team would expect Team Leaders to be involved in the job specifications and interviewing of such staff, it is surprising that they are having to deal with all the administrative paperwork and detailed arrangements that are connected with such appointments. Given the caseload and management responsibilities already being handled by these two posts it is recommended that some other way is found to handle the administrative workload involved in appointing such staff.

Planning policy staffing

12.11   Apart from the concerns raised in para 12.8 above, the Review Team was also surprised to note that there is not currently any direct administrative support for this team. It was stated that they are currently relying on services provided through the Business Manager, who had been responsible for producing the Local Plan Project Plan. However, at such a crucial stage in the plan process it is surprising that no dedicated administrative support had been arranged.

Specialist functions

12.12   As referred to in para 8.8 above, Uttlesford has an extraordinary number of listed buildings and conservation areas and the Review Team was surprised to find that there were only two dedicated conservation officers providing consultation responses, advice and policy material. Given the importance of these buildings and the strong level of public and member engagement in these areas it is suggested that this resource should be reviewed in the medium term.

12.13   The Review Team would also suggest that given the expected development of three new garden communities over the lifetime of the new plan it would be appropriate to consider adding an urban design specialist to the existing team.

Development management staffing and caseloads

12.14   There is no official indicator for workload for development management staff, and the only 'benchmark' widely quoted is the Planning Advisory Service's figure of 150 applications per case officer per year which was published at least 15 years ago. This takes no account of the mix of workload and what other duties are expected (eg. prior notifications, pre-application requests and appeals) but in the absence of any other measure is a rough guide. More recent work which the Review Team has seen, was undertaken by the Planning Advisory Service a couple of years ago based on all the benchmarking they had undertaken over several years. This suggests, a more realistic lower figure, in the region of 80-90 cases per officer per year, but crucially this includes both case officers and support staff (although not managers). However, this study has never formally been published.

12.15   The number of applications determined at Uttlesford has ranged from 1500 to 1600 per year for the past 3 years (see Table H above). Over that period of time the normal establishment of case officers has been eight with the two team leaders also carrying a significant case load; perhaps 25% of their time being spent on case work. On the measures above, both with and without support staff, this would indicate that the

development management workload is towards the top end of the scale. The duty planner system also eats in to the resource available (see para 9.6 above). The Review Team also heard that many officers take work home in the evening and at weekends in an attempt to keep up with the workload. The 'benchmarks' are purely indicative and in one case very dated, and take no account of the mix of applications dealt with. However, bearing in mind the poor performance and the ambition to be a good or very good planning authority there is a case for considering additional resources for development management casework. This will need to be assessed in conjunction with other factors identified which will contribute towards more efficient handling of applications, such as the introduction of Enterprise, streamlining delegated reports, 'triaging' applications, etc. Reducing the caseload of the Team Managers to give them more time to manage would also be a factor in this consideration.

Enforcement team

12.16   At the moment the Review Team understand that the post of the Enforcement Team Leader is subject to a job evaluation review which it is hoped will resolve the issues around delegation arrangements referred to in para 9.37. The Review Team consider that this should be dealt with as a matter of some urgency, together with the administrative support which has already been approved. It is essential that such matters are resolved before the appointment of the S106 Monitoring Officer to the team, and the additional work around this area which will result, including the introduction of new software to monitor S106 progress.

Administration & Support team

12.17   As referred to in para 11.4 above the Review Team is particularly concerned that the majority of major applications (77.5% in 2017) were validated by one member of the Administration & Support Team, although in an emergency the current Business & Support Manager could cover such work. The Review Team was provided with statistical evidence that no other member of the team had dealt with the validation of any application for more than five dwellings. This highlights a lack of resiliency within the team and is a major risk to the overall operation of the planning application support system. The Review Team would recommend that the other staff involved in the validation process should be trained and allowed to validate major applications as soon as possible.

12.18   Resiliency has also caused difficulties around the process of street naming and numbering. The current member of staff is a part-time employee and, although there is now some backup in place within the team, this appears to only cover straightforward areas of the work. Given the scale of new development that is coming on line the volume of work in this area is only going to increase and the Review Team consider that the resource for this work should be reviewed and strengthened as soon as possible.

Information Technology

12.19   Uttlesford is one of a number of authorities who have chosen to not only use Uniform and the IDOX document management system but to also use the IDOX servers. This means that the systems are more compatible than in many authorities the Review Team has visited. However, the Review Team heard of poor customer support from the IDOX team and that a recent upgrade had caused a significant operating error in the system which IDOX have to date been unable to resolve.

12.20   The importance of having a stable platform will become even more imperative when Enterprise (a further IDOX product) is added to the system. The more reliant an authority becomes on its IT system and the further it moves towards a "paperless" environment, the more critical a stable and resilient platform becomes. Whilst there is the current level of 'downtime' because of login issues, the Review Team would strongly recommend that any such paperless office aspirations should be delayed.

12.21   To introduce Enterprise requires a significant amount of preparatory work. It is essential that the system should only be introduced when all concerned in development management processes are comfortable and familiar with the deadlines that will be specified within the system.   Introducing Enterprise will require a significant time commitment from an existing member of staff (probably from the validation team) who will be conversant with the processes and current timescales used throughout the application process.   The introduction of Enterprise has been known to cause issues in other authorities and the Review Team would also recommend that advice is sought from other authorities who have recently implemented such a system. POS Enterprises will be able to provide contact names is requested.

12.22   The Review Team also heard that there are still some issues around the completeness of site histories on the system which have caused problems where important information has been missed by case officers because it has not been picked up on Uniform.

Training

12.23   Throughout their time at the authority, the Review Team heard many instances where Uttlesford had demonstrated a high level of support in terms of staff training and development with external providers. This manifests itself through a long track record of support to "grow your own" planners, assisting administrative staff towards professional training leading to chartered town planner status. However, there are a couple of areas where the Review Team consider that internal training might be improved.

12.24   There is a rather more "patchy" provision of internal "on the job" training in evidence. The Review Team noted that some basic understanding of the planning process (as a whole) would assist members of the Support & Registration Team, particularly when having to deal with applicants/agents who expect them to know what the process entails and the planning jargon such as what terms such as "PINS" refer to. Encouragingly the Review Team heard that all members of this team had been encouraged to attend planning committee meetings to see what occurred, but it would be helpful and beneficial to the planning service as a whole if some further informal sessions could be provided.

12.25   In addition, once the immediate priorities around the local plan production are resolved, the Review Team would recommend that consideration should be given to some short-term staff exchanges between the policy and development management teams to allow staff to gain a more rounded skill set if they wished. Such exchanges can be very beneficial and should be encouraged, not simply for staff development but to strengthen the planning team as a whole.

SECTION 12 RECOMMENDATIONS

Para 12.3
Review the siting of the printer and its proximity to the Support & Registration team in any further office accommodation re-organisation

Para 12.5
Ensure that diarised team meetings are not habitually cancelled and continue to take place at least once a quarter on varying days of the week to ensure the participation of part-time staff

Para 12.6
Arrange cross departmental attendance at team meetings to enable briefings and updates on policy and processes

__Paras 12.8-12.9__
__Explore whether there is any scope to increase the attractiveness of permanent posts, including increase in salaries thus reducing the reliance/expenditure on agency personnel.__

__Para 12.10__
__Remove the responsibility for procuring agency personnel from Team Leaders.__

__Para 12.11__
__Review arrangements currently being provided for administrative support to the Policy Team at this crucial time in the local plan process__

__Paras 12.12-12.13__
__Review the authority's conservation resources in the medium term and consider the addition of urban design skills to the team in the light of the proposed new garden communities__

__Paras 12.14-12.15__
__Consider the case for additional resources for development management casework in conjunction with the other factors identified elsewhere in this report which will contribute towards more efficient handling of applications.__

__Para 12.16__
__Resolve the issues surrounding grading and delegation arrangements in enforcement as a matter of urgency__

__Para 12.17 (and para 11.4)__
__Train other members of the validation team to validate all types and scale of major applications as a matter of urgency to ensure resilience within the processing system__

__Para 12.18__
__Review the workload and the current level of resourcing for street naming and numbering__

__Para 12.21__
__Identify a dedicated resource from within the department to provide the appropriate level of input regarding processes and timescales to work with IT and IDOX during the preparation for the introduction to Enterprise.__

__Para 12.21__
__Seek direct advice from other authorities who have recently implemented the Enterprise system__

__Para 12.24__
__Provide informative "on the job" training sessions for members of the Support & Registration Team__

__Para 12.25__
__In the long term, consider short term staff exchanges between policy and development management staff__

ANNEXES

Annex A

The following interviews were undertaken by the Review Team:

Cllr Howard Rolfe, Leader of the Council
Cllr Barker, Portfolio Holder and Deputy Leader of the Council
Cllr Peter Mills, Chair, Planning Committee
Dawn French, Chief Executive
Roger Harborough, Director of Public Services
Gordon Glenday, Assistant Director, Planning
Nigel Brown, Development Manager
Philip Bylo, Planning Policy Manager
Ann Howells, Support and Business Manager
Stephen Miles, Planning Policy Team Leader
Karen Denmark, Development Management Team Leader (South)
Maria Shoesmith, Development Management Team Leader (North)
Sarah Marshall, Senior Planning Officer, Enforcement
Lynn Rusling, Registration Team Leader
Wendy Hawkins, Support Team Leader
Elizabeth Smith, Legal Services
Alan Mose, ICT Service Delivery Manager

The Review Team held group meetings with the following:
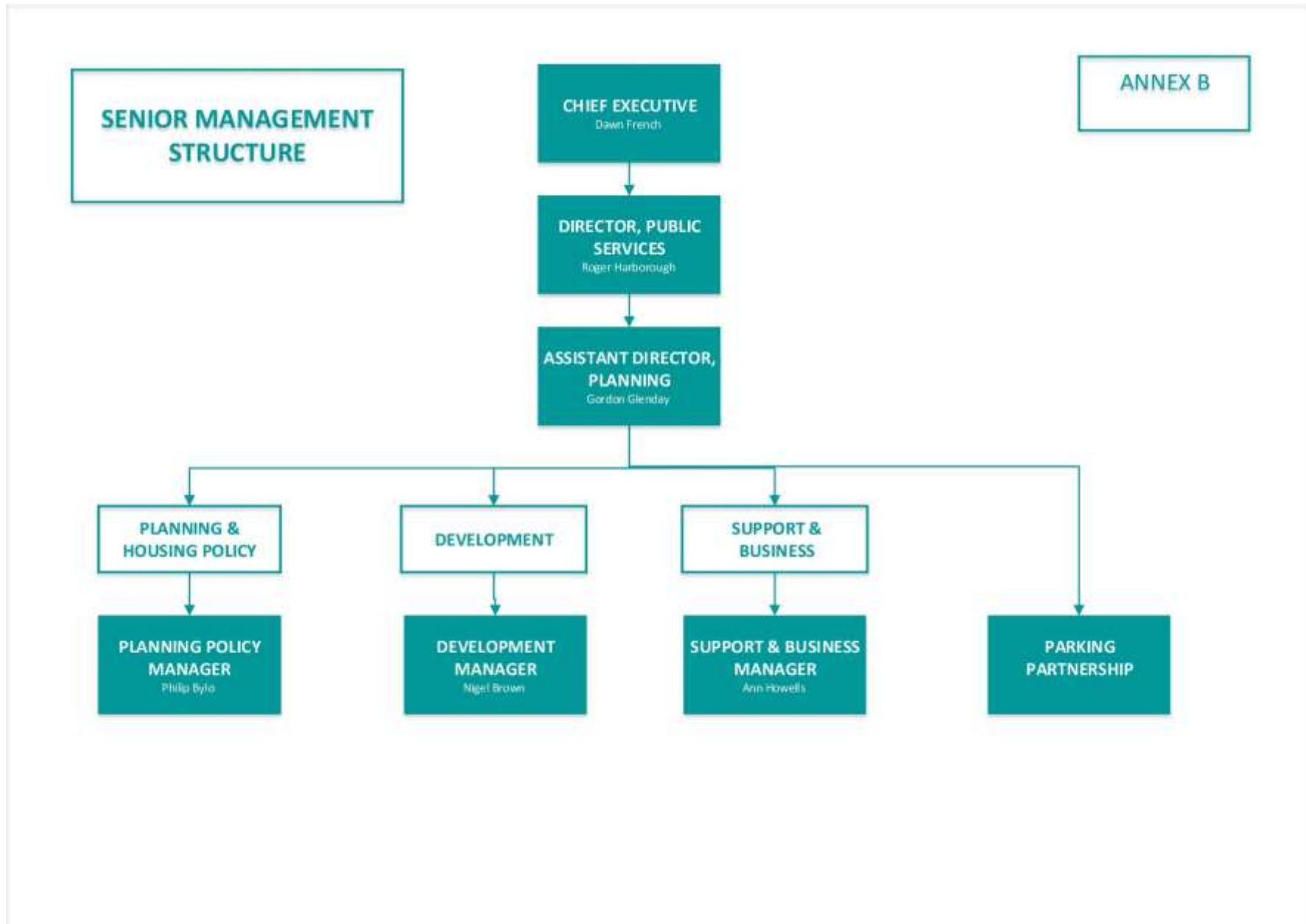
Planning Policy & Specialist Team
- Sarah Nicholas, Senior Planning Policy Officer
- Demetria MacDonald, Planning Policy Officer
- Jeremy Pine, Planning Policy/DM Liaison Officer
- Simon Jackson, Economic Development Officer
- Linda Howells, Business Support Officer
- Barbara Bosworth, Conservation Officer
- Angharad Hart, Conservation Officer
- Ben Smeeden, Landscape Officer
- Andy Blackman, GIS Officer

Development Management Team
- Clive Theobald, Senior Planning Officer
- Madeleine Jones, Senior Planning Officer
- Emmanuel Allanah, Senior Planning Officer
- Luke Mills, Senior Planning Officer
- Chris Tyler, Planning Officer
- Rosemary Clark, Planning Assistant
- Mark Sawyers, Planning Assistant

Registration and Support Team

• Carly St Leger	• Nicola Perry
• Carolyn Sawyers	• Hannah Camp
• Gemma Head	• Jane Capp
• Helen Pimblett	• Hayley Richardson

SENIOR MANAGEMENT STRUCTURE

ANNEX B

CHIEF EXECUTIVE
Dawn French

DIRECTOR, PUBLIC SERVICES
Roger Harborough

ASSISTANT DIRECTOR, PLANNING
Gordon Glenday

PLANNING & HOUSING POLICY

DEVELOPMENT

SUPPORT & BUSINESS

PLANNING POLICY MANAGER
Philip Bylo

DEVELOPMENT MANAGER
Nigel Brown

SUPPORT & BUSINESS MANAGER
Ann Howells

PARKING PARTNERSHIP

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PLANNING AND HOUSING POLICY

PLANNING POLICY MANAGER
Philip Bylo

ENERGY MANAGER
Mark Wilson

PLANNING POLICY TEAM LEADER
Stephen Miles

LANDSCAPE OFFICER
Ben Smeeden

GIS OFFICER
Andy Backman

ECONOMIC DEVELOPMENT OFFICER
Simon Jackson

CONSERVATION OFFICER
Barbara Bosworth

CONSERVATION OFFICER
Angharad Hart

SEN PLNG POLICY OFFICER
Sarah Nicholas

PLANNING POLICY OFFICER
Demetria MacDonald

PLANNING POLICY/DM LIAISON OFFICER
Jeremy Pine

BUSINESS SUPPORT OFFICER
Linda Howells

ECON DEV SUPPORT OFFICER
Yogesh Bhagat

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SUPPORT AND BUSINESS TEAM

SUPPORT & BUSINESS MANAGER
Ann Howells

REGISTRATION TEAM LEADER
Lynn Rusling

SUPPORT TEAM LEADER
Wendy Hawkins

SUPPORT OFFICER
Carly St Leger

SUPPORT OFFICER
(2 days a wk)
Carolyn Sawyers

SUPPORT OFFICER
(3 days a wk)
Carolin Watson

SUPPORT OFFICER
(3 days over 4 days)
Emma Blazeby

SUPPORT OFFICER
Hannah Camp

SUPPORT OFFICER
(3 days a wk)
Vacancy – filled by temp

SUPPORT OFFICER
Nicola Perry

SUPPORT OFFICER
(2 days a wk)
Gemma Head

SUPPORT OFFICER
Jane Capp

SUPPORT OFFICER
(2 days a wk)
Helen Pimblett

SUPPORT OFFICER
(2 days a wk)
Sharon Speller

SUPPORT OFFICER
Hayley Richardson

Example case study from "Planning performance and improvement - the changing landscape", PAS June 2013

Delivering large scale developments in Croydon

Croydon is a London Borough with sustained and significant levels of projected growth. Mike Kiely, Director of Planning & Building Control, admits that the Borough has, historically, not always handled large-scale developments well. The challenge was to ensure that Croydon could provide an efficient and timely service to its residents, businesses and investors whilst at the same time making it clear that they would only accept good quality development.

Political control within the borough is subject to change and the areas with most potential development are those that are most vulnerable to changes of control. So, to achieve this goal Croydon have made a number of changes to the way it deals with strategic planning issues.

The "virtual team" approach

Mike says that the challenge with major applications is that they need a different approach, but as pieces of work they are a bit like buses; they do not come along evenly. It's a challenge to maintain and manage the necessary skills and resources, even in a large borough like Croydon. Mike's solution involves setting up a Strategic Applications Team that acts as a "virtual team". In practice, any officer in Development Management can deal with a major application but when they do, they report to the Strategic Applications Team Leader rather than their area based team leader.

This means that the approach Croydon takes major applications is maintained and developed effectively.

The design team approach

All large applications are seen as discrete projects with a single lead officer, and a team of planners, urban designers, highway engineers, etc. is formed as required to effectively progress the scheme. Mike describes this as a 'design team' rather than the usual development team, because the emphasis is on working with the developer at the earliest possible stage to influence the scheme's design. This helps the project progress in a logical way and to the satisfaction of all parties. The key inputs of urban design and development management are deployed as required throughout the process. In practice, the balance of inputs changes through the life of the application as the emphasis shifts from strategic planning to development management.
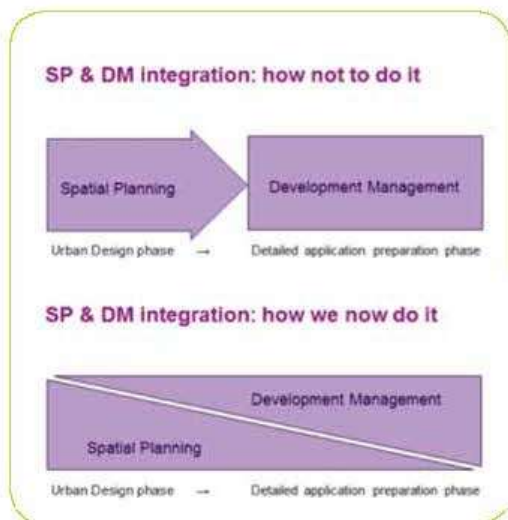
Fig 5: Croydon's "design team" approach

A Strategic Applications Committee

Mike decided that the improvement programme must be whole-heartedly embraced by the politicians, and so a separate Strategic Applications Committee has been set up to run alongside the Planning Committee. The Strategic Applications Committee deals with only two types of item:

- applications requiring a developer presentation

- major applications for determination.

The developer presentations are held in public but there is no public speaking allowed. Mike says that, initially, the tricky thing was getting members to understand that they must not be seen to pre-determine applications. Worries about this were quickly overcome and members welcome the opportunity to be involved at an early stage. A bonus has been that if politicians have not raised issues during the early stages it has proved possible to deal with some of these major applications as delegated decisions.

Involving elected members in the vision

In addition to developer presentations, Croydon's planners also hold a series of workshops over the year to develop the "vision" for 16 key places within the borough. Mike involves junior officers in this work to develop skills within his team, especially among junior members of staff who regularly present items and their own ideas to the Member Liaison Forum (MLF). The MLF is a cross-party group that meets to develop planning policy for the Borough. It is made up of two elected representatives from each quarter of the Borough, together with the Portfolio Holder and the Chair of Planning. The deliberations of this group are not binding but go a long way towards informing the policy decisions taken by Cabinet.

Croydon has now adopted masterplans for five key development areas. These have been developed through Boards that have been set up to include landowners, developers and local authority representatives. Working in this way means that all parties have agreed and taken ownership of the masterplan and are then happy to deliver on that basis. Mike comments that this consensus means the planners can move forward confidently, knowing that they have political "buy in" to schemes, although he warns that it can still take a frustratingly long time to get development going on the ground.

PLANNING PERFORMANCE AGREEMENTS:
GUIDANCE NOTE FOR APPLICANTS
JANUARY 2013

1. Introduction

1.1   Planning Performance Agreements (PPAs) were formally introduced into the planning system in April 2008 with the aim of improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders, preferably at an early stage, to work together in partnership throughout the planning process to provide greater certainty and transparency to the development of scheme proposals, the planning application assessment and decision making. This approach accords with Cotswold District Council's own adopted objectives for the delivery of the Development Management Service.

1.2   The important role of PPAs, to help guide positive collaborative working, has also been recognised by the National Planning Policy Framework of which paragraph 195 states the following:-

> "*Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.*"

2. What is in a PPA?

2.1   A PPA does not have to be a complex legal agreement between the applicant and the Local Planning Authority. Instead it can be a concise document that includes a number of the core components recommended as a minimum by Communities and Local Government (CLG). These include:

- Objectives of the planning proposal and the PPA;

- Main issues to be addressed and a tasks plan;

- Establishment of a Project team and decision making framework;

- Project programme.

An example PPA is provided on the Council's web-site.

3. When to Use a PPA

3.1   A PPA can be used for all Major applications and it is strongly advised that it is implemented at the pre-application stage to maximise the benefits and give you the best chance of submitting a formal planning application that addresses all the relevant issues. Examples of Major applications include proposals for 10 or more dwellings or for the erection of buildings with a floor area of 1000sqm or more.

4. The Benefits of a Planning Performance Agreement

4.1   Entering into a Planning Performance Agreement does not guarantee that your planning application will be permitted. However, there are a number of significant advantages that you will benefit from. These include the following:

- better overall project management at pre-application, application and post-application stages (eg. when dealing with conditions);

- Early identification of critical issues and improved quality of development;

- improved collaboration between all parties;

- more realistic and stricter timetables being agreed and met as a result of removal from the statutory deadlines; and

- greater accountability and transparency.

- Collaborative flexibility in partnership, if it is agreed that the quality of the decision beyond 13 weeks would be improved.

4.2   In conjunction with the Council's pre-application service, we will also provide you with the following help and advice;

- Agreed dates for when the application will be determined together with other key milestones such as the submission of the application and, if applicable, when it will be presented to Planning Committee.

- Nomination of a project lead for both parties who will take responsibility for ensuring the PPA progresses in accordance with the agreed timetable.

- Detailed advice on current national, regional and local planning policy that is relevant to your proposal.

- Advice on how and who to consult within the local community to ensure that the relevant parties are involved in the process thereby enabling early consideration of all the fundamental issues they may raise relating to your proposal.

- A detailed Planning Advice Note setting out the issues, the likelihood of planning permission being granted and what steps you should take to improve the likelihood of permission being granted. This will help address any concerns early on and, if permission is granted, reduce the number of conditions attached to the decision thereby saving time post-decision to enable a quicker start to the development.

- Relevant Council Members will be kept informed of your proposal.

- Input from the Council's Building Control team to ensure your proposal will also comply with the Building Regulations.

- Advice on likely S106 requirements at an early stage in the process so that any legal agreement required can be prepared and completed quickly to reduce delays later in the process.

- Advice on what information the planning application must contain to help ensure that it can be validated quickly.

5. What We Need From You

5.1   To enable you to make the most of the PPA, we also ask that you contribute the following:-

- Provide good quality information and plans, up front, to enable us to provide considered feedback to you.

- Engage in meaningful pre-application discussions/consultations with the local community, allowing enough time for community feedback and for plans and documents to be drawn up/amended that take into account their views.

- Respond positively and in a timely manner to requests for further information.

- Keep the Council informed of progress at all key stages of the project.

- Submit a complete and valid planning application with all the relevant information as agreed with the Council, including a draft S106 where appropriate with solicitor details and evidence of title.

6. Cost

6.1   The Council is able to charge for services provided in the pre-application phase of a PPA, under Section 93 of the Local Government Act 2003. Charges are on a not-for-profit basis and the income from charges for such services must not exceed the cost for providing them. The charging of such a fee enables the Council to provide you with a more responsive and effective service than would normally be possible for Major development proposals.

6.2   The exact fee to be charged for entering into a PPA will therefore be negotiated on an individual basis as it will depend upon the size and complexity of the proposal and the level of expenditure that is likely to be incurred by the Council.

6.3   However, please note that we are currently offering this element of the service for no additional charge when taken up as part of our pre-application service.

7. Interested?

7.1   If you are interested in taking advantage of the many benefits of a PPA you should contact one of our Development Management Team Leaders, Mike Napper or Deborah Smith, by telephone (01285 623000) or e-mail (planning@cotswold .gov.uk)to discuss the following:-
   i)   Whether it is appropriate to use a PPA for your proposal;
   ii)   Identify the likely make up of the teams from the LPA and the applicant teams and other key parties that should be included;
   iii)   Agree to prepare for an inception process to develop the structure and content of the PPA
   iv) Agree a date for the inception meeting and invite relevant parties.

7.2   You should then complete and submit the form provided on the Council's web-site to enable us to assess how best to deal with your proposal.
       E-mails should be clearly marked in the subject field as 'PPA enquiry'

COTSWOLD
DISTRICT COUNCIL
UNITED WE SERVE

PLANNING PERFORMANCE AGREEMENT
SITE LOCATION […]
DESCRIPTION OF PROPOSED DEVELOPMENT: […]
DEVELOPERS TEAM: Main Point of Contact: […]
COUNCIL TEAM Main Point of Contact […]

This agreement is made the […] day of […] between;
 	
    (1) Cotswold District Council, Trinity Road, Cirencester, GL7 1PX (“**CDC**”)
 	
    (2) […] (“**Developer**”)

PROJECT TIMETABLE (PROCESSING OF APPLICATION)

The following is only an example of what might be included – please delete and overtype as appropriate

	Action/ Task	Responsibility	Target Date	
1.	Consultation with Community	Agent	Prior to submission of application	
2.	Submission of Valid Application with completed draft S.106	Agent	[insert date]	
3.	Application validated and Consultations carried out	CDC	Within 1 week of receipt of valid application	
4.	Agent advised of Consultation Responses and initial assessment of proposal and recommended amendments and/or additional information required, if any.	CDC/ Agent	Within 5 weeks (subject to all consultation responses received).	
5.	Submission of any required amended plans/ additional information (go back to 3 if consultation required).	Agent	Within 6 weeks	
6.	Discussion of Draft Committee Report (including conditions if applicable) and identification of any outstanding issues	Agent/CDC	Within 8 weeks	
7.	Committee Meeting	CDC	Within 13 weeks	
8.	Completion of S.106 Agreement (if applicable)	Agent/CDC	Within 2 weeks of Committee	
8.	Decision Notice Issued	CDC	Within 1 week of completion of S.106	

Notes

1.   This agreement is entered into on the basis that formal pre-application discussions have already taken place between the Council and the applicant/ agent.

Example of delegated application report

Durham
County Council

Planning Services

DELEGATED REPORT

APPLICATION DETAILS

APPLICATION NO:
SITE LOCATION:
PROPOSAL:

DESCRIPTION OF THE SITE AND PROPOSAL

SITE:

PROPOSAL:

PLANNING HISTORY

PLANNING POLICY

NATIONAL POLICY:

LOCAL PLAN POLICY:

EMERGING POLICY:

Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new

plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

INTERNAL CONSULTEE RESPONSES:

PUBLIC RESPONSES:

PLANNING CONSIDERATION AND ASSESSMENT

RECOMMENDATIONS AND CONDITIONS

Recommendation that the application is:

APPROVED subject to the following conditions / REFUSED subject to the following reasons (*delete as appropriate*)

STATEMENT OF PROACTIVE ENGAGEMENT

ADDITIONAL MATTERS

i.e covering letters, enforcement, informatives

ENSURING DUE DILIGENCE IN DECISION MAKING

Part 1 - To be Completed by the Case Officer:

Have the correct neighbour consultations been initiated ?   Y / N

Has the 21/14 day period for consultation responses expired (including from weekly list) ? Y / N

Has the correct statutory publicity been initiated with copes of relevant Notices on file ? Y /N

Has the correct CLG PS1 Code been attributed to the application ?   Y / N

Are all neighbour / statutory consultee comments properly appraised in the report ?   Y / N

Signature: Date:
Case Officer ....

Part 2 - To be Completed by the Authorising Officer

Do the recommended conditions meet the relevant tests; including being necessary
to allow the development to proceed and enforceable ?   Y / N

In the case of refusal is there an audit trail to demonstrate the applicant has
been advised of refusal recommendation and invited to withdraw ?   Y / N

In the case of refusal is this clearly justified with a good chance of the decision
being supported at appeal ?   Y / N

Does the application fall within the delegation criteria as detailed in the
Council's Constitution ?   Y / N

Signature   Date:
Authorising Officer..

Application report within target determination date:

☐ YES   ☐ NO

If no please give reason(s):

Delegated Report - Version 10 – Effective 1 May 2014

Durham
County Council

ANNEX F

Example of protocol for public speaking at Committee

Protocol for Public Speaking at Plans Panel

Protocol for public speaking at the Plans Panels

1 Introduction

1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.

1.2 Subject to the exceptions below public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation. It also does not cover applications subject to non-determination appeals, where members' views may be sought.

2 Procedures

2.1 Pre-application presentations

2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.

2.1.2 Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 10 minutes. The *Protocol for pre-application presentations at Plans Panel meetings[1]* sets out the formal process of the pre-application presentation to the plans panels.

2.1.3 A Ward Member or their nominated community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.

2.1.4 A Ward Member or their nominated community representative will be allowed to speak for a maximum of 10 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.

2.1.5 At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

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[1] Leeds City Council Protocol for pre-application presentations at the plans panels, 2014

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Protocol for Public Speaking at Plans Panel

2.2   Position Statements

2.2.1   Positon statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.

2.2.2   Applicants or agents have the opportunity to speak on the information provided in the Position Statement for a maximum of four minutes.

2.2.3   A Ward Member or their nominated community representative may then address the Panel for a maximum of four minutes.

2.3   Matters for determination or other matters requiring a decision

2.3.1   Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below and on giving notice of their wish to do so to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the Panel.

2.3.2   Applicants, supporters or objectors will have a maximum of four minutes to address the Panel. At the discretion of the Chair additional time maybe allowed; this additional time will be offered to both supporters and objectors.

2.3.3   In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated.   However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the four minute time limit.

2.3.4   Where an application is recommended for approval, objectors to an application will be invited to speak first.   Members of the Panel may ask questions and seek clarification of any point arising. The applicant or supporters will then have the right to reply after which Members of the Panel may ask questions and seek clarification of any points arising.

2.3.5   Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Panel, except in circumstances outlined in paragraph 2.3.7. The objector will be invited to speak first and Members of the Panel may ask questions and seek clarification of any points arising. The applicant then has the right to reply and Members of the Panel may then ask questions to seek clarification.

Protocol for Public Speaking at Plans Panel

2.3.6 The applicant, supporter and objectors shall take no further part in the Panel debate but may answer questions of fact put by the Chair to clarify matters arising during the debate.

2.3.7 If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.

2.3.8 If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.

2.3.9 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to four minutes when detailed reasons for refusal are reported. Members of the Panel may then ask questions and seek clarification of any point arising.

2.3.10 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors have not been given the opportunity to speak they shall be given an opportunity to address the Panel for up to four minutes when detailed conditions for approval are reported. Members of the Panel may then ask questions and seek clarification of any point arising.

2.3.11 For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Panel.

3   Passing around of information

3.1 The circulation of materials will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any new issues raised in the material.

Protocol for Public Speaking at Plans Panel

4   Members of Plans Panel

4.1   A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.

4.2   No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking[2].

5   Review

5.1   This Protocol may be reviewed, revised or revoked by a joint meeting of the Plans Panels at any time.

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[2] A Member may address the meeting if they have in place an appropriate dispensation relating to the relevant DPI.

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