



**Uttlesford District Council
Local Planning Authority Peer Review**

**Fit for Purpose Local Planning Authority and
Development Management Improvement Plan**

August 2021

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1. Executive summary and recommendations

1.1 Introduction

The East of England Local Government Association (EELGA) was appointed by Uttlesford District Council to undertake a peer review of the Council as the Local Planning Authority (LPA). The assignment was undertaken by EELGA Associates Malcolm Sharp and Simon Smith.

The brief was to formulate a strategy and operational development plan to ensure the LPA is fit for the purpose of fulfilling its statutory and regulatory obligations plus delivering against the vision and objectives of Uttlesford's Corporate Plan. The focus of this report is on the Development Management part of the Planning Service, but the report also makes reference to other aspects of the Council acting as a local planning authority.

The Planning Service is widely acknowledged to be an underperforming service. This is demonstrated in terms of planning policy activities through two failed Local Plans, and in terms of Development Management activities through the quality of development outcomes and bottom quartile performance against the Government's three key performance indicators.

From this baseline, achieving the Corporate Plan goal to 'deliver an outstanding planning and place-making capability with the right capacity to create quality outcomes with and for all our communities' will require significant transformative change.

1.2. LPA Transformation Strategy

The strategic interventions outlined in the report are focussed on assisting Uttlesford to:

- Develop an LPA governance regime that is fit for purpose
- Create an outstanding planning and place-making capability with the right capacity and leadership to deliver quality outcomes with and for the district's communities,

and apply this regime to

- Reorientate the Council as an LPA from reactive planning to proactive, positive planning activities - for better place making
- Achieve 'better than policy' development outcomes.

A strong combination of member and officer leadership will be key to delivering this strategy. Therefore, the Council will need to address gaps in the member and officer governance regimes.

1.3. Corporate Context

Elected in May 2019, the new administration has a mandate to fulfil its election pledges and Corporate Plan vision of 'Making Uttlesford the best place to live, work and play.'

There are four strategic objectives:

- Putting residents first
- Active place-maker for our towns and villages
- Progressive custodian of our rural environment

- Championing our district.

In addition, there is a cross-party desire to see a fully functioning planning service.

As Local Plan maker, the Council committed in the Corporate Plan to:

- Increase the voice and influence of residents in planning and other Council matters
- Fix the Local Plan so it is evidence-led, puts infrastructure before new homes, is controlled by local communities and not developers, and provides homes that are affordable for local people,
- Make sure the scale of development closely relates to the identified housing need, and that the Local Plan satisfies the Planning Inspectorate,
- Under the Local Plan new housing will be built in the locations that the evidence shows are the most sustainable.

As proactive place maker, the Council also committed in the Corporate Plan to:

- Focus on strategic master planning in partnership with towns and villages to create better resident centred places to live
- Encourage positive planning that values and protects our heritage
- Implement policies which create better (low carbon) homes and neighbourhoods that meet or exceed national standards
- Implement a Community Infrastructure Levy along with S106 to deliver strategic community projects and greater local benefits from development
- Increase the number of affordable homes delivered and different tenure options including social renting
- Meet or exceed national standards for open and green spaces

To fulfil these commitments, the Council commissioned this review to ensure the LPA is:

- Fit for the purpose of serving current and future generations - by preparing a timely and sound Local Plan in accordance with its obligations
- Making defensible planning decisions
- Realising the vision and strategic objectives of the Uttlesford Corporate Plan

The output of the review sets out an LPA transformation strategy and operations plan

A pre-condition of success is that all Members, (whether political leaders, opposition leaders, or members with and without roles in plan-making and development management), plus all LPA officers, are equally committed to delivering the strategy and plan.

1.4. Institutional Context

The Council has an ambition to ensure its role as the LPA is fit for the purpose of serving current and future generations by preparing a timely and sound Local Plan in accordance with its obligations, making defensible planning decisions, and realising its Corporate Plan vision and objectives. These are respectively to make Uttlesford the best place to live, work and play and be an ‘active place-maker for our towns and villages.’

The Planning Service is widely acknowledged to be an underperforming service. This is reflected on the planning policy side through two failed Local Plans, as mentioned above, and on the

Development Management side through bottom quartile performance against the Government's three Key Performance Indicators for timely and quality of decision making and the quality of development outcomes.

From this baseline, the Corporate Plan goal to 'deliver an outstanding planning and place-making capability with the right capacity to create quality outcomes with and for all our communities' will require significant commitment to transformation, including capacity and capability assessment.

Previous reviews have focussed on specific parts of the planning service. They have mainly identified symptoms, as opposed to diagnosing causes, and made prescriptions at the operational level. The prescriptions have not been universally implemented due in part to lack of new resources and managerial and staff ownership.

The failure to act on the recommendations of previous reviews demonstrates that transformational change sought by the Council requires LPA wide ownership of recommendations, effective allocations and utilisation of Member, staff, and stakeholders' resources with focussed political and corporate management leadership.

The EELGA peer review has been able to provide a comprehensive review of the LPA as a whole and the elements within it. This has enabled the review to diagnose the institutional context and operational practices and identify links between them.

This, together with deliberative discussions with LPA staff, has informed and built ownership of recommendations to address the root causes of underperformance and promote continuous service improvement.

1.5. Financial Context

Full details of the financial context are shown in **Appendix 2** – Officer Growth Bid for 2021/2022 and Approved Budget for 2021-22.

1.6. Recommendations

Eight recommendations are made within this review, the most important is considered to be Recommendation 6 regarding Political Leadership and Corporate Management Board.

The recommendations reflect the findings of the review which are set out in detail within the report and each recommendation signposts to the relevant report section for ease of reference.

The strategic interventions and recommendations are grouped to reflect the key areas for improvement, under three core themes

- A. Recommendations for council leadership
- B. Recommendations to improve the Development Management process
- C. Recommendations for action by Members

Appendix 1 outlines the eight recommendations and required actions

The recommendations in the report are:

Recommendation 1 - All Councillors and Members of the Planning Committee

- All Member training to build an understanding of the mutual benefits of good Member and officer relationships and the Code of Conduct
- Before sitting on the Planning Committee, Members need to undertake mandatory training on planning matters and attend annual refresher courses. Members need to be encouraged to read the National Planning Policy Framework and observe a nationally recognised best practice LPA Planning Committee at work.

Recommendation 2 - All Councillors

- To ensure the Council has a best practice Development Management Delegation Scheme and protocol for Member involvement in pre-application processes
 - see sections 6.14 – 6.17 of the main report
- To ensure all Members receive training in the to be updated delegation scheme, and pre-application processes

Recommendation 3 - All Councillors

- To update the call-in protocol to include a gateway process based on material planning considerations to ensure the Planning Committee's time is used effectively
 - see sections 6.18 – 6.20 of the main report
- To ensure all Members receive training in the updated call-in process

Recommendation 4 - Members of the Planning Committee

- To review Planning Committee procedures, timing, and practices
 - see sections 6.21 – 6.28 of the main report

Recommendation 5 – Service Leadership

- The service will require reinvigorated, effective leadership and direction to deliver an operational development plan.
- This will require establishing new service operating procedures and practices exemplified as service pathways in accordance with a detailed action plan and programme.
- The pathways are detailed in the report as:
 - Customer interface and enquiry pathway (section 7.2)
 - Place making pathway (section 7.6)
 - Development Management pathway (section 7.10)
 - S106 Agreement pathway (section 7.11)
 - Enforcement pathway (section 7.13)
 - Member development management pathway (section 6.3)

Recommendation 6 - Political Leadership and Corporate Management Board (CMB)

- This recommendation is the **most important** of the review.
- To develop the capabilities and capacities required to deliver the strategy, the political leadership (dominant regime) and the Corporate Management Board (subordinate regime) will need to:
 - Arrive at a shared commitment to the relevant corporate priorities and
 - Align their respective governance arrangements with those required to deliver them.

Recommendation 7 - Chief Executive and Council

- The Chief Executive and CMB to advise the political leadership and opposition leaders on investment required – in management, officers, and tools – as a pre-condition of delivering the transformation strategy and action plan.
- Some requirements are highlighted in the Budget and Growth Bid (Appendix 2) with priorities for:
 - The appointment of a Development Management Transformation Manager (Fixed term contract) and arrangements for overseeing the new proposed service pathways and performance management systems over the longer term.
 - The appointment of 2 Principal Development Case Managers
 - Enhanced urban design capacity including the production of a local design guide and appropriate masterplans/design codes
 - Enhanced legal service capacities to support Local Plan making and Development Management most notably in negotiating and drafting (deliverable and enforceable) S106 Agreements
 - The production of a developers' contribution guidance document and appointment of a 106/CIL delivery officer
 - The Chief Executive and CMB to advise the political leadership and opposition leaders on a detailed action plan and programme to put in place and operate enhanced service pathways for:
 - Customer interface and enquiry pathway (section 7.2)
 - Place making pathway (section 7.6)
 - Development Management pathway (section 7.10)
 - S106 Agreement pathway (section 7.11)
 - Enforcement pathway (section 7.13)
 - Member development management pathway (section 6.3).

Recommendation 8 - Chief Executive

- The Chief Executive should review the leadership requirements for delivering and sustaining an improved planning service, including succession planning for the Director of Public Services in anticipation of his retirement.
- The starting points for defining the job purposes and person specification are framed by the administration's political priority to be a place making LPA, the requirements for managerial leadership and delivery of the LPA transformation strategy and action plan.
- The Chief Executive should consider how best to ensure the Corporate Management Board has appropriate and sufficient planning advice and guidance to secure corporate ownership and direction in line with RTPI guidance.

2. Review background

- 2.1 The brief for the East of England Local Government Association Peer Review Team was to formulate a strategy and operational development plan to ensure the LPA is fit for the purposes of fulfilling its statutory and regulatory obligations and Corporate Plan vision and objectives.
- 2.2 The proposal envisaged the strategy and operational development plan would draw together recommendations arising from this review and other recent and current reviews to develop the LPA as one characterised by:

- *Community leadership:* Members – as community leaders – have professional support required to understand and mediate in an objective manner on conflicts between:
 - Government imperatives for and local resistance to development
 - different community interests
 - market interests and community wants
 - meeting the needs of the present whilst providing for future generations
- *Strategic governance:* Members and the Corporate Management Team share and keep up to date their vision and corporate priorities for the LPA and the outcomes required to realise the vision. Ensure the LPA fulfils its statutory and regulatory obligations and performance targets and maintain strategic oversight of the LPA’s resources including funding (Council funding, external income, and grants), people, IT and discretionary budgets, planning and infrastructure partnerships and service delivery models.
- *Strategic partnerships:* Gives effective political leadership and senior management priority to work with national and sub regional partners and Government agencies to identify and address sub regional physical and service infrastructure deficits and requirements
- *Plan making:* The LPA has capacities and competences to formulate a vision and strategic objectives for the future of Uttlesford and turn this vision into a timely, sound Local Plan which provides for identified housing, employment, transport, and infrastructure needs designed to contribute towards a net zero carbon future and net gains in natural capital
- *Place making:* The LPA has the capacities and competences to be a place making LPA which acts in partnership - with existing communities, the district’s Town and Parish Councils, neighbour LPAs, developers, and service providers - to promote, negotiate and deliver quality development and places with supporting and timely infrastructure and services
- *Service excellence:* The LPA managers and staff share a commitment to service excellence where the LPA’s activities are specified, procured, structured, resourced and managed to deliver:
 - responsive community leadership
 - effective strategic partnerships
 - sound plan making
 - quality place making
 - continuous improvement in governance, service operations, and culture.

These activities are defined through:

- service plan goals and KPIs
- service practices and procedures
- resource allocations
- performance management and culture.

The latter characterised through:

- behavioural norms
- rules and distinctive practices, for example:
 - team working

- matrix management
- openness
- accountability
- knowledge acquisition and transfer
- informing innovation and adoption of best practices.

Corporate Plan and Policy Context

2.3 In May 2019, a new administration was elected with stated aims to:

- ‘Fix the Local Plan so it is evidence-led, puts infrastructure before new homes, is controlled by local communities and not developers, and provides homes that are affordable for local people,
- Make sure the scale of development closely relates to the identified housing need, and that the Local Plan satisfies the Planning Inspectorate,
- Under the Local Plan new housing will be built in the locations that the evidence shows are the most sustainable.’

2.4 The new Council has subsequently adopted a Corporate Plan with a vision of ‘Making Uttlesford the best place to live, work and play,’ and four strategic objectives:

- Putting residents first
- Active place-maker for our towns and villages
- Progressive custodian of our rural environment
- Championing our district

2.5 The Council is concerned to ensure that its role as the LPA is fit for the purpose of serving current and future generations by preparing a timely and sound Local Plan in accordance with its obligations, making defensible planning decisions, and realising its Corporate Plan vision and strategic objectives.

2.6 This review has involved two interrelated work streams. The first was concerned with the LPA’s role in Local Plan making.

This commenced with the Peer Review Team giving advice on whether to repair or withdraw the submitted Local Plan. Following a decision to withdraw the plan, the work stream continued with advice and inputs to help the LPA make the best possible start to preparing a new Local Plan and its delivery. The new Local Plan governance arrangements are being refreshed as work on the Local Plan is progressed. The Peer Review Team have concluded that, notwithstanding two failed plans, the Local Plan policy team is relatively well staffed compared to similar LPAs and has a budget sufficient to procure external specialist inputs necessary to secure a ‘sound’ Local Plan.

The second workstream was concerned with the LPA’s role in Development Management which includes handling planning applications, decision making, S106 planning obligations agreements, appeals, monitoring, and enforcement. The latter workstream is the primary concern of this report which commences with an analysis of the wider institutional and governance context.

3. Institutional Context

3.1 The Council has an ambition to ensure its role as the LPA is fit for the purpose of serving current and future generations by preparing a timely and sound Local Plan in accordance with its obligations, making defensible planning decisions, and realising its Corporate Plan vision and objectives. These

are respectively to make Uttlesford the best place to live, work and play and be an ‘active place-maker for our towns and villages.’

3.2 The Planning Service is widely acknowledged to be an underperforming service. This is reflected on the planning policy side through two failed Local Plans and on the Development Management side through bottom quartile performance against the Government’s three Key Performance Indicators for timely and quality of decision making and the quality of development outcomes. From this baseline, the Corporate Plan goal to ‘deliver an outstanding planning and place-making capability with the right capacity to create quality outcomes with and for all our communities’ will require transformative capacity.

3.3 Previous reviews have focussed on specific parts of the planning service. They have mainly identified symptoms, as opposed to diagnosing causes, and made prescriptions at the operational level. The prescriptions have not been universally implemented due in part to lack of new resources and managerial and staff ownership.

This failure to act on the recommendations of previous reviews demonstrates that transformational change sought by the Council requires LPA wide ownership of recommendations, effective allocations and utilisation of Member, staff, and stakeholders’ resources with focussed political and corporate management leadership.

The EELGA peer review has been privileged to provide a comprehensive review of the LPA as a whole and the elements within it. This has enabled the review to diagnose the institutional context and operational practices and identify links between them.

This together with deliberative discussions with LPA staff has informed and built ownership of prescriptions to address the root causes of underperformance and promote continuous service improvement.

3.4 To understand the institutional context we begin with two helpful definitions:

Institutions are defined by ‘patterns of human action and relationships that persist and reproduce themselves over time independently of the identity of the biological individuals performing within them.’

Governance is defined as ‘those mechanisms by which the behavioural regularities that constitute institutions are maintained and enforced.’

3.5 These definitions point to the rigidity, predictability and path dependency of institutions which are reinforced by governance mechanisms. These mechanisms comprise externally imposed governance regimes comprising rules, standard operating practices and compliance procedures. For example, LPAs are the subject of Government rules and operating practices for Local Plan making and Development Management.

The compliance procedures for Local Plan making are exercised through examinations by independent Inspectors and modifications and for Development Management through Key Performance Indicators, the appeals system, and Secretary of State’s power to call in applications.

3.6 Whilst highly bounded governance regimes predetermine behaviours, local authorities produce widely different service outcomes. These differences arise where actors, as institutional entrepreneurs, manipulate and combine governance possibilities to create new capacities to make a

difference. Institutional entrepreneurs, reflect on choices, learn from mistakes, and exert transformative power.

Such transformative power can be observed in the top two performing local authorities in a government initiative, the Local Public Service Agreement. This agreement required local authorities to deliver stretching targets for several service areas over three years in exchange for reward monies. These local authorities were found to share five governance characteristics which were absent in the two lowest performing local authorities. By comparing the Council against these characteristics, it is possible to identify and make proposals to address gaps in the Council's transformative capacities to establish a fit for purposes LPA.

Vision and Creating Public Value: Leader and Cabinet

High performing local authorities	Uttlesford District Council
Priority to a specific vision and public value goals	<ul style="list-style-type: none"> • Corporate Plan vision to be 'active place maker for our towns and villages' • Corporate Plan public value goal to, 'deliver an outstanding planning and place-making capability with the right capacity to create quality outcomes with and for all our communities.'

Vision and Creating Public Value: Corporate Management Team

High performing local authorities	Uttlesford District Council
In full alignment with Leader and Cabinet vision and public value goals	<ul style="list-style-type: none"> • Client for EELGA Peer Review to prepare development plan to realise vision and public value goals

Rules: Leader and Cabinet

High performing local authorities	Uttlesford District Council
Commitment to invest to create transformative capacity as required	<ul style="list-style-type: none"> • Commitment to invest to create transformative capacity as required

Rules: Corporate Management Team

High performing local authorities	Uttlesford District Council
CMT and Service Leaders' commitment to focussed, entrepreneurial allocation and delivery of resources	<ul style="list-style-type: none"> • CMT has administered and adjudicated on Growth Bids (£240k allocation to Planning Service and £144k for Planning Solicitors) continued dependency on embedded procedures would delay delivery of resources

Standard Operating Procedures: Leader and Cabinet

High performing local authorities	Uttlesford District Council
Commitment to innovations in governance to create transformative capacity	<ul style="list-style-type: none"> Corporate Plan priorities to change operating procedures to build planning and place-making capabilities and capacities

Standard Operating Procedures: Corporate Management Team

High performing local authorities	Uttlesford District Council
Crisp, entrepreneurial delivery of political priorities	<p>CMT has overseen:</p> <ul style="list-style-type: none"> Local Plan: Local Development Scheme and Statement of Community Involvement to inform programme for submission (2023) and adoption (2024) CMT to demonstrate entrepreneurial delivery of transformation plan measures: <ul style="list-style-type: none"> Policy tools and governance mechanisms needed to do the job Service pathways for: <ul style="list-style-type: none"> Customer interface and enquiries Place making (pre-applications) Development Management S106 agreements Enforcement Member development LPA: Build capabilities and capacities to create public value envisaged in the Corporate Plan

Compliance Procedures: Leader and Cabinet

High performing local authorities	Uttlesford District Council
Highest political commitment to Performance Management System (PMS) to deliver vision and public value goals	<ul style="list-style-type: none"> Governance regime and PMS required to drive development of 'outstanding planning and place-making capability' with the 'right capacity to create quality outcomes'

Compliance Procedures: Corporate Management Team

High performing local authorities	Uttlesford District Council
Top team proactive focus on Performance System Management priority targets, strongly	<ul style="list-style-type: none"> CMT and service managers proactive focus on new Local Plan but no evidence that PMS is being used as a tool to drive

enforced through 'star chamber' reviews by the Leader, Portfolio Holder and Chief Executive	improvement of the Development Management service from bottom quartile of Government's KPIs
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Cultural Norms: Leader and Cabinet

High performing local authorities	Uttlesford District Council
Council and its contributing partners and stakeholders as one team with collective responsibility to deliver shared goals	<ul style="list-style-type: none"> ▪ Council giving disproportionate attention to: i) Parochial voices as opposed to balancing the collective interests of the district. ii) Stakeholders with weak transformative powers whilst remaining hesitant to engage strategically with those with such powers, Essex County Council, and land promoters

Cultural Norms: Corporate Management Team

High performing local authorities	Uttlesford District Council
Roles and responsibilities of partners and stakeholders clearly defined and managed through strong networks and problem-solving mechanisms	<ul style="list-style-type: none"> ▪ Weak links between LPA relevant Corporate Plan priorities and LPA operational practices ▪ Weak links between LPA partners and stakeholders

3.7 The above comparisons show the Council Leader and Cabinet share three of the five characteristics of the Leaders and Cabinet of local authorities which have delivered significant improvements in service outcomes. These flow from the Council's Corporate Plan vision and priorities for the LPA, its collective appetite to change the LPA's standard operating procedures and critically invest 'what it takes' to deliver transformational change. Together these amount to a new governance regime with further work required to develop enforcement procedures through performance management systems and a new cultural norm for the co-production of shared goals with the stakeholders who matter most.

3.8 The comparisons show the Corporate Management Team working towards full alignment with the Leader and Cabinet's vision and public value goals. Key innovations being the new Local Plan vision for a net zero carbon future, a more comprehensive Local Plan making governance regime and extended community engagement in the new Local Plan Issues and Options stage.

3.9 The Corporate Plan agenda for transforming the Council's LPA role and effectiveness will change the Council's relationships and in turn the Council itself as these relationships and related networks create new possibilities. Some of these possibilities include networked governance with Essex County Council (in respect of master planning, education provision and infrastructure planning, funding and delivery), Town and Parish Councils (in pre-planning applications discussions), developers (in positive planning initiatives such as master planning, co-production of advance infrastructure and innovations in zero carbon development) and rural communities (in reimagining the countryside with farming, water management and environment interest groups).

4. Development Management Service and POS Enterprise Review (2018)

The Development Management service

4.1 The Development Management service is a vital part of the Council's role as the Local Planning Authority through which to implement planning policy and enable quality outcomes for sustainable development. It provides pre-planning application advice to members of the public, businesses, developers, and agents, registers planning applications, considers planning applications for compliance with the policies set out in the National Planning Policy Framework, the adopted Local Plan and relevant policy documents. It makes decisions under the officers' delegated authority and as appropriate makes recommendations to the Planning Committee for decisions. It negotiates Section 106 planning obligation agreements with developers and enforces against breaches of planning approvals, conditions, obligations and planning law in general.

4.2 The Development Management service as defined in this review comprises: Support and Registration team, the Development Management Teams (north and south), Planning Solicitors in Legal Services, the Enforcement Team, and the Planning Committee.

4.3 The Development Management Teams are led by the Development Manager and two area Development Management Team Leaders. The development management staff comprise three senior planning officers, ten career grade staff (of whom 4 are studying to qualify as planners) and agency staff. The service contracts with Essex County Council's Place Services for specialist advice on historic building conservation, landscape, ecology, and habitat matters. Essex County Council in its roles as Highways Authority and other infrastructure needs under its control. Felsted and Thaxted Parish Councils and Great Dunmow Town Councils have Neighbourhood Plans, and a further eight areas are designated.

Review method

4.4 The EELGA Development Management review was informed by:

- 1) Desk top review of Development Management's resources: funding (fee income) and budget allocations.
- 2) Desk top review of the Development Management performance management metrics and data, notably the PS1 and 2 and KPI returns.
- 3) Desk top review of previous and then current reviews. In this report we have cited, in Sections 4.5 – 4.14 below, the key recommendations of the POSE Peer Review March 2018. We have incorporated points relevant to the review objectives made in the Planning Obligations Task Group draft report and the Chadwick review into the complaint from Saffron Walden Town Council. The Planning Advisory Service Review of Major Planning Applications Process has been paused during the lockdowns.
- 4) Four rounds of engagement with stakeholders as follows:
 - i) Group meetings were held with the Support and Registration Team; Development Management Area Teams and Enforcement Team and one to one meetings were held with the Head of Development Management, the two area Team Leaders and Legal Services staff. In parallel interviews were held with representatives of two Town Councils and four land promoters / house builders. Members were engaged through a 'Members' voices' consultation and invitations to speak

directly to the review team. All meetings and consultations were conducted in confidence to enable all parties to speak freely and candidly about their experiences with the service and future requirements.

ii) In the second round, in-confidence workshops were held to enable members of the Support and Registration Team, Development Management Area Teams, Enforcement Team and Management Team to:

- Check back on the issues raised in the first round of meetings,
- Assist in framing solutions to the issues,
- Discuss how actions arising can be delivered and a positive culture towards performance management and continuous improvement be established

iii) Consultation with the service Management Team, staff, and client group to comment on the review report and proposals for the LPA transformation strategy and plan

iv) Allowance has been made for a presentation if required to an All-Member Workshop, for Members to consider and comment on the key findings and draft final transformation strategy and plan.

The POSE review 2018

4.5 In March 2018, POSE, the consultancy arm of the Planning Officers Society, having reviewed the Council's planning service, concluded

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 (2018 POSE Section 1.7).

4.6 The POSE Review Team found 'many well motivated and competent officers committed to providing a good service to the public' (2018 POSE Section 1.6) but there was '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, 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' (2018 POSE Section 1.9)

4.7 The report identified two main priorities for the Development Management service, performance management (as the overarching priority) and the roles of the Development Management Manager and Team Leaders (2018 POSE Section 1.10).

Performance management

4.8 The review reported the Council's Development Management performance against the Government's key criteria as follows:

- i) For major applications, lowest quartile,
- ii) For non- major applications, 3rd quartile, well below where a good authority would be.
- iii) The 'quality' indicator (performance at appeal), at a level where there is a risk of intervention

4.9 The report further commented,

‘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’ (2018 POSE Section 1.7).

4.10 The POSE Review Team advised the Council to:

- Review the performance management process to establish a clear set of priorities performance criteria which relate to external comparisons - nationally set criteria, national or comparator group average or upper quartile performance
- Tailor the criteria and associated performance reporting for the appropriate audience objectives: corporate, departmental, service, team or individual

4.11 The specific recommendations arising were:

- Review the performance monitoring process to ensure corporate, department and service priorities are regularly monitored at the appropriate levels and to the right timescales
- Quarterly monitoring of (Government) CLG current and proposed ‘designation’ criteria
- Regular reporting of the key performance indicators to Members

4.12 The POSE Review Team identified:

An urgent need to clarify the management responsibilities in development management. The Development Management Manager and the Team Leaders do not 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 conflict this creates between dealing with major applications, managing team and personal workloads and performance and management staff create competing priorities which are difficult to reconcile. The authority need to be much clearer on where the responsibilities lie which may involve restructuring and / revisiting roles (2018 POSE Section 1.11).

4.13 The fourth specific recommendation was to:

- Review the roles of the Development Management Manager and the Team Leader to ensure their respective management and professional roles are clarified.

4.14 The following table summarises POSE’s 2018 criteria for assessing a ‘fit for purpose’ LPA. In section 5 below we have added criteria to reflect recent developments in planning practice, made assessments of the LPA’s current performance against these benchmarks and made recommendations to match them.

POSE 2018 Review: What good looks like

1) Local Plan Making and Delivery

i) A Local Plan evidence base tested by the PAS checklist and ii) A proactive approach to the duty-to-co-operate with relevant partners
A comprehensive Infrastructure Delivery Plan signed off by all relevant partners.
Evidence of at least a 5-year housing land supply to meet OAN
An up to date fully NPPF compliant Local Plan reflecting corporate objectives, in place at the earliest opportunity.

2) Development Management

A proactive approach to implementation including masterplans and/or development briefs for significant sites, regeneration schemes and proactive care for the historic environment.
A pre-applications service including PPAs and charges, a protocol for involving Councillors on significant cases and MOUs with key consultees.
A clearly expressed policy towards the use of S106 obligations setting out where they will be required, for what purpose and the necessary mechanisms to ensure delivery
An efficient proactive Development Management service that: i) Meets all statutory and local targets ii) Offers good customer care and consistent planning advice, iii) Uses up to date technology iv) Delivers, enables, monitors, and enforces quality outcomes
i) An effective scheme of delegation, ii) Mandatory training for Councillors especially those sitting on the Planning Committee iii) Clear and transparent Committee procedures iv) Clear co-ordinated professional planning advice available to Members

3) Resources

i) A valued, motivated, and skilled officer corps, ii) Working as an integrated planning service with iii) Appropriate performance management systems and iv) Training opportunities
Adequate resources to deliver all the above.

5. Summary of Findings

5.1 The Development Management case handling service is in a worse position than that reported in the Planning Officers' Society Enterprise (POSE) review 2018. For example, in the two years from 1st January 2019 to 31st December 2020, the Council was ranked 342/353 LPAs in England against the Government's KPI for speed of handling major applications. During this period 45 of 67 (67.3% against an England average of 88%) of major applications were determined within 13 weeks (10 cases) and the time agreed with applicants via PPAs and Extensions of Time (35 of 49 cases). To be the bottom performer in the top, second and third quartiles, the LPA would have had to determined

56, 61 and 65 of the applications within the above times. The performance on major applications leaves the Council close to being at risk of being 'designated' under current MHCLG criteria.

5.2 Coinciding with declining performance since the POSE review, the service has fewer officers with the expertise to handle minor and major planning applications. It currently relies on an interim to represent the Council at appeal hearings. The remaining skill base is also fragile due to continued dependence on temporary contract staff. Since the last review, the Council has succeeded in recruiting career grade staff. However, line management and support for these staff is limited as both Team Leaders, as found in the POSE review, continue to act as 'senior professionals' with heavy caseloads. A further success is the production of excellent monitoring data but there is little evidence this is used as a management tool to inform and inculcate a continuous improvement culture. Notwithstanding high caseloads and complaints from all quarters, staff to their credit remain committed to do the best they can. Recruitment of additional senior staff with proven place making experience is an urgent priority.

5.3 Members of the LPA staff interviewed for the review – across Support and Registration, Development Management (case handling), Enforcement and Legal Services - identified a service that is on the back foot engaged in reactive work and expending scarce resources addressing the symptoms of an under resourced service. Examples include:

- Making requests for amendments to planning applications (as there is insufficient time to promote better applications in the pre-application stage)
- Refusing applications due to lack of time to seek amendments
- Excessive use of extensions of time beyond the time within which the Government expects LPAs to consider planning applications
- Handling call ins from Members
- Preparing appeals, noting due to poor applications, overturns, and non-determination, the refusal rate of 19% of all applications has risen since Q1 2019 to 28%, markedly higher than the national average of 12%, and
- Enforcement against non-compliance with conditions and Section 106 obligations (in some cases due to allowing developers' Solicitors to draft the agreements in the absence of sufficient in-house Planning Solicitors).

5.4 The cumulative pressures have led to a conveyor belt culture characterised by a dominant narrative of how many cases each officer is has completed and how many cases they are handling. To operate the conveyor, staff, who in some cases have more than 70 cases, are routinely working in the evening and weekends. Their work though is too often reduced to an administrative role. The service needs to be proactively leveraging the planning system to promote better placemaking and development outcomes for the built and natural environments, community, and economic well-being.

5.5 Having considered the innovations in governance and service procedures and practices, we turn to the resources required to enable transformative change.

5.6 The Development Management service comprises 1 No. Development Management Manager, 2 No. Team Leaders and 11 No. planning officers. The latter being 10 fte after allowing for No. 2 part time and No. 4 Career Grade staff with study leave.

Staff Competencies: Development Management Applications

	Everything Else		Minors		Majors	
	Mar 18	Dec 20	Mar 18	Dec 20	Mar 18	Dec 20
Competent experienced	10	12	8	5	6	4
Gaining experience	-	1	1	4	1	1
Not ready	-	-	1	4	3	8
	12	13	12	13	12	13

Staff Competencies: Appeal Types

	Written Reps		Hearings		Inquiries	
	Mar 18	Dec 20	Mar 18	Dec 20	Mar 18	Dec 20
Competent experienced	12	13	5	4.5	1	1
Gaining experience	-	-	-	-	-	-
Not ready	-	-	7	8.5	11	12
	12	13	12	13	12	13

5.7 Against a background of increasing demands on the service, more staff with more experience and competencies are required. In the period March 2018 to December 2020, the staff cohort has increased by 1 fte but has fewer collective competencies and experience to handle minor applications (from 8 to 5fte) and majors (from 6 to 4fte).

This is due to failure to retain experienced staff and then having failed to recruit suitably qualified successors a decision to recruit and train new entrants. Even this approach is falling short as the two Team Leaders are diverted from supporting the development of their staff to carry heavy caseloads. Worse still, one of the Team Leaders is a locum on a six-month contract and the only officer with sufficient experience to represent the Council at planning inquiries.

The cost cutting strategy is proven to be a false economy, not just in service performance and outcomes but in the high cost of interims. A stark warning for any future administration set on making cuts to this service in the cause of 'efficiencies.' In retrospect the Council's money would have been better spent on bidding in the market to secure experienced staff.

5.8 In 2018 the POSE review referred to recruitment of planning staff being a national problem and the widespread reliance on agency staff. POSE noted 'salaries, reputation, and the type of work can all be factors in recruitment.' Market conditions have not changed, but recognition of the consequences of lacking experienced development managers has. The Council now needs to create attractive development management roles and bid in the market until it can recruit the right candidates to lead the pre-application, development management and S106 pathways for majors.

5.9 In parallel, the Council needs to start work on a long-term LPA wide solution to securing the professional expertise needed to be a good LPA. The proposed changes to the NPPF place greater emphasis on highly specialist skills and expertise in design, ecology, and mitigating and adapting to climate change through the planning system. In this context, the Council needs to explore opportunities presented by the shared service model. This model creates scale and a breath of work and specialisms and management roles that are attractive to good quality candidates. Small district LPAs standing alone will be likely to struggle.

5.10 In Section 4.14 we summarised the POSE review team’s view of ‘what good looks like.’. As the template is three years old, we have added further criteria to take account of subsequent developments in planning policy and practice.

5.11 We have benchmarked the Council’s current position against the resulting 15 criteria of what ‘good looks like’ and recommended actions to match them. The criteria are grouped under Local Plan making and delivery, development management and resources.

Local Plan Making and Delivery

1) POSE Review 2018

- i) A Local Plan evidence base tested by the PAS checklist and
- ii) A proactive approach to the duty-to-co-operate with relevant partners

EELGA findings 2021	Action points 2021
<ul style="list-style-type: none"> i) New governance and project management put in place ii) Work commenced on evidence base and issues and options ii) Local Plan making duty-to-co-operate meetings underway 	<ul style="list-style-type: none"> i) Local Plan team to undertake PAS checklist ii) Local Plan team to record and issue notes of duty-to-co-operate meetings and formal confirmation of arising iii) Strategic partnerships to be fostered

2) POSE Review 2018

A comprehensive Infrastructure Delivery Plan signed off by all relevant partners.

EELGA findings 2021	Action points 2021
Brief for IDP currently out to tender	IDP will need to inform spatial strategy options and site development planning requirements for net zero carbon future

3) EELGA new fit for purpose test

Evidence to inform policy set for a net zero carbon spatial strategy, place making, construction, transport, energy supply and management

EELGA findings 2021	Action points 2021
Opportunities to collaborate with neighbour LPAs being explored	Officers to liaise with ECC counterparts to prepare high level Member meeting to explore joint working (transport studies, master planning, S106) and strategic infrastructure planning (see 5 below)

4) EELGA new fit for purpose test: Evidence to inform policies for net gain in habitat

EELGA findings 2021	Action points 2021
Opportunities to collaborate with neighbour LPAs being explored	Progress discussions with Greater Cambridge Joint Planning Service re: water management strategy etc.

5) EELGA new fit for purpose test

Effective cross boundary multi-agency infrastructure planning, funding, and delivery partnerships

EELGA findings 2021	Action points 2021
Commissioned work to build new coalitions to identify shared strategic infrastructure and investment requirements and hence policy and funding priorities	Progress cross border multi-agency collaborations re: strategic transport corridors A505 / A11 and A120 / M11

6) POSE Review 2018: Evidence of at least a 5-year housing land supply to meet OAN

EELGA findings 2021	Action points 2021
No 5-year land supply	Need to engage positively with promoters of emerging major applications to bring forward appropriate applications in advance of the Local Plan adoption

7) POSE Review 2018 An up to date fully NPPF compliant Local Plan reflecting corporate objectives, in place at the earliest opportunity.

EELGA findings 2021	Action points 2021
i) Submitted Local Plan withdrawn 2020. ii) New governance and LDS to make new Local Plan for submission 2023	Progress forward programme to prepare Reg 18 plan re: evidence base, call for sites assessments and Local Plan Leadership Group meeting agendas

Development Management

1) EELGA new fit for purpose test Effective Member / Officer working

EELGA findings 2021	Action points 2021
Poor – lack of trust evident	i) Member training to underpin the value of positive member / officer working and compliance with the code of conduct ii) Officers to include Members in pre application work and timely response to enquiries

2) POSE Review 2018 A proactive approach to implementation including masterplans and/or development briefs for significant sites, regeneration schemes and proactive care for the historic environment.

EELGA findings 2021	Action points 2021
i) No formal arrangements for effective joint working with ECC ii) Emerging initiative for master planning and associated studies for Saffron Walden East iii) Local Listings and Historic Gardens Review	i) Specify joint working requirements and governance arrangements with ECC ii) Draft implementation programme (in response to call for sites assessments) iii) Procure call off contract with place making consultancy as part of place making LPA

3) POSE Review 2018 A pre-applications service including PPAs and charges, a protocol for involving Councillors on significant cases and MOUs with key consultees.

EELGA findings 2021	Action points 2021
i) Pre-apps: Extended response times failing to deliver value for money ii) PPAs: Lack of and weak ties with key consultees and additional resources required to provide value for money. Losing credibility in the market and increasing risk of appeals against non-determination iii) No evidence that Members are enabled to be involved at early stages so tend to be involved late in the process	i) Pre-apps: Put in staff resources and working arrangements to deliver advice in a timely manner ii) PPAs: Build PPA co-producer team to operate in a more co-ordinated, comprehensive, and timely manner iii) Propose and work in accordance with a protocol for Member involvement in pre-app and other early stages

4) POSE Review 2018 A clearly expressed policy towards the use of S106 obligations setting out where they will be required, for what purpose and the necessary mechanisms to ensure delivery

EELGA findings 2021	Action points 2021
No policy or guidance in place.	i) Brief for Obligations SPD and appropriate housing, open space, and other standards ii) MoU with stakeholder infrastructure delivery partners, notably ECC, Local Councils iii) Brief for and preparation of a CIL

5) POSE Review 2018 An efficient proactive Development Management service that:

- i) Meets all statutory and local targets
- ii) Offers good customer care and consistent planning advice,
- iii) Uses up to date technology
- iv) Delivers, enables, monitors, and enforces quality outcomes

EELGA findings 2021	Action points 2021
i) Performance regressing against statutory KPI's since 2018 ii) Service reactive, on the backfoot with excessive workloads ii) Decision making has excessive call ins overturns, refusals, and appeals ii) S106 obligations are inconsistent due to lack of guidance iii) IT enhancements identified iv) Limited roles in proactive enabling and delivering quality development	i) Recruit required staff without delay ii) Implement proposed pathways to put service on the front foot ii) Members to adopt best practice call in protocol, and delegate applications recommended for approval ii) Recruit Planning Solicitors without delay iii) Implement IT enhancements without delay iv) Shift resources to proactive, positive planning as per pathways

6) POSE Review 2018

- i) An effective scheme of delegation,
- ii) Mandatory training for Councillors especially those sitting on the Planning Committee
- iii) Clear and transparent Committee procedures
- iv) Clear co-ordinated professional planning advice available to Members

EELGA findings 2021	Action points 2021
i) Good practice delegation scheme ii) Mandatory training: Some Members inexperience of the planning system and their role in it, insufficient Member engagement in the pre-app stage iii) Pre-meeting briefings lack transparency, poor Committee procedures, agenda management, time keeping and ill -considered decision making (leading to appeals) iv) Professional planning advice hampered by excessive workloads lack of appropriate toolkit and lack of an up-to-date Local Plan	i) Need to update call-in protocol ii) Mandatory training needs enforcing ii) Replace all Member briefings with Chair / Vice Chair briefings and encourage Members to engage in pre application meetings and contact case officers in advance of Planning Committee iii) Refresh and implement meeting template for Planning Committee including public speaking and avoiding repetition and non-planning matters iv) Additional staff and DM toolkit

Resources

1) POSE Review 2018

- i) A valued, motivated, and skilled officer corps,
- ii) Working as an integrated planning service with
- iii) Appropriate performance management systems and
- iv) Training opportunities

EELGA findings 2021	Action points 2021
i) Not valued: Evidence of public criticism and verbal abuse i) Highly motivated, but overloaded i) Lack of experienced case officers ii) Lacks effective, timely co-ordination with stakeholders notably ECC and Local Councils iii) Wealth of excellent data but not being applied to address process issues and inform resource requirements / allocations iv) Career grade staff on day release but Team Leaders have insufficient time to give one to one management and support	i) Establish positive member / officer working, with referral procedures for breaches i) DM Team Leaders to allocate 75% of their time to supporting staff i) Recruit more experienced DM case officers ii) Introduce and enforce S106 pathway iii) Establish a PMS to establish a shared identity – everyone’s job to deliver transformation, Confirm tasks and embed them in service plans and accountabilities Report to transformation lead managers, exception reports to CEx and Cabinet

2) POSE Review 2018 Adequate resources to deliver all the above.

EELGA findings 2021	Action Points 2021
Historic lack of resources recent Growth Bid allocation of £240k incorporated in 21/22 budget with £144k for No 2 Legal Solicitors	CMB to attach highest priority to entrepreneurial delivery of the recommended resource allocations

6. MEMBER GOVERNANCE OF THE LPA

6.1 Effective Member governance is required to establish and sustain a fit for purpose LPA required for place making and best available development outcomes

6.2 The new context calls for all Members to fulfil their LPA responsibilities. This applies to all Members who have multiple roles in the work of the LPA.

The collective community leadership role in establishing a vision and strategic objectives for the LPA, representing, and championing the LPA in community, partnerships, and other third-party contexts. In budget making roles making decisions on relevant budgets and wider resources. In plan making as members of the Local Plan Leadership Group and Scrutiny and as ward members who input to and comment on planning applications.

Those Members who exercise the Development Management functions of the Council, as the Local Planning Authority, have specific responsibilities to act in the interests of the whole community and make transparent justifiable decisions based on national planning policy, the development plan and other relevant material planning considerations.

To assist Members in fulfilling their respective roles as members of the LPA, the following recommendations are made to provide training and protocols to foster positive Member / officer relationships and equip Members to engage in appropriate pre-application discussions and fulfil best practice roles in plan making, Development Management and scrutiny of the LPA.

The Member Development Management Pathway

6.3 In this section we consider Member roles along the Development Management pathway. Before Members take their first step on the pathway, they need to undertake training to gain understanding of the benefits of good Member and officer relationships, the Planning system, and their roles within it.

Member and Officer Relationships

6.4 Member understanding of the value of mutual respect between Members and officers and the various roles each plays in the planning system is critical to a 'fit for purpose' LPA. In short the term 'the planners' refers not just to professional planners but to Members and officers working together to carry out the duties of the Council as LPA.

6.5 During the review, some Members referred to positive working relationships with officers but other Members expressed a lack of trust in the officers. The Planning Committee appears to be an arena for confrontation, officers criticised, and external professional technical evidence dismissed. Such conduct harms Member / officer relationships and those concerned need to be aware of the impact this has on the welfare of officers. For the Council as employer, this is a cause of concern. Poor conduct also tarnishes the Council's reputation with Government, its local government peers, the communities it serves and local government labour markets.

6.6 All Members need to pay regard to the LGA's guidance which includes the following:

Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors" (LGA – A Councillor's workbook on councillor/officer relations).

6.7 In presenting professional advice, Members should allow officers to explain their advice and ask questions in a respectful manner.

Officers cannot respond to personal criticism in the same way that politicians can and have to temper their remarks accordingly. Mutual respect and good communication are the key to establishing good councillor and officer relations. Close personal familiarity should be avoided – in simple terms, ‘be friendly, but don’t be friends. (LGA - A Councillor’s workbook on councillor/officer relations).

Member understanding of the Planning System and their roles

6.8 Planning application decisions can have the significant consequences for promoters, individuals, and communities. Just as Magistrates have training before they sit on the bench then so should Members have mandatory introductory and annual refresher training before they can sit on the Planning Committee.

6.9 Member roles in planning are helpfully defined in Planning Practice guidance as follows:

Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications, they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded upon valid material planning reasons.

6.10 The guidance makes it clear Members of the Planning Committee are not sitting in their ward capacity, for a parochial interest or as a member of a particular grouping. Members are not expected to be planning professionals but to listen to the professionals and apply judgement, balancing the relevant material planning matters on the basis of demonstrable evidence in each case. Decision making should be policy led and in accordance with a presumption in favour of sustainable development. In most cases the direction of travel will be readily apparent. Officers on the other hand should give clear substantiated professional advice taking full account of the Council’s approved planning policies, set by Members, and all relevant material planning matters, whilst respecting Members’ right to take a different view of the relevant balance between factors in each case.

6.11 When the Committee takes a different view to officers, Members must be prepared to articulate the reasons for their decision themselves (although they may turn to officers for the technical wording). Similarly, officers have a duty to advise Members if they feel any reasons Members wish to rely on cannot be justified and to warn of any risks associated with Members’ preferred course of action, although Members are of course at liberty to accept, or reject, that advice. These processes rely on trust between officers and Members. It is also important for officers to be available to deal with Members queries or follow up requests as soon as they become available.

Recommendation 1 - All Councillors and Members of the Planning Committee

- 1) All Member training to build an understanding of the mutual benefits of good Member and officer relationships and the Code of Conduct
- 2) Before sitting on the Planning Committee, Members need to undertake mandatory training on planning matters and attend annual refresher courses. Members need to be encouraged to read the National Planning Policy Framework and observe a nationally recognised best practice LPA Planning Committee at work.

Place Making and Pre-Application Discussions for Development Management

6.12 It is apparent Members are working on the back end of the Development Management pathway, and not properly enabled to be at the front end. This tends to result in call-ins, requiring applications to be considered at Committee that would be more appropriately dealt with under the delegation scheme and overturning applications recommended for approval. These individual and collective actions reflect a lack of trust between members and officers and are failures of process. They appear to be made without regard to the impacts on the quality decision making, performance of the LPA, costs pressures they add to an already overloaded and failing system. Above all they reflect a lack of understanding of where in the planning process better place making and development outcomes can be secured.

6.13 Members need to be enabled to work at the front end of the Development Management pathway, collaborating creatively with officers in master planning and pre-planning applications discussions. At these points, the Council and its stakeholders are best placed to secure better place making and planning obligation outcomes. This does not rule out call in or overturns, when appropriate but in line with best practice would minimise the need for 'too late in the day' interventions.

Development Management Delegation Scheme

6.14 Members need to ensure the LPA has a best practice delegation scheme and a proportionate call-in protocol. The application of these documents would free up resources for both Members and officers to focus on the pre-application stages and allow the Planning Committee to concentrate on significant applications requiring deliberation on the balance between all the material planning matters at stake.

6.15 A good delegation scheme should a) calibrate the delegation rate and b) be inclusive (everything is delegated except...) to ensure the most appropriate proposals are identified as matters for the Planning Committee.

6.16 The Council's current delegation rate of 95% for all delegations is in line with the national rate. This equates to the Committee considering up to 80 of the 1,600 applications it receives per annum. The resources necessary to take cases above this rate through the Planning Committee are significantly more than those required delegated authority.

6.17 The Council has an inclusive delegation scheme which is consistent with the thrust of legislation, guidance, and good practice. Thought though needs to be given to defining exceptions based solely on scale. For example, a small proposal (say in a conservation area giving rise to sensitive material matters) might need to be a Committee matter whilst a large-scale proposal (for a

'shed' on an industrial estate) may give rise to few if any matters requiring the Committee's attention. Similarly, where the Council has an appropriate suite of detailed guidance such as masterplans and design guidance / codes, once an outline permission has been granted most reserved matters should be capable of delegated approval. A recent a reserved matter application which was refused at Planning Committee and is now the subject of an appeal is a clear failure of process and a significant waste of scarce resources.

Recommendation 2 - All Councillors

- 1) To ensure the Council has a best practice Development Management Delegation Scheme and protocol for Member involvement in pre-application processes (see sections 6.14 – 6.17 above).
- 2) To ensure all Members receive training in the to be updated delegation scheme, and pre-application processes

Call in protocol

6.18 Call in protocols, like planning decisions themselves should be based on material planning matters alone. Good practice schemes have a clear gateway process and have the following characteristics:

- **Timely:** A call-in should be made within two weeks after the publication of the weekly list of applications. This will enable the LPA to establish and make transparent the decision-making path for the application (see ii) Referral below) and help ensure it can be considered within the nationally set time limits for applications (8 weeks for minors and 13 weeks for majors respectively) and given the appropriate resource allocation.
- **Referral:** The Chair and/or the Vice Chair of the Planning Committee to check whether the call-in is built on relevant planning matters (not merely because it is controversial for other reasons or to make political points).
- **Committee matter:** The application should only ultimately proceed to Committee (from call in as opposed to be scheduled for committee in any event) where the Member or Members concerned wish to speak against the officer recommendation be it for grant or refusal.

6.19 The Council's current call-in regime simply provides a five-week period time limit after publication of the weekly list of applications. In the absence of a referral mechanism Members have free reign to call in applications for material or non-material planning grounds. There is no provision to allow for call-ins to be withdrawn where the Member or Members concerned do not wish to speak against the officer recommendation (which is made at a stage later than the timetable for call-ins)

6.20 In recent months, the number of call ins have escalated. These appear to have contributed to more overturns, more refusals, and more appeals which add further to an already overloaded system. This is contrary to good practice LPAs where both call-ins and overturning officer's recommendations at Planning Committee are exceptions. This is another example of a failure of process.

Recommendation 3 - All Councillors

- 1) To update the call-in protocol to include a gateway process based on material planning considerations to ensure the Planning Committee's time is used effectively (see sections 6.18 – 6.20 above)
- 2) To ensure all Members receive training in the updated call-in process

Planning Committee Matters

6.21 Once operating an effective delegation and call-in system, the Planning Committee will be dealing in the most part with the most complex cases. In any event, Members will be well informed about such applications through:

- Pre-application processes, a locus for Members to have an early and effective opportunity to understand and comment on all aspects of complex proposals (as encouraged by current national policy and guidance (see the place making pathway in section 6)
- Pro-active community advocate role: for Members to engage with Planning officers to seek out details of emerging planning applications so fewer issues need to be raised after submission of the application or publication of the Committee report.

Pre-Committee Briefing

6.22 Under current procedures, officers provide a technical briefing for all Members of the Committee after the Committee papers have been published. These briefings provide:

- An opportunity for Members to request clarification of technical matters and hence avoid wasting time at the Committee and a need to defer decisions
- An opportunity for officers to receive an early indication of Members thinking and hence prepare responses to their issues

On the other hand, briefings carry two risks

- Pre-determination, the meeting discussion expands beyond technical queries into the merits of the case,
- Public suspicion of decisions being made behind closed doors in advance of the committee itself.

6.23 On balance it is not good practice to hold a pre briefing for the whole committee and in any event not necessary if Members are involved at the pre-application stage and seeking earlier information about applications. It is good practice, for key officers to meet with the Chair and Vice-Chair to discuss the agenda and arrangements for the Committee following publication of the Planning Committee papers.

Planning Committee Meeting

6.24 Planning Committee meetings are the LPA's shop window. The way business is conducted, the way decisions are made, as well as the decision themselves, provide insights into the competence or otherwise of the LPA. The competencies relating to the chair in steering the meeting and speakers, the officers in making presentations and addressing questions and the Committee Members in raising relevant questions and holding discussions related to material considerations.

6.25 The Planning Committee needs to become a panel where Members have an understanding of the planning system and their committee role. The Committee needs to consider evidence relating to material planning matters and come to a decision in an orderly formal and highly structured manner. As matters stand, Committee proceedings are less than business like.

There is considerable wasted time, unnecessary repetitive speeches and consideration of minor matters that were more suitable for delegated decision-making. The Council's refusal rate is high. In the period up to including Q4 2018, the refusal was running at 19% of all applications (national average 12%). Since Q1 2019, the refusal rate has risen more than double the national average.

Through this the Council is incrementally handing over local democratic control over decision making and setting of conditions to Government Inspectors and potentially the terms of S106 planning obligation agreements to developers through unilateral undertakings. One respondent, a housebuilder, has concluded 'in Uttlesford it will be easier to appeal after 13 weeks on grounds of non-determination than risk a Council decision to refuse an application.'

6.26 The POSE review referred to a "generous" arrangement for public speaking and recommended the Council to follow a good practice example. A particular aspect of good practice is as follows. To allow fair and equal time, once a ward member and town/parish representative have spoken, objectors to and supporters of an application either share or rely on a spokesperson for their typically 3-minutes slot.

To ensure transparency, all the material issues and views expressed during the consultation are made available to all and captured in the officer's report and therefore known to the Committee. The purpose of public speaking is simply to draw attention to specific points. On these grounds it is not acceptable to introduce new material at the Committee decision making stage.

6.27 It is wholly exceptional for a Planning Committee to sit for a whole day as was the case with the meeting in February 2021. This and the number of call ins, refusals and overturns give rise to serious concerns about the effective functioning of the Planning Committee.

In accordance with the national delegation rate, Planning Committee meetings should be handling an average of 6 or 7 items. This would enable the Committee to conduct its business within 2 – 3 hours during a morning, afternoon, or evening. The latter additionally allows for greater inclusive accessibility for the public to witness the Committee's proceedings

6.28 This review has presented the Planning Committee with a significant opportunity to improve its effectiveness and reputation to the benefit of the district. As the Local Plan emerges to provide the blueprint for development to meet objectively assessed needs, the role of the Planning Committee will be critical in encouraging developers to invest in planning applications for better place making, infrastructure and development outcomes.

Recommendation 4: Members of the Planning Committee

To review Planning Committee procedures, timing, and practices (see Sections 6.21 – 6.28 above)

7. Development Management – Operational Transformation Plan

7.1 Through their collective voices, staff across the Support and Registration Team, Development Management Area Teams, Planning Solicitors and Enforcement Team have proposed measures to put the service on the front foot so it can act as a proactive place maker.

Their critique of the service and the review team’s knowledge of the sector, have informed the following:

- Recruit senior staff, with experience of place making to reduce dependence on agency staff and free up the two Team Leaders to increase their commitment from 25 to 75% of their time to supporting and mentoring their staff
- Focus resources at the front end of the development management process
- Improve co-ordination between applicants, consultees, the public, Members, Town and Parish Councils and Legal Services to provide clear service pathways as follows:
 - Customer interface and enquiry pathway: better web-based access to guidance and advice for those considering a planning application,
 - Pre-application pathway: More and better pre-application advice and guidance with master planning as required
 - More, better, and timely Planning Performance Agreements, for example, integrated with ECC
 - More straight forward Section 106 negotiations based on updated guidance, standards templates to achieve consistency and streamlined process to achieve timely completions of agreements,

Leading to:

- More planning applications considered within the 8 and 13 week timetables with improved service and place making outcomes
- Fewer appeals due to fewer call ins, overturns, and non-determination
- Rising reputation as a good LPA and performance in the Government’s KPIs

Recommendation 5: Reinvigorating the service

The service will require reinvigorated, effective leadership and direction to deliver an operational development plan.

This will require establishing new service operating procedures and practices exemplified as service pathways in accordance with a detailed action plan and programme.

The pathways are summarised in this report as: Customer interface and enquiry pathway (Section 7.2), Place making pathway (Section 7.6), Development Management pathway (Section 7.10), S106 Agreement pathway (Section 7.11), Enforcement pathway (Section 7.13) and Member development management pathway (Section 6.3).

The Customer Interface and Enquiry Pathway

7.2 Staff have reported the regular duty system (which is staffed by a Development Management case officer during conventional office hours) is an ineffective use of staff resources. From experience most planning enquires fall into three categories.

- Routine enquiries, for example, the need for planning permission or progress with applications. These can usually be dealt with through a user-friendly self-service website. Where such questions become complex, customers can submit their enquiry and request an appointment. A model set of web pages are described in Sections 7.4 – 7.5 below.
- Other enquiries, these arise from customers who need to discuss details of a specific case. These are best dealt with by through an appointment with the relevant case officers and Place Services consultants to reduce interruptions to their case management workloads. The appointment system to be designed to log calls, record responses dates and headline outcomes.
- Conveyancing Solicitors property search enquiries, much of the planning history data from 1947 is held on microfiche and needs to be digitalised to improve response times and save staff time.

7.3 To inform updates to the web pages and support continuous professional development, a Local Plan policy officer needs to be nominated to provide all staff with briefings (available from professional bodies /press) on the planning and development management implications of new and amendments to existing legislation.

7.4 The Council web site would need to direct planning enquiries to a dedicated web page menu of on-line solutions to include:

- Scripts in response to frequently asked questions with links to advice and guidance
- Progress with planning applications
- Committee meeting dates, reports, and decision notices
- Submit by e mail response to consultations
- Submit by e mail details of requests for an appointment with a relevant officer

7.5 For applicants, the web pages to provide information on:

- *Fees*: A transparent schedule of fees for pre-planning application discussions, PPAs, planning applications, S106 legal and monitoring fees
- *Validation*: Information and document requirements to ensure registration of planning applications on receipt by the LPA
- *Process and timetable*: A flow chart and description of how the Council handles planning applications of different types with reference to the timetable, steps (for example requests for amendments, consultation notices, conditions, reserved matters) decision making (delegated and Committee decisions), decision notices and as required S106 agreements
- *How to monitor your planning application*: Walk through the web / Planning Portal on how applicants can monitor progress with their application and apply for an appointment to discuss specific matters relating to their application
- *Planning obligations*: The S106 Council (to be prepared) and ECC guidance documents, relevant standards and required planning obligations for difference types of development with reference to the relevant NPPF and emerging / adopted Local Plan policies, Neighbourhood Plans, legislation, local evidence base and standards
- *S106 agreements pathway*: A walk through the S106 agreement making template and information requirements, pathway, and timetables

- *Discharge of conditions and deeds of variation*: A walk through requirements, processes, and procedures.
- *Extensions of time*: Procedure when officers request extensions of time
- *Complaints and appeals*: Procedures for making a complaint and submitting an appeal

Key Deliverables:

- To provide an enhanced customer friendly web site with FAQs and self-service capabilities
- To digitalise all planning histories or provide administrative resources to ensure rapid access to existing records
- To establish an appointment system (and cease duty planner system)
- To institute regular staff briefing on planning policy and processes

The Place Making Pathway

Pre-planning application stage objectives, tools, and procedures

7.6 The pre-planning stage provides the LPA with its best opportunity to secure requirements for development sites and shape emerging development proposals. The key matters being policy compliance, design (facades, materials, massing, layout, and orientation), access arrangements, conditions, and planning obligations requirements for infrastructure and wider facilities.

Greater investment of time at this stage would result in better applications that can be validated on receipt, require few if any amendments and approved within time with prompt completion of related S106 agreements. This in turn leads to savings in time and money due to a decline in requests for amendments, appeals (following decisions to refuse and non-determination) and complaints from the public.

7.7 At the critical pre-planning application stage, the LPA needs the right tools and procedures to do the job, notably structured pre-planning applications procedures including appropriate involvement of Members and third parties.

7.8 The established priority is to prepare and progress a sound Local Plan to adoption. Key documents of the Local Plan evidence will be the Urban Capacity and Peripheral Landscape Studies, Transport Studies, Infrastructure Delivery Plan, Uttlesford Design Guide / Design Codes, and S106 planning obligations guidance and S106 information pack including standards.

7.9 For significant proposals, a Senior Development Manager would convene a multi-agency / multi-disciplinary team liaise with local Members and representatives of the relevant Town and Parish Council. The purposes being to provide land promoters with comprehensive pre-planning application guidance, the Planning Performance Agreement service and S106 information pack and headline requirements.

In the case of strategic scale and sensitive sites, the discussions with the land promoters would include collaborations on and funding for preparing masterplans and infrastructure delivery plans. In most cases this would require the appointment of a dedicated project manager at the promoter's expense.

Key Deliverables:

- To progress emerging Local Plan in a timely manner, assemble robust evidence base including Infrastructure Delivery Plan, objectively assessed needs, landscape and heritage

studies etc along with effective community engagement and strategic infrastructure partnerships

- To prepare a Planning Obligations Policy and Guidance document including appropriate standards
- To prepare a Districtwide Design Guide (building on the Essex Design Guide)
- To plan and deliver a programme of Masterplans / Design Codes for strategic sites and areas of significant change
- To refresh the protocol for positive pre-application engagement with promoters, developers, and applicants (including sites emerging as part of the Local Plan process) and appropriate Member involvement

Development Management Pathway

7.10 The steps along the pathway are:

- Receipt of planning applications by the Support and Registration Team for acknowledgement and either validation or requests for missing required information.
- DM Team Leaders to operate a triage system to provide for a more sophisticated allocation of staff time and support for case management. Such an approach was recommended in the POSE Review 2018 and was suggested by a member of staff with experience of a successful triage system. In addition to being an efficient way of working it would formalise and routinise dedication of more management time with and support for the case officers which include career grade staff. The key elements of the system tailored for the LPA being:
 - Allocation of applications into five categories:
 - Category 1 - Straightforward and potentially acceptable, requires little or no negotiation, fast track approval
 - Category 2 – Policy compliant application may need some limited negotiation to improve then approve
 - Category 3 – Significant consideration and negotiation necessary (probably most majors in practice) need to allocate sufficient time probably a PPA and project management approach / regular reviews
 - Category 4 – Applications which do not appear to be policy compliant but worth limited time to investigate and negotiate to see if they can be made acceptable otherwise refuse.
 - Category 5 – Non policy compliant applications potentially seek withdrawal or otherwise fast track refusal.
 - Post triage initiation meetings:
 - Minors and others: The Team Leader and case officer to review applications, identify and diagnose issues, provide consistent advice on possible solutions, set tasks against a standard check list and signpost sources of help and advice
 - Majors: The Major Applications Managers to convene multi-agency / multi-disciplinary teams (assembled for pre-application discussions and PPAs) to review the application, agree issues, solutions, action plan, allocation of tasks and programme
 - Post case initiation:
 - Minors and others, ad hoc discussions where more detailed consideration prompts a need to consider alternative courses of action

- Majors / problematic cases, weekly meetings of multi-agency, multi-disciplinary teams to report / review progress, address key issues and update forward programme
- Reports
 - Delegated: To be drafted in accordance with a standard template for recording information and evidence material to consideration of the application
 - Committee: To be drafted with a more comprehensive template to include the results of consultations on and as a minimum the agreed in principle heads of terms for S106 agreement

Good practice would also include regular training and updates on emerging good practice, policy issues and an opportunity to review implemented planning permissions with Members of the Planning committee, possibly through six monthly tours.

Key Deliverables

- Additional experienced officer capacity to manage significant major applications
- Focus DM Team Leaders on support and mentoring of teams and reduce their casework from 75% to 25% of their time
- Effective triage of applications
- Regular one to one and team knowledge exchange meetings
- Consistent use of templates for delegated decision making
- Constructive use of performance data to promote and foster continuous improvement
- Officer development and joint officer / Member tours to review development outcomes

S106 Agreements Pathway

7.11 The S106 Agreements Pathway will be an integral element of the Development Management Pathway for applications where such agreements are required. The complexities of planning for, negotiating and securing S106 agreements is amplified by the range of stakeholders who in turn face complexities in defining and meeting their own service obligations.

The interested parties range from the ‘big ticket’ obligations required by the Council’s Housing Service (affordable housing), Essex County Council (highways, school places and youth facilities) and NHS Clinical Commissioning Groups (health services) to Town and Parish Councils’ place making items, open space, allotments, SUDS, and community facilities.

The Council as LPA is responsible for ensuring all interested parties are given equal access to the pre-planning discussions and post application negotiating process. It also has responsibility for mediating between claims on grounds of proportionality and affordability.

7.12 The practical and governance steps along pathway are:

- To formalise roles and responsibilities of the parties concerned with framing, negotiating, and completing S106 agreements:
 - Updated S106 planning obligations guidance note with all obligations based on NPPF and emerging and adopted Local Plan policies and standards and Neighbourhood Plans (with links to the relevant documents)

- S106 information pack available on the web site to include the guidance notes, template, legal and monitoring fees and briefing on the S106 pathway
- Protocols with the relevant parties setting out the S106 process, procedures, entitlements, and obligations
- Pre- application initial meeting to include S106 as a standing agenda item for high-level discussions on requirements and briefing on the S106 agreement pathway. A key task at this stage is for the LPA to mediate between the competing claims on grounds of proportionality and affordability as failure to do so is a major source of delay in completing S106 agreements and issuing decision notices
- PPAs to include S106 as a standard service offer to comprise consultations with corporate services and third parties and detailed negotiations with the applicant. These will involve the interested parties and concern the obligations required to make the application acceptable. They will culminate with in principle agreement on heads of terms prior to reporting to Planning Committee for decision making
- Protocol with corporate and third-party consultees including Town and Parish Councils to enable the Council to manage major planning applications within 13 weeks. This may require an 8-week maximum period to raise realistic and justified requirements to allow for mediation between competing claims and negotiations which may require:
 - The Council's Planning Solicitors to assist with the negotiations
 - Third-party consultees adjust their governance arrangements

Planning Committee reports to include results of consultations, justifications for the full schedule of obligations and at least the negotiated and agreed in-principle S106 obligations as a precondition of informed decision making

- Subject to Planning Committee (conditional) approval, case officers to submit full instructions and completed information template to Legal Services' in-house Planning Solicitors to finalise the first draft S106 agreement. The Solicitors to develop and draw on a library of bespoke clauses which can be used as and when required.
- Legal to seek with applicants, completion of all S106 agreements within the allowed time limit.

Key Deliverables

- Additional in-house legal capacity, with a new framework contract for specialist legal advice and service level agreement to define responsibilities and procedures
- Planning Obligation guidance and procedures
- Establish protocol for corporate and third-party consultees including Town and Parish Councils, Essex County Council, and any other relevant infrastructure providers in terms of roles, responsibilities, and timely responses, recognising the LPA has ultimate responsibility for decision making

The Enforcement Pathway

7.13 Effective promotion of the four pillars of enforcement - public value, prevention, intervention, and enforcement - requires a more integrated approach between Members, Town and Parish Councils, colleagues in Development Management and Legal Services.

Governance steps

7.14 The practical and governance steps along the enforcement pathway are:

- Public value
 - To promote greater public understanding of the roles and responsibilities, powers and procedures of planning enforcement, environmental health, and Essex County Council as the Highway Authority:
 - Collaborate on common explanatory templates and signposting
 - Promote these templates on the Council's respective web sites, other relevant media
- To develop and promote training events on enforcement procedures, ethos, and limits of powers and communications protocols with Members of the District Council and the Town and Parish Council clerks to:
 - Help manage community expectations (which often go beyond what the team has powers to meet)
 - Keep Members and the clerks informed of progress with cases of highest community interest
 - Enlist the support of these stakeholders most notably where high-profile cases demand extensive communications with local communities and areas are subject to large scale development over one or more sites
 - Report on the team's work, the prevention measures, the issues resolved and explanations for difficulties with resolving outstanding / long running complaints
- To manage the continuing resource implications of vexatious complainants, consider case reviews with representatives of the relevant agencies chaired by an independent mediator to recommend actions that can and cannot be taken
- To promote greater resilience for the Enforcement Service. The elements of resilience include: continuity in Building Control's cross checking approved planning drawings with completed buildings, Support and Registration's triage and support work, Team Leader's case assessment and triage and backfilling vacancies and long-term leave. The latter may require aligning recruitment with market availability. There would be merit on in assigning career grade staff stints with the team to give them first-hand experience of the enforcement service
- To make the service more efficient by aligning and using automatic document templates and printing with those provided for Development Management
- To formalise the triage case assessment procedure to identify:
 - Complaints that do not amount to enforceable breaches in law
 - Enforcement 'majors' defined as serious and high visibility breaches
 - Enforcement 'minors' defined as low profile breaches

- Send formal confirmation of decisions on complaints to the relevant parties, with advice and referrals as appropriate for those cases that will not be progressed and explanation of the next steps for new cases.
- For new cases, hold one to one case initiation meetings to identify and diagnose issues, provide consistent advice on possible solutions and for majors contact the relevant Town or Parish Council to define partner roles (things to do and not do) and reporting arrangements.

Prevention

- To collect, record and undertake more detailed data analyses to develop and keep up to date intelligence on the source and types of complaints, those complaints that are not valid and those that are by type and significance, root causes of complaints, actions taken and possible preventative measures
- To promote upstream solutions with stakeholders to design out / prevent downstream enforcement issues, recent sources have included:
 - Unnecessary and over specified planning conditions
 - Poorly drafted S106 agreements by applicant's Solicitors
 - Excessive use of extensions of time which increases risk of builders starting on site in advance of planning application decisions

Interventions

- To negotiate pragmatic solutions to breaches of planning control. Such solutions to be subject of regular liaison with complainants, ward Members and Town and Parish Council clerks and monitoring for compliance with agreed actions. In the event of the pragmatic approach failing, proceed to formal action if it is expedient in the public interest to do so.

Enforcement

- In the last resort, enforce against breaches as appropriate through Enforcement Notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Planning Contravention Notices and Enforcement Injunctions and related monitoring.

Key Deliverables

- Promote positive engagement with Town and Parish Councils by way of training and establishing effective ways of working which recognises the discretionary nature of the service and the principle of taking action where it is expedient in the public interest to do
- Invest in and use the enforcement module of the planning processing system

8. Strategic Interventions and Resources

8.1 In this section the review team sets out the transformation strategy for the LPA including resource requirements and allocations.

LPA Transformation strategy

8.2 The strategic interventions are to:

- Develop the Council's governance regime that is fit to create an outstanding planning and place-making capability with the right capacity to create quality outcomes with and for all the district's communities
- Reorientate the Council as LPA from reactive planning to proactive, positive planning activities for better place making and development outcomes with appropriate leadership and resources.

Transformative governance

8.3 In Section 3.6 we benchmarked the Council's governance regime for the LPA against the five elements of governance required to power transformative change. A key pre-condition of success is for the political leadership and senior managers to be equally committed to delivering the politically identified priorities and governance arrangements.

The benchmarking identified gaps between best practice governance regimes and those of the Council and those between the political leadership and senior managers.

Performance management

8.4 A Performance Management System is key element of a best practice governance regime. It provides an essential tool for the leadership and Corporate Management Board to ensure the LPA transformation strategy and operations plan creates and leverages the capabilities and capacities required to deliver a fit for purpose planning authority and continuous improvement.

The performance management regime should measure performance against the Government's three development management Key Performance Indicators and Local Performance Indicators designed to maximise public value from the planning system. Such value to be defined as:

- facilitating better place making, infrastructure and community benefits from new development
- protecting and enhancing the built and natural environments for a net zero carbon future and net gains in habitat.

Recommendation 6: Political Leadership and Corporate Management Board (CMB)

This recommendation is the most important of the review. To develop the capabilities and capacities required to deliver the strategy, the political leadership (dominant regime) and the Corporate Management Board (subordinate regime) will need to:

- a) Arrive at a shared commitment to the relevant corporate priorities and
- b) Align their respective governance arrangements with those required to deliver them.

The main tasks require:

- Leader, Cabinet and CMB to vest high political and corporate priority for the LPA objectives, promote a one team culture where all Members and officers and service delivery partners

share a commitment to and collective responsibility for working together to deliver these objectives

- Leader, Cabinet and CMB to build, promote and support cross border, multi-disciplinary strategic infrastructure planning and delivery partnerships and through new relationships and related networks create new possibilities for the LPA. Some of these possibilities include networked governance with Essex County Council (in respect of master planning, education provision and infrastructure planning, funding, and delivery), cross boundary strategic infrastructure partnerships and developers (in positive planning initiatives such as master planning, co-production of advance infrastructure and innovations in zero carbon development) and rural communities (in reimagining the countryside with farming, water management and environment interest groups).
- CMB to direct early and rapid implementation of the operations transformation plan proposed in this review, most notably introducing the new operating procedures (exemplified as service pathways) supported by a senior Development Management Transformation Manager and accelerate delivery with early and justified resource allocations
- CMB and the Leader and Cabinet to establish a high-profile Performance Management System to which all relevant Members and officers will be committed to and accountable for, led by a senior performance management manager reporting to the Director with quarterly reports to CMB and Cabinet.

In this context, the Chief Executive will need to ensure the Council has sound officer leadership in place, the right staff resources and tools required to the deliver the transformation strategy and action plan.

Resources

8.5 The Planning Services budget information is summarised in **Appendix 2**. At the time of the review, Planning Services and Legal Services were promoting budget growth bids. The Peer Review team endorses budget allocations to correct the imbalances in management capacities and in skills and experience to manage complex major planning applications in Legal Services to negotiate, draft and execute Section 106 planning obligations agreements. Further investment will be required to put in place the recommended 'toolkit.'

However, the required service transformation will only materialise if the above investments are matched with a fully aligned commitment by Members and officers to deliver the strategic and operational development plans. The key matters include leadership capacities and capabilities to drive forward the envisaged service transformation and inculcate a culture of continuous improvement.

The Peer Review team envisage the strategic and operational plans will yield exceptional returns in the form of a higher performing Development Management service, better place making and development outcomes for existing communities and new residents. The plans should create a virtuous circle in which the LPA has the capacities and competencies to generate significant sums from planning performance agreements and hence sustain investment back into the Development Management service.

The ambition being to reverse the current position where applicants are questioning the value of planning performance agreements as a worthwhile investment.

8.6 The single most urgent investment is to appoint a senior, suitably experienced, manager, on a fixed term contract, to oversee delivery of a detailed transformation plan and programme based on the review recommendations. This should include a permanent post to ensure the proposed service pathways and performance management systems are embedded over the medium term and continuous transformation over the long term.

8.7 Secondly, there is an urgent need to appoint two experienced Development Management Principal Officers to lead on the most significant major applications. Whilst leading on the processing of their cases at pre application and application stages they should have a key role in corralling and leading the multi-disciplinary virtual teams (inside and outside the Council) necessary for successful place-making. Uttlesford's environment has many special qualities and there are many challenges including significant growth to meet the identified housing and other needs.

The impact of the resulting development possibly including whole new communities requires a proactive approach and an experienced planning team. The strengthening of the skill base in this way would leave those in team leader posts with management capacity to mentor and oversee less experienced staff dealing with the bulk of the 'minor' and 'other' applications which also collectively can have a significant impact.

8.8 Key to good place-making is specialist urban design expertise, something that is also being emphasised by the Government in their proposed changes to NPPF and associated guidance. This has implications for the Council's budget in two ways. First, in enhancing in house capacity as referenced in the growth bid but also in budget allocations to produce a local design guide and masterplans/design codes for significant schemes. The latter may be work which can be funded by development promoters. In certain circumstances the Council may wish to be a founding and or a co-funder, for example where a settlement is faced with separate schemes and there is a need to set an overall strategy.

8.9 Another missing part of the 'toolkit' is a developers' contribution guidance document. The County Council and good practice LPAs have such documents to provide developers with certainty and consistency and help maximise contributions. The Council needs to prepare a guidance document by drawing on the Infrastructure Delivery Plan (IDP) which is being prepared for the Local Plan. This leads to consideration of the Community Infrastructure Levy (CIL).

8.10 The Government through its White Paper has, among other things, indicated it is considering replacing the CIL with a national levy. Whether Government decides to amend the CIL or introduce a national levy, managing infrastructure priorities and continuing to optimise S106 Agreements will remain a critical LPA role. The IDP baseline and implications for growth is critical not only to the success of the emerging Local Plan but also to inform developer contributions policy and negotiations in the interim.

The Council currently deals with S106 negotiations on a case-by-case basis through the relevant Development Manager and enforcement through a Section 106 Monitoring Officer. This is a matter for further consideration as other LPAs find it effective to appoint a senior S106/CIL officer. The role involves managing the implementation of infrastructure priorities (keeping the IDP as a living document / implementation tool to inform case officers), and liaison with infrastructure providers, sending out invoices, checking monies due and working with enforcement officers who can check compliance with conditions and starts on site or trigger points for S106 obligations.

8.11 The above key investments are critical. Whilst the review team have not considered other proposals in the growth bid here, some will be essential to delivering the service pathways referred to in section 7, for example to deliver a fit for purpose self-service customer experience. These are matters to be developed in more detail as part of the transformation action plan.

Recommendation 7 - Chief Executive and Council

The Chief Executive and CMB to advise the political leadership and opposition leaders on investment required – in management, officers, and tools – as a pre-condition of delivering the transformation strategy and action plan. Some requirements are highlighted in the Budget and Growth Bid (at Appendix 2) with priorities for:

The appointment of a Development Management Transformation Manager (Fixed term contract) and arrangements for overseeing the new proposed service pathways and performance management systems over the longer term.

The appointment of 2 Principal Development Case Managers

Enhanced urban design capacity including the production of a local design guide and appropriate masterplans/design codes

Enhanced legal service capacities to support Local Plan making and Development Management most notably in negotiating and drafting (deliverable and enforceable) S106 Agreements

The production of a developers' contribution guidance document and appointment of a 106/CIL delivery officer

The Chief Executive and CMB to advise the political leadership and opposition leaders on a detailed action plan and programme to put in place and operate enhanced service pathways as described above: Customer interface and enquiry pathway (Section 7.2), Place making pathway (Section 7.6), Development Management pathway (Section 7.10), S106 Agreement pathway (Section 7.11), Enforcement pathway (7.13) and Member development management pathway (Section 6.3).

Leadership

8.12 To drive the strategic priorities and to deliver a fit for purpose LPA leadership will be critical. Above we have outlined the importance of Leader, Cabinet and CMB setting the agenda. To achieve this the role of a suitably qualified and experienced Director is essential to i) ensure that Planning Services structure, management, resources and performance is appropriate to deliver quality outcomes, ii) drive the transformation plan and iii) lead UDC in developing strategic partnerships.

Recommendation 8 - Chief Executive

The Chief Executive should review the leadership requirements for delivering and sustaining an improved planning service, including succession planning for the Director of Public Services in anticipation of his retirement.

The starting points for defining the job purposes and person specification are framed by the administration's political priority to be a place making LPA, the requirements for managerial leadership and delivery of the LPA transformation strategy and action plan.

The Chief Executive should consider how best to ensure the Corporate Management Board has appropriate and sufficient planning advice and guidance to secure corporate ownership and direction in line with RTP1 guidance.

APPENDIX 1 – Recommendations and Actions

The recommendations and actions are grouped to reflect the key areas for improvement, under three core themes

- A. Recommendations and actions for council leadership
- B. Recommendations to improve the Development Management process
- C. Recommendations and actions for Members

A. Recommendations and actions for council leadership

Recommendation 6: Political Leadership and Corporate Management Board (CMB)

This recommendation is the most important of the review. To develop the capabilities and capacities required to deliver the strategy, the political leadership (dominant regime) and the Corporate Management Board (subordinate regime) will need to:

- Arrive at a shared commitment to the relevant corporate priorities and
- Align their respective governance arrangements with those required to deliver them.

The main actions to drive this recommendation require:

- Leader, Cabinet and CMB to vest high political and corporate priority for the LPA objectives.
- Promote a one team culture where all Members, officers and service delivery partners share a commitment to and collective responsibility for working together to deliver these objectives
- Leader, Cabinet and CMB to build, promote and support cross border, multi-disciplinary strategic infrastructure planning and delivery partnerships and through new relationships and related networks create new possibilities for the LPA.
- Some of these possibilities include:
 - Networked governance with Essex County Council (in respect of master planning, education provision and infrastructure planning, funding, and delivery)
 - Cross boundary strategic infrastructure partnerships and developers (in positive planning initiatives such as master planning co-production of advance infrastructure and innovations in zero carbon development)
 - Rural communities (in reimagining the countryside with farming, water management and environment interest groups).
- CMB to direct early and rapid implementation of the operations transformation plan proposed in this review, most notably introducing the new operating procedures (exemplified as service pathways), supported by a senior Development Management Transformation Manager, and accelerate delivery with early and justified resource allocations.
- CMB and the Leader and Cabinet to establish a high-profile Performance Management System to which all relevant Members and officers will be committed to and accountable for, led by a senior performance management manager reporting to the Director with quarterly reports to CMB and Cabinet.
- In this context, the Chief Executive will need to ensure the Council has sound officer leadership in place, with the right staff resources and tools required to the deliver the transformation strategy and action plan.

Recommendation 7 - Chief Executive and Council

The Chief Executive and CMB to advise the political leadership and opposition leaders on investment required – in management, officers, and tools – as a pre-condition of delivering the transformation strategy and action plan. Some requirements are highlighted in the Officer Growth Bid for 2021-22 & Approved Budget for 2021-22 (Appendix 2) with priorities for:

- The appointment of a Development Management Transformation Manager (Fixed term contract) and arrangements for overseeing the new proposed service pathways and performance management systems over the longer term.
- The appointment of two Principal Development Case Managers
- Enhanced urban design capacity including the production of a local design guide and appropriate masterplans/design codes
- Enhanced legal service capacities to support Local Plan making and Development Management most notably in negotiating and drafting (deliverable and enforceable) S106 Agreements
- The production of a developers' contribution guidance document and appointment of a 106/CIL delivery officer

The Chief Executive and CMB to advise the political leadership and opposition leaders on a detailed action plan and programme to put in place and operate enhanced service pathways as described above:

- Customer interface and enquiry pathway (Section 7.2)
- Place making pathway (Section 7.6)
- Development Management pathway (Section 7.10)
- S106 Agreement pathway (Section 7.11)
- Enforcement pathway (7.13)
- Member development management pathway (Section 6.3).

Recommendation 8 - Chief Executive

The Chief Executive should review the leadership requirements for delivering and sustaining an improved planning service, including succession planning for the Director of Public Services in anticipation of his retirement.

The starting points for defining the job purposes and person specification are framed by the administration's political priority to be a place making LPA, the requirements for managerial leadership and delivery of the LPA transformation strategy and action plan.

The Chief Executive should consider how best to ensure the Corporate Management Board has appropriate and sufficient planning advice and guidance to secure corporate ownership and direction in line with RTPI guidance.

B. Recommendation to improve the Development Management process

Recommendation 5 – Reinvigorating the Service

The service will require reinvigorated, effective leadership and direction to deliver an operational development plan.

This will require establishing new service operating procedures and practices exemplified as service pathways in accordance with a detailed action plan and programme. Key deliverables for the service pathways are shown below.

The pathways are summarised as:

- Customer interface and enquiry pathway (Section 7.2)
- Place making pathway (Section 7.6)
- Development Management pathway (Section 7.10)
- S106 Agreement pathway (Section 7.11)
- Enforcement pathway (Section 7.13)
- Member development management pathway (Section 6.3).

Operational service outputs to include:

- Timely 'right first time' registration of planning applications
- Timely consideration of planning applications within the 8- and 13-week Government determined time limits or agreed extensions of time
- Declining allocation of scarce resources at the back end of the development management service on fewer appeals due to fewer call ins, overturns, and non-determination of applications
- Rising reputation as a good LPA with continuous improvement against the Government's KPIs and local PIs

The Customer Interface and Enquiry Pathway

Key Deliverables:

- To provide an enhanced customer friendly web site with FAQs and self-service capabilities
- To digitalise all planning histories or provide administrative resources to ensure rapid access to existing records
- To establish an appointment system (and cease duty planner system)
- To institute regular staff briefings on planning policy and processes

The Place Making Pathway

Key Deliverables:

- To progress emerging Local Plan in a timely manner, assemble robust evidence base including Infrastructure Delivery Plan, objectively assessed needs, landscape and heritage studies etc along with effective community engagement and strategic infrastructure partnerships
- To prepare a Planning Obligations Policy and Guidance document including appropriate standards

- To prepare a Districtwide Design Guide (building on the Essex Design Guide)
- To plan and deliver a programme of Masterplans / Design Codes for strategic sites and areas of significant change
- To refresh the protocol for positive pre-application engagement with promoters, developers, and applicants (including sites emerging as part of the Local Plan process) with appropriate Member involvement.

Development Management Pathway

Key Deliverables

- To reduce the LPA's dependence on agency staff by recruiting two senior development case managers with experience in place making and assembling and leading multi-disciplinary and multi-agency teams to handle significant major planning applications
- To focus Development Management Team Leaders on support and mentoring of teams and reduce their casework from 75% to 25% of their time
- To put in place and operate an effective triage of applications
- To provide and record regular one to one and team knowledge exchange meetings
- To put in place and make consistent use of templates for delegated decision making
- To make constructive use of performance data to promote and foster continuous improvement
- To plan and conduct joint officer / Member tours to review lessons and best practice from development outcomes

Section 106 Pathway

Key Deliverables

- To put in place additional in-house legal capacity, with a new framework contract for specialist legal advice and service level agreement to define responsibilities and procedures
- To apply the proposed planning obligations guidance document and procedures
- To establish a protocol for corporate and third-party consultees including Town and Parish Councils, Essex County Council, and any other relevant infrastructure providers in terms of roles, responsibilities, and timely responses, recognising the LPA has ultimate responsibility for decision making

Enforcement Pathway

Key Deliverables

- To promote positive engagement with Town and Parish Councils through training and establishing effective ways of working which recognises the discretionary nature of the service and the principle of acting when it is expedient in the public interest to do so
- Invest in and use the enforcement module of the planning processing system

C. Recommendations for actions by Members

Roles and Responsibilities of Members in Improving the Development Management System

The new context calls for all Members to fulfil their LPA responsibilities.

This applies to all Members who have multiple roles in the work of the LPA.

- The collective community leadership role in establishing a vision and strategic objectives for the LPA, representing, and championing the LPA in community, partnerships, and other third-party contexts.
- In budget making roles, making decisions on relevant budgets and wider resources.
- In plan making as members of the Local Plan Leadership Group and Scrutiny and as ward members who input to and comment on planning applications.
- Those Members who exercise the Development Management functions of the Council, as the Local Planning Authority, have specific responsibilities to act in the interests of the whole community and make transparent justifiable decisions based on national planning policy, the development plan and other relevant material planning considerations.

To assist Members in fulfilling their respective roles as members of the LPA, the following recommendations are made.

These include the provision of practical support (tools, protocols and training) to foster positive Member / officer relationships and equipping Members to engage in appropriate pre-application discussions to fulfil best practice roles in plan making, Development Management and scrutiny of the LPA.

However it is the consistent and effective discharge of member roles and behaviours, supported by the application of appropriate tools and training, that will ensure Members play their critical part in improving the efficiency, effectiveness and impact of the Development Management system.

Recommendation 1 - All Councillors and Members of the Planning Committee

- All Member training to build an understanding of the mutual benefits of good Member and officer relationships and the Code of Conduct
- Before sitting on the Planning Committee, Members need to undertake mandatory training on planning matters and attend annual refresher courses. Members need to be encouraged to read the National Planning Policy Framework and observe a nationally recognised best practice LPA Planning Committee at work.

Recommendation 2 - All Councillors

- To ensure the Council has a best practice Development Management Delegation Scheme and protocol for Member involvement in pre-application processes (see sections 6.14 – 6.17 above).

- To ensure all Members receive training in the to be updated delegation scheme, and pre-application processes

Recommendation 3 - All Councillors

- To update the call-in protocol to include a gateway process based on material planning considerations to ensure the Planning Committee's time is used effectively (see sections 6.18 – 6.20)
- To ensure all Members receive training in the updated call-in process

Recommendation 4 - Members of the Planning Committee

- To review Planning Committee procedures, timing, and practices (see Sections 6.21 – 6.28)

APPENDIX 2 – Officer Growth Bid for 2021-22 & Approved Budget for 2021-22

Budget and Growth Bid

A2.1 The Council budget for 2021/22 for the Planning Service comprises four lines, each the outcome of a complex local government accounting protocols and procedures.

Planning Service Budget for 2020/21 and 2021/22

	2020/21	2021/22
Planning Management	£ 410k	£ 422k
Planning Policy	£ 912k	£1,660k*
Planning Specialists	£ 219k	£ 210k
Funds for additional resources to support the Local Plan		£ 240k**
	£1,541k	£2,532k

* Includes £640k from 'Use of Reserves' under the heading 'Sustainable Communities to support specialist consultancy and additional fees relating to the Local Plan.'

** Corporate Management Funds for additional resources to support the Local Plan

A2.2 The Development Management service is funded through planning application fees. Additional income in 2020/21 of £341k arose mostly from a carry forward of £68k, staff savings of £48.5k, a discretionary right to add 20% to standard planning application fees (£194k) and higher than forecast income from Planning Performance Agreements (£25k).

A2,3 Of these monies £85k will be carried forward and £256k were allocated as follows:

- £113k Locum Team Leader
- £58k Career Grade posts
- £55k for the Place Service contract (six months)
- £25k Environment Services Officer (0.5fte)
- £5k for local heritage

A2.4. The Council's response times to paid for pre-planning application advice are wholly unacceptable, promoters who have paid for PPAs are complaining they see no benefit from the fees they have paid. The alternative approach open to developers is to make appeals against non-determination of planning applications. In this scenario, income that should be enabling positive planning would be lost, the costs of reacting to appeals would mount and some S106 obligations would be lost due to developer unilateral undertakings.

A2.5 The Service Growth Bid for 2020/21 requested the following:

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
2 No. Senior/ Principal Planning officer (8/9/10) + (32 - 40)	£95 - £117k		CTF then PPA
2 No. Programme Project officers (5) + (18)	£66k		20% fee income 80% CTF then PPA
1 No. Enforcement Officer (6) + (24) IDOX improvements	£38k	£10k	CTF
1 No. Urban Designer (9) + (36)	£53k		MTFS to 03/24

1 No. admin. To input S106 agreement to monitoring system (4) + (12)		£14k	
1 GIS Apprentice	£20k		CTF
Heritage Strategy and Bespoke Article 4s (Local Listings and Historic Gardens review)		£40k	CTF
1.5 No. Dedicated Planning Lawyers (report to Legal Service) (8/9) and (32/36) 0.5 fte current post would round up to a No 2 fte	£80k		CTF / part PPA / part cost recovery from S106 legal fees
S106 Aviation Monitoring Officer (8/9) + (36)	£60k		Subject to appeal outcome
0.5 fte Admin for S106 Aviation Monitoring Officer (4) + (12)	£15k		Subject to appeal outcome
Highways officer (to be shared with and based in Chelmsford)	£30k (TBC)		PPA in ECC partnership
	£479k	£64k	

A2.6 The Council's budget for 2021/22 allocated growth budgets of £240k for the Planning Service and £179k for Legal Services. The latter was mostly funded from savings arising from restructuring. In this section we note the existing commitments and the priorities for these allocations:

Commitment: To provide capabilities and capacities to meet Government requirements for better design and digital plans and Council's requirements for better place making

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
1 No. Urban Designer (9) + (36)	£53k		MTFS to 03/24
1 GIS Apprentice	£20k		CTF
Cost to Planning Service Growth Budget	£20k		

Priorities: To provide capabilities and capacities to assemble and co-ordinate multi-disciplinary, multi-agency teams and Member engagement in pre-planning application discussions and delivery an effective Planning Performance Agreement service required to elicit better major planning applications and S106 agreements and hence development outcomes

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
2 No. Senior/ Principal Planning officer (8/9/10) + (32 - 40)	£117k		CTF
1 No. Programme Project officer (5) + (18)	£33k		20% fee income 80% CTF
2.5 No. Dedicated Planning Lawyers (report to Legal Service) (8/9) and (32/36)	£180k		£144k from Legal Service Growth budget £36k from S106 legal fees
Highways officer (to be shared with and based in Chelmsford)	£30k (TBC)		PPA in ECC partnership
Cost to Planning Service Growth Budget	£143.40k		

Priority: To provide capabilities and capacities to drive delivery of the transformation strategy and operations plan. The transformation manager role being to act as project manager of the Performance Management System and delivery of the six pathways for service procedures and practices.

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
1 No. Senior Transformation and Performance manager (8/9/10) + (32 - 40)	£58.5k		CTF
Cost to Planning Service Growth Budget	£58.5k		

Priority: To reduce time spent by the Enforcement Team on administrative tasks and provide inputs to the Local Plan evidence base and emerging policy framework for Development Management

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
Enforcement Service IDOX improvements		£10k	CTF
Heritage Strategy and Bespoke Article 4s (Local Listings and Historic Gardens review)		£40k	CTF
TOTAL COST TO PLANNING SERVICE BUDGET	£221,900	£50k	

Low priority: The remaining – unfunded - parts of the Growth Bid amount to funding pressures of between £64.4k to £139.4k subject to the Stansted Airport appeal outcome. The recommendations are:

- i) 1 No. (PPA) Programme Project Officer, revisit once impacts are known of new service pathways with the No.2 Development Managers (Majors) and No1 PPA Programme Project Officer
- ii) 1 No Enforcement Officer, revisit once impacts are known of new service pathways
- iii) Inputs to S106 agreements to monitoring system can be undertaken in house
- iv) 1 No Aviation Monitoring Officer and 0.5 No. administrative officer, revisit once the Stansted Airport appeal has been determined

Description (Grade) + (SCP at 04/21)	Cost	Cost one off	Funding source
1 No. Programme Project officers (5) + (18)	£33k		20% fee income 80% CTF
1 No. Enforcement Officer (6) + (24)	£38k		CTF
1 No. admin. To input S106 agreements to monitoring system (4) + (12)		£14k	
S106 Aviation Monitoring Officer (8/9) + (36)	£60k		Subject to appeal outcome
0.5 fte Admin for S106 Aviation Monitoring Officer (4) + (12)	£15k		Subject to appeal outcome
Cost to Planning Service Growth Budget	£64.4k	£14k	