

Committee:	Scrutiny	Date: 22 September 2022
Title:	Planning Service Implementation Plan	
Portfolio Holder:	Cllr John Evans	
Report Author:	Dean Hermitage – Director of Planning	Key decision: No

Background

1. On 19/10/21 Cabinet agreed the recommendations of the PEER Review report commissioned from the East of England Local Government Association (EELGA).
2. The Scrutiny Committee considered the report prior to Cabinet in October 2021. The Cabinet Member for Planning introduced an update on progress at Scrutiny in February 2022 and again in June 2022. At that meeting it was agreed that a further progress update would be given in September 2022.
3. The initial estimate of the time that would be taken to implement all of the actions was six months. It was acknowledged that for some actions this may not be achievable as they were dependant on more knowledge of the scale of the tasks involved and resources and external providers.
4. The actions were grouped into 'pathways'. The original seven (7) pathways were reduced to five (5). These are Customer Interface; Development Management; Member Pathway; S106 Pathway and Enforcement Pathway.
5. Allied to the above, the planning authority was designated as a result of its performance in respect of the quality of major planning decisions by the Secretary of State in February 2022. On 27 July 2022 the Department of Levelling up, Housing and Communities (DLUHC) wrote to the council requesting that a Performance Action Plan be submitted to Ministers as a matter of priority. This is being developed based on the pathways and is to be submitted to DLUHC by the Director for Planning in consultation with the Cabinet Member and Chair of Planning Committee.

Recommendations

6. To note progress with the actions on each of the Pathways (Appendix 1 to 5).

Financial Implications

7. Expenditure was agreed as part of the growth bid for budget year 2021-22 and is continuing to be relied on for the rest of this financial year. That expenditure was £240,000 for the planning service and £140,000 for legal services and supported new posts. The identified posts were two Lawyers in Legal Services, two Principal Planning Officers in Development Management;

one Urban Design Officer, one Project Officer, and one Enforcement Officer for 12 months.

8. The new Director has reviewed and proposed changes to the Planning Service staffing structure (see paragraph 14), including provision for an in-house Heritage Officer, an in-house Ecologist and an additional Enforcement Officer for a further one-year period. The net cost of the re-profiling for the coming financial year 2023/4 is approximately £49,750, and then £16,500 thereafter. A bid has been submitted and agreed.
9. There has been a failure, historically, to attract candidates to key posts on a permanent basis, including the Area Team Manager (South) and Principal Planning Officer. Thus, the Service is being re-profiled and a number of posts are being 'refreshed' (in terms of their job titles and job descriptions) in order to most effectively attract good quality candidates. A recruitment plan has been developed in consultation with the portfolio holder.

Background Papers

10. (1) East of England Local Government Association (EELGA) PEER Review, Fit for Purpose Local Planning Authority and Development Management Improvement Plan¹ and (2) DLUHC letter of 27 July².

Situation

11. Responsibility for ensuring progress and completion of the pathways to improvement rests with the Director of Planning in consultation with the portfolio holder for Planning.
12. All of the relevant working groups and responsibilities have been established. The responsibilities have been allocated and progress is being made. Some key areas are discussed below.

Casework 'Sprint' W/C 8 August

13. During week commencing 8 August 2022, and with communications first put out to stakeholders, the Development Management and Enforcement Teams 'locked-down' for a week to focus on clearing some of the backlog of cases that had built up. This was intended to create some space going forward to allow more of the work outlined below to take place and to allow senior staff time to mentor junior staff. A total of 143 delegated planning decisions (approval or refusal) were taken in that week. 41 enforcement cases were

¹ <https://www.uttlesford.gov.uk/article/7349/Review-provides-blueprint-for-improved-planning-service>

² [2022.07.27-Designation-letter-from-DULHC-under-Section-62A-Town-and-Country-Planning-Act-1990.pdf \(uttlesford.gov.uk\)](#)

decided (either closed or taken forward for formal action). For comparison, in the w/c 2 august 2021 the figures were 51 and 1 respectively. The weekly average (mean) for planning decisions is approx.66.

Staffing

14. Resourcing the service is a cross-cutting issue and significant progress has been made with staffing. A re-profiling of the Service has been proposed and is subject to staff consultation. A recruitment campaign is planned for the end of September. This will cover some ten vacant and new posts across Development Management, Planning Policy and Planning Enforcement and see the creation of a dedicated Strategic Applications Team which will specialise in managing major applications, appeals and pre-application advice. Once established, this team will support a planned refresh of the planning pre-application advice and Planning Performance Agreement (PPA) services; which will be expected to generate income to further support Planning Service posts.

S106 Guidance and Portal

15. We now have Draft s106 Planning Obligation guidance. This was approved by Cabinet in March 2022 for public consultation. It is a very valuable operational document and is being used to support the negotiation of s106 agreements within the constraints of the law and as appropriate. Consultation is to be scheduled so as not to conflict with the Reg 18 Local Plan Consultation.
16. A new database of S106 agreements and clauses, Exacom, has been set up and is currently being populated with UDC S106 data by external consultants. Population of all data has taken longer than anticipated. Once all data is in place (expected end of October 2022) an online and searchable database will be available to officers, Members and residents allowing for interrogation of all aspects of planning obligations.

Member Training Programme

17. A draft training programme has been developed with the Planning Committee Working Group (PCWG). This includes a number of key topics Members have identified. 'Teachings' are being set up from September and planning leads from Parish Councils will also be invited to attend where appropriate. The draft training programme includes 20 hours of available Member training over the course of the remainder of the municipal year. The PCWG agreed that much of this could be delivered 'virtually'.

Constitutional Improvements

18. Members are progressing with training and all of the recommendations from the PCWG in relation to changes to the constitution were agreed at Council in

April. These changes are intended to support achievement of the statutory timeframe for determination of planning applications, increase the efficiency of Planning Committee and improve the customer experience. New procedures and processes have been introduced for Planning Committee with the support of Democratic Services. An upcoming review of the Council's Constitution (resulting from the Stansted Airport Review) will result in further improvements to planning and committee processes.

Planning Committee Reports

19. The Planning Committee agenda has been improved and since designation (February 2022) the agenda has included standing items about quality of decision making and performance at appeal, and a tracker for s62 applications. There was also an information report from the Enforcement Manager to Planning Committee in June 2022. A further Enforcement Information Report will be taken in October.

Planning Enforcement

20. Work to make the Enforcement Register compliant with legal requirements is continuing. The scale of this task is significant, bearing in mind the Enforcement Team is a team of only three officers. Work started in February 2022 as a consequence of an internal audit commissioned by the Interim Director in November 2021. This is a piece of work dealing with historic Enforcement Notices. It is necessary and is now expected to be completed by the end of September 2022.
21. A new notification process for Ward Members, Parish and Town Council/s commenced on 23 May 2022. The notification process is being used to alert Ward members, Parish and Town Council/s to investigations of potential breaches of planning in their area.
22. The full suite of actions, and progress for each, is set out in the appendices.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the pathways as identified in the EELGA report may not be implemented	1	4	All recommendations and pathways agreed on 19 October by Cabinet 2021. Director of Planning in post to oversee in consultation with Cabinet Member for Planning.

That there may be too many competing priorities for the service to action at once	1	4	<p>Work on all pathways commenced and progress is satisfactory.</p> <p>Priority and timing for each pathway will be agreed with Director of Planning in consultation with Cabinet Member for Planning</p>
Failed recruitment for key posts may have an impact on progress.	2	4	<p>Best possible recruitment measures being taken. Fallback options have been scoped.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendices

Appendix 1a - e: The 5 pathways in detail.