

Committee: Scrutiny

Date: 31 January
2023

Title: Planning Service Implementation Plan

Portfolio Holder: Cllr John Evans, Cabinet Member for Planning,
Infrastructure and Stansted Airport

Report Author: Dean Hermitage – Director of Planning

Key decision: No

Background

1. Since Cabinet agreed the recommendations of the PEER Review report commissioned from the East of England Local Government Association (EELGA) in October 2021, the Planning Service has been implementing the actions arising from those recommendations.
2. The Scrutiny Committee previously received reports on the progress of this work in February, June and September 2022. At the September meeting it was agreed that a further progress update would be given in early 2023.
3. The actions are grouped into five 'pathways'. These are (1) Customer Interface; (2) Development Management; (3) Member Pathway; (4) S106 Pathway and (5) Enforcement Pathway.
4. Allied to the above, the planning service 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 draft Performance Action Plan be submitted to Ministers as a matter of priority. A draft plan was submitted to the Secretary of State in October 2022. In December 2022 the Chief Executive and Director of Planning met with senior DLUHC officials to report on the improvements made so far and explore the action plan and performance metrics further.

Recommendations

5. To (1) **note practical completion of the Pathways work** and (2) **endorse the development and future monitoring of a Performance Action Plan and its performance metrics** against which the planning service's performance will be assessed by DLUHC.

Financial Implications

6. Expenditure was agreed as part of the growth bid for budget year 2021-22. Going forward, the development of the action plan will be absorbed within the planning service budget.
7. The Director of Planning reviewed and agreed changes to the Planning Service staffing structure in September 2022 including provision for an in-

house Heritage Officer, an in-house Ecologist and an additional Enforcement Officer for a one-year period. The net cost of this for the coming financial year 2023/4 is £49,750, and then £16,500 thereafter.

Background Papers

8. (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

9. 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.
10. All relevant working groups and responsibilities were established in early 2022. The responsibilities have been allocated and progress has been made such that almost all of the actions resulting from the EELGA recommendations will have been achieved by end of the municipal year (although some of these actions remain live in perpetuity). The few actions that will not fully implemented by year end (see appendices) are proposed to be rolled into the emerging Action Plan.
11. This point represents a milestone in the improvement journey of the planning service and is testament to the work that officers, members and other stakeholders have contributed to over the past 11 months.
12. The work undertaken means that the planning service can be considered 'fit for purpose' and is set up to fulfil all its statutory duties and obligations. This position is considered a solid baseline for further, continuous improvement on the journey to providing an outstanding planning service for our residents. The service may now be described as 'satisfactory' but must continue to strive for 'excellent'.
13. Further details on the completion of the remaining actions are discussed below, along with proposals for the future continuous improvement of the planning service.

Staffing

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 \(uttlesford.gov.uk\)](#)

14. Concerted efforts are being made with recruitment in Development Management (and Planning Policy) and the retention and development of staff across all areas. Attracting and retaining experienced professional staff remains an issue and key risk to the improvement journey. A change to the structure of the Planning Service is being implemented between January and March 2023 (as set out in the previous report to Scrutiny Committee in September 2022). A recruitment campaign is live (at time of writing). This covers ten vacant and new posts across Development Management, Planning Policy and Planning Enforcement. Vacancies were placed on the Planning Magazine (Haymarket) website (Heritage and Ecologist jobs were also posted on the IHBC-Jobs and Green Jobs sites), email bulletins sent to 19,000 subscribers to Planning Resource (an online resource for development professionals) and an article on working for Uttlesford on Planning Resource on 15 November 2022. The posts have also been widely shared on Linked-in and appear on the UDC website. Planning staff also attended Uttlesford Careers Fair in November 2022 to promote entry-level planning vacancies.
15. Some of the posts attracted no candidates (or no short-listable candidates), including DM Team Leader and Ecologist posts despite online metrics indicating many hundreds of people visited the adverts online and salary benchmarking indicating pay is competitive. The recruitment process for other posts is midstream. Further recruitment actions are being developed as part of the emerging Action Plan.

S106 Pathway

16. The S106 Planning Obligations Development Plan Document was published for consultation in November. Once adopted, it will hold formal weight in the negotiation of s106 agreements, within the constraints of the law, and further assist in securing infrastructure to support development.
17. The last outstanding item under this pathway is the 'EXACOM' database. This has now been populated with all historic s106 data (including clauses and triggers). The data is currently being verified in terms of ensuring the accuracy of financial information attached to each s106. The database is expected to be available for 'soft launch' this month. The system is currently being tested and testing will continue once the system is publicly available, hence the need for a 'soft launch'. Following the launch other sundry s106 matters such as some historic Deed of Variations will be added in a second tranche of data input. Residents, members and officers can use the system to quickly look up and interrogate s106 agreements and the provision of related infrastructure and payments.

Enforcement Pathway

18. The last major action under this pathway, the Enforcement Register, is now legally compliant. Enforcement Notices and related details are now available online in a searchable database. An update on the planning enforcement function was taken to Planning Committee in December. The performance of the function will also be reported to GAP in March.

Other Pathways

19. The actions under the other three pathways were largely completed and reported to Scrutiny Committee in September 2022.
20. The full suite of actions is set out in the appendices.

The draft (DLUHC-requested) Performance Action Plan

21. The draft Performance Action Plan ("Action Plan") has been created at the request of DLUHC and in response to the 'designation' of the Planning Service in February 2022. As such, it is concerned with major applications and major appeals handling. The actions are intended to support improvements to the council's performance with respect to major appeals (i.e. the national performance metric for which the Planning Service was designated).
22. Officers and members have been working on, and monitoring, the post-EELGA report improvement plan (i.e. the pathways) over the past year and so we have established processes in place for its monitoring and reporting. It is recommended that the pathways work, and its monitoring and reporting processes now flow into and be superseded by the Action Plan in the same way, although its focus will be narrower. Those pathways actions which are required to be maintained in perpetuity will also continue to be monitored as part of the day to day DM function.
23. The draft Action Plan table (October 2022) is attached as *Appendix 2*. Officers and DLUHC officials are currently working towards developing a set of agreed metrics against which progress is to be measured. This is because officers and DLUHC officials acknowledge that the formal 'quality of decisions' measure, due to the lag-times in its calculation and publish, mean it would be impossible for UDC to meet the measure for at least 18 months. Thus, a range of secondary metrics intended to determine whether UDC is on a positive trajectory are to be agreed with DLUHC in February 2023. These may include the speed and handling of UDC responses to s62a applications, speed of non-62a major applications decisions (i.e. general major applications decisions), percentage of member overturns at committee, and numbers of pre-application and PPA requests being made to UDC rather than PINS.
24. Following the agreement of the Action Plan and metrics with DLUHC it is proposed to report progress to Scrutiny Committee quarterly.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
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That the pathways as identified in the EELGA report / DLUHC Action Plan may not be implemented	1	4	All recommendations and pathways agreed by Cabinet 2021 and Action Plan detail delegated to Director Of Planning in liaison with Portfolio holder and Planning Committee Chair.
That there may be too many competing priorities for the service to action at once	1	4	Director of Planning in post to oversee in consultation with Cabinet Member for Planning. Priority and timing will be agreed with Director of Planning in consultation with Cabinet Member for Planning
Failed recruitment for key posts may have an impact on progress.	3	4	Best possible recruitment measures being taken. Further fallback options being scoped. Staff retention measures being implemented.

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.

Appendix 2: The Draft (DLUHC) Action Plan themes.