

Report to Planning Committee 23.6.21
Appendix A.
Planning Review
Executive Summary



Hannaby Planning Solutions Ltd

**Executive
Summary:**

**Planning Service
Review**

**On behalf of:
Arun District Council**

May 2021

CONTENTS

Page

1. Background	2
2. Introduction:	5
3. Recommendations:	7
4. Feedback	13
Implementation of Peer Review Recommendations:	13
A. People:	13
B. Performance:	17
C. Procedures:	18
D. Development Control Committee:	26
Closing Comments	39

APPENDIX 1: Training Plan

1. Background

- 1.1. The Planning Service at Arun District Council has been subjected to regular reviews which have included a review of Development Control and the Development Control Committee by Trevor Roberts Associates in 2011, a further review of the DC Committee in 2012, a Cabinet Working Party in 2016 and an LGA Peer Review in June 2018.
- 1.2. The main purpose of the 2018 Peer Review was to provide an overview of the service by '*critical friends*' and to provide a '*robust external challenge*' to the Planning Service. The Peer Review report was framed around five principal themes:
 - A. *Leadership*
 - B. *Partnership engagement and working*
 - C. *Community engagement*
 - D. *Management and service delivery*
 - E. *Achieving outcomes*
- 1.3. The council also asked the peer team to consider and provide feedback on a number of specific issues within each of the above 5 themes:
 - a) *the effectiveness of the Council's engagement with local town and parish councils,*
 - b) *is the service well placed to cope with the influx of major development proposals to ensure that it can maintain the required delivery of the approved housing and providing quality places in terms of design and function ?*
 - c) *is the Council working effectively and efficiently to deliver the housing in the new local plan; working across the council, the service area and in co-operation with its partners?*
 - d) *whether the extent of Councillor involvement overall, or in certain areas in the Planning process is appropriate and consistent with best practice?*
 - e) *whether the level of resourcing is appropriate for the scale and type of development the Council will be addressing over the next 10 years at a level of performance which is appropriate?*
 - f) *whether they consider the Council to be well placed to deal with the Policy challenges of the future.*
- 1.4. The report from the Peer Review team made 22 recommendations of which the following 4 have already been implemented and the remainder have been incorporated into the recommendations of this report for ease:
 - a) *Celebrate the adoption of the new local plan*
 - b) *Consider how the adoption of a Community Infrastructure Levy (CIL) might unlock infrastructure delivery, re-engage parish councils*
 - c) *We support the council on setting up the strategic site Advisory Groups and the Growth Board as a vehicle to aid delivery of key strategic sites – particularly post planning application decision.*
 - d) *Achieving outcomes through the joint commissioning of master plans with the Council controlling the process with Councillor & parish involvement, the Council having a programme manager role and engaging cross service input into the master planning*

process – particularly with an urban design focus

- 1.5. Since the Peer Review team left in June 2018 much has changed in Arun. In terms of Planning Policy there was a milestone moment in July 2018 with the adoption of the Local Plan after 15 years in the making and the Peer Review Report recognised the magnitude of this effort in its first recommendation, which was to celebrate this achievement.
- 1.6. The adoption of the Local Plan brought with it a significantly increased housing target and the challenge of delivering housing on 9 strategic sites across the district to contribute to the new target of 19,000 homes over the plan period. As a result of the adoption of the Local Plan many of the approved Neighbourhood Plans also required reviewing and possibly updating.
- 1.7. Planning workload has also increased since 2018 with an increase in the number of applications, the number of major applications and the number of appeals, alongside an increase in associated pre-application work and servicing of the Strategic Sites Advisory Groups; which were created to aid the delivery of the 9 strategic Local Plan sites. The service continues to carry a number of vacancies, including some that have been vacant for 18 months.
- 1.8. This challenge to deliver many more houses than ever before created a tension within areas most affected by these substantial housing allocations that resulted in a significant change in the local political environment following the May 2019 Local Government elections. This resulted in 29 new Members being elected (out of 54) and the Administration changing from a significant Conservative majority to one of no overall control, with the Liberal Democrats forming a minority administration supported by a group of 7 Independent Members. Since the 2019 election the numbers have changed so that the 21 seat Conservative group is now the largest, with the Liberal-Democrats reduced to 18, with a further 4 Individual Independent Councillors, 2 Green Party and 1 Labour.
- 1.9. Many of the newly elected Members had campaigned on a platform of opposition to the Local Plan and its associated housing development, which has made decision making and further policy development challenging since the election. These Councillors were galvanised into standing for election after unsuccessfully fighting against the adoption of the Local Plan for 15 years, and as a result their attitude, to it is understandably polarised.
- 1.10. This significant change in political direction has affected the application of adopted policy, further policy development, the determination of planning applications and the delivery of affordable housing. These political tensions have resulted in the Council passing a 'no confidence' vote in the Local Plan in September 2019 and officers being able to make only limited progress in further policy development. However, The 'no-confidence vote was followed by a strategic commitment in November 2019 to continue to deliver the Local Plan as

well as commencing a Local Plan Review and a Community Infrastructure Levy (CIL) Charging Schedule was agreed earlier in 2020 and it came into effect in April 2020.

- 1.11. It is fair to say that overall, it is a very difficult and challenging environment for the Planning Officers to work in.

2. Introduction:

- 2.1. As a result of the time that has elapsed since the findings of the Peer Review and the further challenges that have faced the service since, it became clear that a further review, focussing on Development Management, was required.
- 2.2. In February 2020 Hannaby Planning Solutions Ltd was commissioned by Arun District Council to carry out a further review of the Planning Service. Sean Hannaby DipTP MBA MRTPI , Director of Hannaby Planning Solutions Ltd, was tasked to carry out the review and compile areport of his findings.
- 2.3. He is a Chartered Town Planner with over 35 years' experience in Town and Country Planningin a variety of urban and rural areas of the UK in both the public and private sector, has a thorough understanding of local government and considerable experience working closely with politicians at national, regional and local level.
- 2.4. He holds a Master's Degree in Business Administration and was formerly a Director of one of the busiest Local Authority planning services in the UK as well as managing multi-disciplinary departments, multi-disciplinary major project teams, introducing innovations and managing change in local government.

Scope:

- 2.5. This review has included a desktop review of available documents, the previous Peer Review,interviews and observation in order to result in a deeper dive into the service area than was previously carried out by the Peer Review. The interviews have included Officers within Planning and some related services, Committee Members and Group Leaders. The interviews have not included any external organisations, stakeholders or customers apart from interviews with the representatives of 13 Town and Parish Councils.
- 2.6. The observations have been of five meetings of the DC Committee over the last 12 months. However, as a result of the 'Lockdown' resulting from Covid 19 the approach had to be slightly modified and no 'on the job' observations have been possible apart from that of DC Committee through webcasts (both archive and live stream). In addition, there have been a number of written submissions from Members and Officers that have formed part of the review.
- 2.7. The review has focussed on:
 - A. **people:** leadership/management, relationships, staff structures and resources
 - B. **performance:** quality, consistency and speed of decision-making
 - C. **procedures:** efficiency and effectiveness
 - D. **DC Committee:** relationships, effectiveness, decision making, & procedures

2.8. Specific areas that would be examined in the review included:

- Clarity of vision and corporate priorities
- Political and Officer Leadership
- Effective performance management
- Communication
- Quality of decision making by Officers and Members
- The services approach to improvement
- The organisation of planning services
- Consultation processes
- Scheme of delegation
- Monitoring systems
- Management and staff resources
- Staff morale
- Officer capacity and capability
- Relationships with Town and Parish Councils
- Committee procedures, size, attendance, effectiveness
- Officer and Member relationships
- End to end processes
- Delegated and Committee reports
- Strategic Sites Advisory Groups

2.9. The review was also to consider whether the LGA Peer Review recommendations had been implemented and whether those that had not are still valid. The scope of the review was not intended to cover Planning Policy, Enforcement or Appeals although the information and observations have included some reference to these issues.

2.10. As part of this review, a clear improvement plan is to be drawn up to both identify what improvements are necessary and recommend actions to tackle them. This Improvement Plan will also incorporate all outstanding Peer Review recommendations for simplicity.

3. Recommendations:

Number	Recommendation	Priority (RAG Rated)
Officers		
1	The Director of Place should progress the implementation of an Improvement Plan and Officer/Member Training Plan, ensuring that all recommendations are implemented in accordance with a clear programme within 2 years	
2	The Group Head of Planning should be given responsibility for the Transformational Change of the Planning Service	
3	The leadership/management responsibilities within the service should be clearly defined	
4	The Director of Place may benefit from external support to deliver these recommendations	
5	<p>In order to develop leadership and management skills within the service area; provide mentoring and/or training as set out in a Training Plan for managers at all levels of the Service relating to:</p> <ul style="list-style-type: none"> a. Vision b. Leadership c. Role and responsibility d. Culture e. performance management f. effective decision making g. effective sickness absence management 	
6	The Director of Place should engage the Service area more fully in the development of a vision for its future, ensure it is effectively delivered, including considering alternative service delivery models.	
7	In order to make the Business Planning Process more robust and challenging the Service should be engaged in the development of a Business Plan with clearer and more ambitious targets	
8	Implement a Service Communication Strategy to improve top-down and bottom-up communication within the service regarding the Business Plan, performance, personnel issues and training and includes regular meetings for all parts of the service	
9	Create a culture of active performance management that is in line with the rest of the Council, with managers at all levels of the Planning Service taking responsibility; including the implementation of a series of regular application performance review meetings.	
10	The Director of Place should provide clear guidance for the frequency of team meetings, to be assessed as part of the annual appraisal process.	
11	Performance appraisals and one-to-one performance and management meetings should be carried out in accordance with Council guidance and policies, with agendas provided for formal management meetings. Action points should be noted and reviewed at subsequent meetings.	
12	Incorporate stretching performance targets within performance appraisals to ensure that individuals to take responsibility for their performance	
13	The Director of Place should continue to provide appropriate counselling, mediation and mentoring where required	

14	Staff structure should be reviewed to create a better and more efficient service, identifying and focussing on the key issues facing the service which should include: <ul style="list-style-type: none"> a. Driving transformational change b. Improving performance c. Improving quality of service delivery 	
15	Review the planning application validation process, set ambitious targets for improving the speed of validation and consider consolidating validation either all in-house or all outsourced	
16	The validation team workload should be organised to ensure they prioritise validation over other tasks	
17	Set out process guidance for the determination of planning applications that will deliver speedier decision making, a lower active case load and better customer service; by clearly setting out the critical path for the assessment and determination of an application, which should include clear guidance regarding when to negotiate amendments and when to re-consult on amended plans and additional information	
18	Manage the use of Extensions of Time agreements to deliver best practice and improve customer service	
19	Officers delegated and Committee reports should be reviewed to make them more concise, readable and to improve their grammatical accuracy and professional quality	
20	Ocella review project should be completed quickly to ensure that an effective, up to date system is in place. The Director of Place & Group Head of Planning should review progress and additional resources should be allocated if necessary to ensure the completion of the project.	
21	The Group Head of Planning should meet with his service as a whole more regularly.	
22	Individual training plans should be incorporated within each Officer's annual appraisal to support their continued professional development	
23	The Group Head of Planning should develop a service training package to include a variety of training measures such as: <ul style="list-style-type: none"> a. Joint Member Officer training/workshop sessions b. In-house training sessions c. External training d. A mentoring programme for Officers e. Lunchtime learning sessions 	
24	Develop a recruitment and retention strategy that includes a comparison with neighbouring and/or comparable authorities	
25	The retention payment should be reviewed as part of a recruitment and retention strategy and, if continued, linked to individual performance	
26	An effective sickness absence management strategy should continue to be implemented by the Group Head of Planning, in accordance with the Council's policies and procedures	
27	Customer satisfaction levels should be measured by: <ul style="list-style-type: none"> a. carrying out an annual customer service survey of applicants, agents and Members of the public who comment on planning applications b. carrying out an annual customer service survey of Members of the public who submit enforcement complaints and those investigated by the service 	

	<ul style="list-style-type: none"> c. the Planning Service taking part in the annual Council satisfaction survey d. holding an annual agents forum which provides the opportunity for agents to provide customer service feedback 	
28	There should be a clear Planning Service Charter that sets out what a customer may expect when they visit, email, write a letter or telephone the Planning Service.	
29	Hold regular meetings between the Administration/Technical Team and Development Management to discuss improvement/quality issues	
30	Review customer guidance regarding how to submit an application and consider introducing a handling fee for returned invalid applications	
31	<p>Improve flexible and mobile working, self-service by customers and phase out the use of paper and reduce printing in accordance with the Council's digital agenda:</p> <ul style="list-style-type: none"> a. Cease the use of paper files b. Cease printing plans for Town and Parish Councils (T&PCs) c. Any consultees that do not currently self-serve or use email for consultations should be strongly encouraged to do so d. Amend guidance on the Planning web pages to discourage customers from sending in letters or hard copy applications e. Amend guidance on the Planning web pages to encourage the submission of application representations or enforcement complaints via online forms f. Review the word limit for online representations 	
33	Review the use of conditions and review the standard conditions used	
34	Improve the relationship with T&PCs by holding regular meetings with their Clerks and the Councils (e.g. an annual forum)	
35	Provide training opportunities for T&PCs regarding material considerations, decision making, making representations, S106 etc to improve the relevance and quality of their representations.	
36	Where T&PC comments are not accepted , the officer's report should contain an appropriate explanation and when a decision is made contrary to their comments, the T&PCs should be sent a link to the report's online location to ensure they receive feedback	
37	Consider whether T&PCs can be sent an automated notification that a discharge of conditions application has been received.	
38	Provide information regarding S106 spend in each Ward/Parish to improve transparency	
39	Produce a clear strategy to review made neighbourhood plans highlighting which neighbourhood plan policies have weight in light of the new local plan and which are redundant	
40	To deliver the major growth agenda will require stopping doing some things – in some low risk areas having a “not perfect but good enough” approach	
41	Corporate project work needs to be aligned to help achieve local plan outcomes	
Members		
42	The Cabinet Portfolio Holder for Planning should provide political oversight for the monitoring of the Improvement Plan & Training Plan	
43	The Cabinet Portfolio Holder for Planning should provide political	

	<p>oversight for Business Plan development and monitoring to ensure it follows a path to its successful delivery and include an element of challenge and scrutiny. These should include targets relating to:</p> <ol style="list-style-type: none"> a. Speed and quality of application validation b. Applications determined within the statutory timescale c. Average number of days to determine applications d. Percentage of applications using Extensions of Times (EoTs) e. Percentage of appeals won f. Customer satisfaction levels supported by an annual survey 	
44	The Cabinet Portfolio Member should maintain a strategic focus and concentrate on the delivery of the strategic sites, to secure a 5 year housing land supply and be engaged in leading the Local Plan review and Improvement Plan	
45	<p>A good quality Planning Service needs knowledgeable and experienced Chairs and Committee Members to create appropriate trust confidence and respect between Members of Committee and Officers. In order to achieve this all Members need to be well trained for their respective roles. This will improve the quality of debate and decision making which will increase confidence in their decisions by customers, stakeholders and local communities. Appropriate mentoring and/or training should be provided as set out in the training plan for Committee Members relating to:</p> <ol style="list-style-type: none"> a. chairing meetings b. probity c. predetermination d. Member and Officer roles e. respectful debate f. effective decision making g. material considerations h. specified technical matters (including highway safety and flooding) i. local plan content, ownership and delivery 	
46	Being appropriately trained should continue to be a requirement of being a Member of DC Committee. Therefore new Committee Members should receive initial training before they sit on the Committee and annual training should be mandatory for all Members, which should include an assessment of whether the training has been effective.	
47	The Chair of DC Committee should continue to challenge/censure Committee Members who are rude to fellow members, officers or speakers and ask them to apologise there and then. Repeated unacceptable behaviour should not be tolerated and should be brought to the attention of the relevant Group Leader with a recommendation that the member is replaced on the Committee.	
48	<p>Review and amend the following Committee Procedures to improve probity and the quality of decision making:</p> <ol style="list-style-type: none"> a. Member call-ins b. Committee Site Visits c. Officer/Member behaviour and relationships d. Public Speaking at Committee 	
49	There should be a revised code of conduct and Committee procedure protocol that clearly sets out the rules of engagement, expectations of	

	behaviour and process to help the Chair of DC Committee control Members more effectively and ensure that debates are focussed.	
50	The decision making procedure should be reviewed as a matter of urgency to revise the decision making sequence so that: <ul style="list-style-type: none"> a. Any counter proposals to defer or determine an application against the officer's recommendation are considered first before the officer's recommendation is voted upon. b. Any move to defer an application should identify what additional information members want and why they are unable to make a decision without it. c. Any move to refuse an application should set out the reasons for refusal in summary before the vote– stating in simple English why the development is unacceptable. 	
51	A detailed analysis of the effectiveness of appeals decision making should be reported every quarter and should be properly considered by Committee to improve the quality of decision making	
52	Review and amend the Scheme of Delegation to increase Officer delegation and ensure that DC Committee are only dealing with the most strategic, significant and sensitive applications : <ol style="list-style-type: none"> 1. Amend the 'call in' procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair. 2. Exclude applications that are either technical in nature or have reduced timescales. 3. Remove the automatic referral to Committee if there is a Parish Council objection. 4. Introduce size thresholds to allow delegation of smaller Council applications. 5. Remove the requirement for applications to go to Committee if it creates a new access via the A27, A29, A284, A259 & A280. 6. Amend the requirement for Member/Officer applications so that policy compliant minor applications can be delegated (not planning staff or Members). 7. Allow the Group Head of Planning to refer significant or contentious applications to Committee. 	
53	Review and revise the pre-application guidance to confirm that the Planning Service has a responsibility to negotiate with developers regarding potential applications, and to consider the inclusion of Ward Members and/or Town and Parish Councils to improve local inclusivity and transparency. If Members are to be included, an 'unacceptable behaviour' clause should be added into a pre-application enquiries protocol to exclude Members from pre-application meetings where they have behaved inappropriately in previous meetings.	
54	Review the use of substitutes at Committee to ensure they are properly trained and to avoid 'tactical' substitutions where a Member has a particular interest in an application	
55	Review the size, seating arrangements and name of the Committee so that the Chair of DC Committee has planning and legal advice to hand. Consider reducing Membership to 10 or less and change its name to Development Management	
56	The Cabinet Portfolio Member should seek the support of all political	

	Group Leaders to the principle of not printing applications, agendas etc; on environmental and cost reasons and they should be asked to support officers if individual Members request a printed document where an electronic version is available.	
57	Review the involvement of Town and Parish Councils with the Strategic Site Advisory Groups to improve local inclusivity and transparency	
58	Embrace the opportunity to lead and deliver at strategic level with the sub region	
59	Use the opportunity of the new local plan to engage in discussions with LEP around the future aims and challenges for the authority	
Joint Officer/Member		
60	Hold joint Member/Officer training sessions to improve Member/Officer relations and to develop a common understanding of each other's roles and responsibilities	
61	Hold joint Member/Officer workshops to review Member/Officer relationships with an external facilitator	

4. Feedback

4.1. The most significant issues raised by the review are:

- Officer & Member relationships
- Lack of visible & effective Leadership or management throughout the service
- Lack of effective performance management
- DC Committee procedures and decision making
- Poor communication
- Staff morale of Planning Officers, capability & experience

Implementation of Peer Review Recommendations:

4.2. The review process has concluded that of the 22 Peer Review recommendations only a few have been clearly implemented: the celebration of the Local Plan adoption, the adoption of CIL, the setting up of Strategic Advisory Groups for each of the strategic development sites and master-planning of major sites.

4.3. There is no apparent ownership of the implementation of the Peer Review recommendations and in the annual Business Plan it is simply stated that '*a number of changes have been implemented with more to follow over the next year.*' There appears to have been little or no challenge or scrutiny of the progress by either management or politicians.

4.4. In the context of the previous reviews of the service in 2011, 2012, 2016 and the lack of implementation of the 2018 Peer Review Recommendations, it would suggest that there has been little commitment or appetite to change or improvement within the service area since the Peer Review. This has not gone unnoticed within the service area and it is clear that this pattern of repeated review is having a negative effect upon of Planning Officers' morale.

4.5. Accordingly it is clear that whilst there is a strong need for the Director of Place to lead a change programme that will deliver the necessary procedural, performance and cultural changes needed to improve the service and resolve its difficulties; this must be backed up by a clear and determined commitment by both the Officer and political leadership of the authority.

A. People:

Service Leadership and management:

4.6. The Peer Review focussed on the delivery of the growth agenda and the external views of the Service rather than on the operational aspects of the service or its leadership. It concluded that the service is held in high regard by developers and partners, who were also highly complementary of the Director of Place. He was seen as proactive, but also challenging and constructive with his input and a key element in the delivery of the growth agenda of the area. As for the service area it found the staff to be loyal and hardworking with good relationships within the teams but commented upon poor communication, low levels of morale among

Planning Officers and high levels of stress and sickness, highlighting a need for transformational change.

- 4.7. The observations and interviews carried out during this review have tried to get beneath the skin of the service in more detail and have identified little change since the Peer Review. There is still clear evidence of low morale within the service and whilst there are good relationships within the teams themselves, there are clear significant relationship difficulties elsewhere in the service. Although attempts have been made to address these issues through coaching and mediation, it is considered that there is a lack of visible or effective leadership, lack of commitment to resolving relationship problems and lack of ownership or commitment to change or improvement in the service management. However, there has been no indication of any concerns about corporate leadership as, in interviews, Members made positive comments about the leadership of the Chief Executive and his attempts to intervene in the member/officer relationships difficulties.
- 4.8. There have been a number of vacancies across the service for quite some time and whilst there are difficulties in recruiting new planning Officers, it is not helped when vacancies have taken an inordinate amount of time to advertise.

Political Leadership:

- 4.9. The change in administration to one of no overall control makes implementation of a clear political vision very difficult as it inevitably it requires compromise between parties to make decisions. That, together with a significant level of Member opposition to the Local Plan and development in general has created a very challenging environment for the service to operate in, resulting in strained Officer/Member relationships. These changes were significantly greater than the normal policy changes in direction that may follow an election.
- 4.10. The Peer Review identified that Arun worked well with sub-regional and regional partners, having a reputation of being 'open for business' and being proactive. However, since the last election, in May 2019, it appears that the Authority has become more focussed on internal District matters and has, to a degree, backed away from cross boundary or regional working as a result.

- 4.11. The Planning Service is politically led by the Cabinet Portfolio Member at a strategic policy level and the DC Committee at an operational level. Therefore, a good working relationship between Planning Officers, the DC Committee and the Cabinet Member for Planning is essential to a good planning service. The service looks to their Cabinet Member for strategic focus and support and to the Chair of DC Committee for support of their recommendations, to manage Committee proceedings and to mediate between them and the DC Committee when required. The Service also looks to the DC Committee to deliver decisions that enable the delivery of the strategic sites and the level of development identified in the Local Plan.
- 4.12. At present none of these things are happening to any great degree although the Cabinet Member and DC Committee Chair are supportive of the need for change, which is driven by concerns about issues with the management of the service area, the quality of service that the Committee are receiving from Officers, the frequent poor quality decision making and concerns about the operation of DC Committee.
- 4.13. Long term vacancies are blamed on recruitment and retention difficulties caused by poor pay compared to other authorities and a shortage of planners available. Due to the Covid19 Lockdown the review has been unable to carry out any meaningful pay and benefits comparisons with nearby authorities, but this should be carried out. This will identify if there is an underlying issue around pay levels but will also give an opportunity to review retention payments and other benefits to produce a recruitment and retention package.
- 4.14. It is understood that two longstanding vacant Senior Planning Officer posts are being repurposed to become career grade posts to enable entry at any level and progression depending on experience. This is a positive step but may simply result in people staying in these posts as they progress rather than moving on to other senior posts as they become experienced to allow for new blood coming in. There are some other positive signs, such as the creation of apprenticeships within the Service which are a flexible and effective way of 'growing your own' officers. However, there needs to be a more holistic approach that should include a wider review of whether the current team structure could be revised to be better managed differently and a retention and recruitment package.

4.15. The current retention payment may be helping to keep staff, but a review of its effectiveness should be included in any structural review to ensure that it is actually making a difference. A review should also consider other options. These could include:

- Providing an attractive recruitment & retention package that encourages candidates to apply. The recent period of lockdown has shown that more remote working is possible and, as a result, a change in the operational model to facilitate more home working and a better work life balance could be part of an improved recruitment package which attracts candidates who are looking for a different way of working.
- Outsource the DM Service entirely rather than just part of the validation work. There are companies who will provide a resource to deal with some or all planning applications.
- A shared planning service with nearby authorities. This should reduce the management overheads as create a more flexible resource for both (all) authorities.
- Set up an arm's length company either individually or together with other nearby authorities to create a shared resource. There are examples (such as Publica in Oxfordshire and Gloucestershire) that provide a number of services for Councils, including Planning.

4.16. The change in structure should identify and focus on the key issues facing the service which should include:

- Driving transformational change
- Improving performance
- Improving quality of service delivery

4.17. It is essential that, whatever future structure within the Service is installed, post-holders must be committed to transformational change and service improvement; driving performance and improving quality.

Relationships between the Planning Service and Town and Parish Councils:

4.18. One of the most significant external relationships is that between the Council and the next tier in Government, at Town or Parish Council (T&PC) level. The Peer review commented that the Council had done a lot to engage with them through regular briefings, training and engagement regarding the Local Plan and key development sites but that more needed to be done to rebuild some of the strained relationships between the Council and T&PCs.

4.19. Overall the feedback revealed a poor relationship, but with few bright spots, with the T&PCs saying that there is no partnership, no conversation about local issues and a lack of engagement by the Planning Service.

- 4.20. There are examples of service standards published by other Arun Council services such as Building Control, Licensing, Private Housing, Pest Control and Environmental Health but, apart from a high level Customer Access Strategy which sets out aspirations and guiding principles for the Council as a whole, there does not appear to be a Planning Charter or Customer Care Standards which sets out what a customer of the Planning Service may reasonably expect.
- 4.21. As regards policy development there was clearly good engagement during the formulation of the Local Plan and the T&PCs commented that the Policy Team is helpful. However, there seems to be a lack of enthusiasm to review the Neighbourhood Plans (NP) following the Local Plan adoption, which has resulted in either Local Plan allocations within the Parish or in those NPs adopted before the Local Plan now being regarded as out of date. As a result, and because of the lack of 5-year Housing Land Supply, the NPs carry less weight in decision making but the T&PCs see that as the fault of the District Council.
- 4.22. The T&PCs would all like a better understanding of planning and a better relationship with the Planning Service, which could be vastly improved by providing some joint planning training sessions for T&PCs and District Members and regular meetings with the clerks and/or T&PCs to improve understanding and communication. An annual T&PC forum would also provide a good opportunity to take soundings and provide training.
- 4.23. There should be a clear customer service standards policy or Planning Service Charter that sets out what a customer may expect when they visit, email, write a letter or telephone the Planning Service.

B. Performance:

- 4.24. The Peer review concluded that *'the authority is presently performing well against the national planning targets of appeals and handling times of major and non-major applications'* although noted that there is an over reliance on Planning Performance Agreements (PPA) and Extensions of Time (EOT) to ensure that planning application decisions are taken 'in time.' It concluded that in many cases PPAs and EOTs are simply extending the decision-making period but without delivering any added value or justifiable reason.
- 4.25. As a result of this review, these conclusions by the Peer review team clearly flag up that the practice of overuse of EOTs to extend the application time limit still continues and masks the fact that most applications are not dealt with within the statutory period but instead rely on EOTs to keep them in time. It is clear that there is often no good reason for an extension of time but they are used to give the impression that the service is performing well. The reality is that the service is slow in delivering decisions across the board.

- 4.26. Major applications, by their very nature often take longer to deal with than other, more straightforward, applications. However, not all major applications are complicated and, particularly smaller major applications, can be more straightforward and the fact that the average time to deal major applications has increased by an additional 106 days in the last year is a clear indication of a poor service.
- 4.27. It is understood that the Planning Service do not engage with the annual Council wide service satisfaction survey either.
- 4.28. There is a clear absence of active or effective performance management and there is no evidence of trying to instil an improvement or performance led culture within the service to challenge it to improve.
- 4.29. At present the service is neither efficient nor effective and its poor performance and customer service is being masked by the use of various tactics which could be damaging to the reputation of the service.

C. Procedures:

- 4.30. Efficient and effective procedures are essential to ensure a smooth running, successful and good quality planning service as they underpin every aspect of service delivery. This includes those relating to the management of the service that form its backbone, giving it structure and strength as well as those that underpin engagement and interaction with customers and stakeholders which determine the quality of service delivery.
- 4.31. With the time available for the review it was not possible to review all aspects of the service in depth. The review has examined service delivery and has only delved deeper into particular areas if there are signs that further examination is warranted.

Improvement Plan:

- 4.32. Whilst the service is on an improvement journey it needs oversight from the Corporate Management Team and/or the political administration to monitor progress and provide appropriate challenge. This will ensure that progress is regularly monitored (at least quarterly). Oversight of the improvement plan could be either via the Corporate Management Team, Members, or both.

Business Plan:

- 4.33. It is clear that the Business Planning Process needs to be more robust and it could include an element of challenge and scrutiny for the Planning Service Business Plan to improve it and provide a further check that the service

improvement journey is delivered and remains on track.

- 4.34. The Planning Service should produce a challenging 3 year business plan for inclusion in the Directorate Business Plan that clearly sets out a vision of what the service aspires to become in terms of quality, speed and customer service and how it intends to get there. It should commit to the delivery of a programme of service improvements as contained in a Planning Service Improvement Plan (PSIP) with associated clear targets for the implementation of each recommendation in the PSIP. The business plan should also set stretching but realistic target for improvements to the speed and quality of service delivery. These should include targets relating to:
- Speed and quality of application validation
 - Applications determined within the statutory timescale
 - Average number of days to determine applications
 - Percentage of applications using EoTs
 - Percentage of appeals won
 - Customer satisfaction levels supported by an annual survey

Ocella software and web pages:

- 4.35. It appears from interviews that the Ocella software contract is due to run until 2023 but is currently under review. The Group Head of Planning & Director of Place should review progress and allocate additional resources if necessary to ensure the completion of the project.
- 4.36. A comprehensive review of the web pages has not been undertaken but a sample of the planning pages has revealed that they are comprehensive and contain a substantial amount of useful information. The planning application pages are easily available and it is easy to bring up a planning application and review its documents. Being able to click on a document and view the document is very simple and convenient.
- 4.37. The facility to make comments online is helpful to the customer and making all comments and consultation responses available online enables self-service by applicants and interested parties.
- 4.38. However, there appears to be an excessive use of paper and printing despite the Council's digital agenda which seeks to improve mobile working, customer self-services and reduce the use of paper and printing. The use of paper for consultations should be reviewed and any consultees that do not currently use email for consultations should be strongly encouraged to do so.

- 4.39. The Officers are the Local Planning Authority's best resource and should be used for the most important tasks. They should be released from routine work by better use of the available systems to automate processing consultations, responses, acknowledgements and provision of information to customers. The Officers can then be used to improve customer service and focus on the areas where it is most important. The admin and technical team will then have more time to deal with validation, enquiries from customers and support the DM team with processing conditions discharges, sending out compliance letters relating to new developments or other tasks (with appropriate training).
- 4.40. All customer guidance relating to the submission of comments on applications or complaints regarding unauthorised development should be revised so that it points customers towards the completion of online forms rather than giving an easy option of writing a letter. This gives an opportunity to save costs and time as well as improving the customer experience. An online submission can be automatically transferred into the back-office file without handling by an admin Officer and an automatic acknowledgement can be sent to the writer.

Pre-application enquiries

- 4.41. Early engagement in the planning process through pre-application discussions between a developer and a Council can be of benefit to both parties. Historically this has been more limited to engagement by Officers rather than Members in most authorities due to concerns about probity. The 1997 Nolan Report recommended that Councillors and developers be kept apart but today's place-shaping context now encourages early engagement by Councillors to get the best out of developments, whilst still maintaining good standards of probity that minimises the risk of legal challenge, with Government guidance in the National Planning Policy Framework (2019) (NPPF), stating that Councils should work positively with applicants and the National Planning Practice Guidance (NPPG) says:
- "Democratically elected Members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so. Section 25 of the Localism Act 2011 confirms that elected Members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal."*
- 4.42. Historically Local Planning Authorities conducted pre-application discussions in confidence, restricted to discussions between officers and developers, but for some time, government guidance has encouraged a more open and inclusive attitude

- 4.43. The Planning Peer Review team recognised that there are challenges in involving T&PCs in pre-application meetings but saw an opportunity to engage Ward Members in the process.
- 4.44. Councillors can help identify issues early on and have an important role to play by bringing to bear their local knowledge and expertise, along with an understanding of community views that can highlight important issues that prospective applicants may need to address in their application. The Localism Act supports this approach, giving Councillors more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that Committee Members might have fettered their discretion, where such discussions involve Committee Members, they should take place within clear, published guidelines in order to avoid accusations of predetermination or undue influence.
- 4.45. Officers should always be present when Councillors attend pre-application meetings and Councillors should not give advice on the development plan or material considerations and should not become drawn into negotiations; leaving that to officers to ensure that the authority's position is co-ordinated and technically sound.
- 4.46. One area where there is apparently better engagement at pre-application stage is via the Strategic Sites Advisory Groups (SSAG). A group has been set up for each of the strategic sites and, on the whole, seems to be well received and effective. They have a wide Membership, helping to engage local communities early and helping to resolve local concerns but the feedback suggests that not all of them are as effective as others.
- 4.47. The T&PCs attend SSAGs and, whilst they welcome the advisory groups, they do not feel fully engaged in them and consider that they could be more meaningfully involved. Where a strategic site straddles Parish boundaries they are only involved in discussions about the part of the site in their area.
- 4.48. In terms of possible engagement with the DC Committee regarding large major and strategic planning applications, there is an option of allowing developer presentations to Committee Members at the pre-application stage.
- 4.49. If a system of pre-application presentations to DC Committee is adopted, then the output from the SSAGs would be likely candidates for presentations.
- 4.50. There is a responsibility upon the applicant to submit an application in the form that they want it determined rather than design a scheme by iteration during the course of an application. There needs to be clear guidance within the Pre-application Protocol about whether Officers should negotiate or not where an applicant has not engaged with the pre-application system, the timescales that should usually be allowed for amendments to be submitted

and the criteria that would mean re-consultation on amended plans.

- 4.51. The Planning Service has a responsibility to negotiate with developers regarding potential applications, even if there are objections to it as an applicant has the right to submit any application and, if they wish to remove concerns about specific issues of detail through negotiation even though a fundamental objection remains, then that is their right.
- 4.52. Therefore the guidance needs to also be clear that officers will engage in pre-application negotiations, wherever possible.

Validation of Planning Applications:

- 4.53. The validation team is part of a small team which deals with administrative and technical support, reception duties and systems management. The validation of householder, advertisement and listed building applications has been outsourced, meaning that approximately half the planning applications received are checked and validated by a third-party company.
- 4.54. The service has produced checklists relating to a wide variety of types of applications and the review has sampled some of them as the checklists have been reviewed recently by the service. They appear to be fit for purpose with only minor improvements that could be suggested.
- 4.55. However, despite this there is reported to be a high proportion of incomplete applications, which inevitably result in wasted time. This could be caused by either poor guidance by the authority, poor submissions by agents or a tendency for the authority to nurse the incomplete applications and help the applicant/agent to get it right. The latter cause can result in agents relying on the authority to sort out their applications. Further work is required to identify whether the cause is poor guidance or poor execution by applicants/agent.
- 4.56. It is important to improve the quality of applications being received to avoid unnecessary remedial work by the admin/technical team. If the advice on how to submit an application is good, then there may be a case for working with agents to help them improve their submissions. If the submissions continue to be poor, then it may be necessary to introduce a handling fee for returning invalid applications as a deterrent.
- 4.57. There is a question whether the current outsourcing arrangements are the best solution for the service as neither the speed nor the quality of service appears suitable.

- 4.58. According to the Service Business Plan only a small percentage of applications are registered within 5 working days. In 2017-18 it was 18% and in 2018-19 it was 33%. It appears that this increase was attributed to the outsourcing arrangements and therefore it may seem on the face of it that outsourcing is a better solution. However, the target is generous, and the results are still very low, particularly bearing in mind that the outsourced applications are the simplest to deal with.
- 4.59. These figures could be dramatically improved upon and the team should be able to validate 90% or more within 1-2 days at most, with the rest (the larger more complex applications) being validated within 5 days.
- 4.60. Until 'Lockdown' the in-house team would only process a particular element of an application before passing it on to a colleague and it can be hard in these circumstances to identify where delays occur. Simply passing a 'file' onto a colleague can itself build in delays. Since lockdown the team has been dealing with the validation of a case from start to finish and it is then easier to identify any delays and eliminate waste. The system should identify the Officer allocated to validate a particular application and the time taken to complete the various steps also recorded to allow better analysis of where blockages occur.
- 4.61. Validation is a key part of the process and the objective should be a good quality application validated and allocated to a Case Officer within 1 day of its receipt. This enables the consultation process to start in the first few days following submission and enable the initial assessment and site visit by the Case Officer in week one.

Processing applications:

- 4.62. The area where most improvement is required is in processing applications through to decision. Because of the lack of emphasis placed on performance the DM team do not prioritise the determination of applications and therefore do not follow systems designed to improve speed of decision making.

- 4.63. Prioritising the workflow to optimise the speed of decision does not involve extra work but affects when that work is carried out and there are a number of basic steps that could dramatically improve performance, but they require management commitment and ownership. Chasing out of date applications for an explanation of why it was late is useful to understand where things go wrong so that remedial measures can be put in place but in itself is not the solution to better performance.
- 4.64. The Team Leaders should meet with the individuals in their teams on a weekly basis to review progress and ensure that the Officers are following the guidance.
- 4.65. The most important thing is to manage expectations and be clear about what customers and stakeholders can expect. A notification that a planning application has been received provides an opportunity for comment rather than an invitation to have a conversation. Clear guidance should be available to local residents and T&P Councils to guide them about the most effective way of making representations to avoid lengthy diatribes about non-planning matters or submitting a list of questions when what they really want to do is object.
- 4.66. The vast majority of decisions are delegated and a considerable amount of time could be saved by changing the approach to report writing but it is clear that this requires support and trust by Members to enable officers to make the majority of decisions using delegated powers and to focus their attention on the bigger more strategic issues. Instead of increasing delegated powers, it is clear that some Members want to reduce delegation.
- 4.67. A delegated decision is made by Case Officers presenting findings to a senior Officer who is a planning expert themselves and therefore a 'shorthand' approach rather than a full explanation is acceptable. In the simplest of cases a report may not be required at all, the important issue is whether the file contains sufficient evidence that a full and proper assessment of all material considerations has occurred.
- 4.68. Committee reports are written to set out the case to a lay person, a Committee Member, rather than a planning professional and inevitably, have to be more detailed. However, they need to be succinct and readable rather than swamping the reader in lengthy technical essays. A limited review and comments received during the interview process also point to an issue with the quality of Committee reports not being as good as they could be. However, although further work is required to review Committee reports, it is clear that they are also written to include some elements of excessive detail, particularly around issues such as highway safety and flooding, because Officers know that particular Committee Members will want to examine these issues in excessive detail and criticise officers when it is not included. When writing a report there is a need to understand the intended reader but there is also a case for educating the reader to avoid unnecessary detail, particularly as in this case where some of the readers are being

unreasonably demanding. Members that want to review the technical documents accompanying an application should do so themselves before the meeting and discuss their concerns with the Planning Officers beforehand rather than 'ambushing' them in the Committee meeting.

- 4.69. During the course of an application, amended plans or additional information may be requested or received and at present this is causing further delays. Better management of pre-application advice and clear guidance regarding when to negotiate amendments and when to re-consult should help to deal with this issue.
- 4.70. Further work is required concerning the use of conditions and reasons for refusal, but feedback has pointed to an excessive use of conditions, use of inappropriate conditions at outline stage and the use of conditions that are not enforceable.
- 4.71. Some applications result in the use of S106 Obligations and CIL payments and the review has not considered either of these matters.
- 4.72. Appeals have not been specifically reviewed, but it is clear from the headline results over the past couple of years that there is a significant problem with the quality of decision making. The national average of the percentage of appeals won by Local Planning Authorities is approximately 70%. In 2017-18 Arun won approximately half the appeals lodged against it and in 2018-19 that dropped to only 38%. About half of those appeals lost were either delegated decisions or Committee decisions that were in accordance with the Officers' recommendation. The remaining half were decisions by Committee against recommendation.
- 4.73. In 2019-20 there was a change in procedure so that the Group Head of Planning authorised all refusals. This resulted in the Council winning 61% of appeals of which was much better than the previous year but is still cause for concern.
- 4.74. According to a report to Committee in February 2020, during 2019 there were six costs applications in relation to planning appeals. Five of these were against the Council, where no costs were awarded, and the other was an application by the Council where no costs were awarded. The officers are to be commended for successfully defending the Council against these applications for costs.
- 4.75. However, during the first half of 2020 there have also been 2 applications for costs to be awarded against the Council, both of which have been successful.
- 4.76. These results are poor, and Members have pointed to poor evidence being presented at appeals and problems in defending decisions caused by inexperienced Officers not adequately defending the Committee's decision as being the cause of poor performance. Whilst this could be a factor, the results

point more clearly to poor decision making by both Officers and Committee and indicate a need to review past appeals in more detail and the reasons for the Council losing so many in order apply the lessons learnt to decision making in the future. This should be coupled with Officer training regarding effective decision making and how to fight appeals as well as Committee actively reviewing and taking ownership of appeal performance.

- 4.77. Appeal results are reported each month, but with no analysis of the decision or of appeal performance, which is reported to Committee only once per year. A detailed analysis of the effectiveness of decision making should be reported every quarter and should be properly considered by Committee.

D. Development Control Committee:

- 4.78. One of the key purposes of the planning system is to manage the development of land in the public interest which inevitably affects land and property interests and values, as well as the quality of its surroundings. It is important, therefore, that both Officers and the Committee take decisions openly, impartially, with sound judgement and for justifiable reasons. The decision-making process should not leave any grounds for anyone to consider that a decision has been poorly made or biased as it affects both the reputation of the Planning Service and the Council.
- 4.79. The DC Committee is the public face of the Local Planning Authority, which is responsible for making decisions about the future development of the District by considering the bigger and more sensitive planning applications in the interests of the District and not their Ward or political group. It is made up of Councillors from all parts of the borough and is politically balanced. Both Councillors and Officers have different but complementary roles to play in DC Committee meetings.
- 4.80. A Councillor's role does not just include representing their Ward or party (if any) but also includes making decisions as part of the whole Council, developing and reviewing Council policy, scrutinising decisions taken by cabinet and, for some, being a Member of a regulatory, quasi-judicial statutory Committee. Those Members that are part of a regulatory Committee, such as Planning, are tasked with taking decisions on behalf of the District as a whole and have a responsibility to set aside Ward issues and party politics in order to make the best decisions for the good of the district.
- 4.81. Both serve the public, but whilst Members are responsible to their electorate, Officers are responsible to the whole Council. Officers advise both Members and the Council, and carry out the work of the Council, whilst Members set policy and make decisions based on their Officers' advice.

- 4.82. It is the role of the Planning Officers and the Council's legal team to provide impartial advice to Members regarding their decision making and any potential consequences and costs. Planning Officers attend the meeting to present their reports and recommendation to the Committee; based on local, regional and national planning policies and legislation, after which they may be required to answer any questions. Other Officers may include those from Highways, Legal, and Constitutional Services and others, depending on the nature of the planning applications being heard.
- 4.83. The Chair of the Committee is responsible for providing leadership and direction to the Committee and controlling the meeting in accordance with the Committee's terms of reference with the support of Officers. The Chair is also responsible for encouraging the highest standards of behaviour and probity and ensuring that the decisions made are open and transparent.
- 4.84. The Committee Members' role is to consider all the planning issues and merits of each application put forward in the report and then make a decision. The Members can only consider planning issues. During each meeting, the Councillors must consider all the planning issues raised and then decide whether to approve or refuse planning applications rather than succumb to taking into account personal likes and dislikes or pre-conceived bias against growth that some Members are clearly prone to.

Relationships: Between Members and Officers:

- 4.85. There are inevitable differences between political parties and democracy is built upon a foundation of government and its opposition providing challenge rather than a foundation of conciliation and agreement. This institutional arena for debate and inevitable disagreement is bound by custom, practice and protocol which are designed to ensure the debate remains reasonable, responsible, respectful and therefore ultimately effective.
- 4.86. Becoming a Councillor often results in a period of adjustment where new Members are trained and become familiar with the conventions and with the rules of engagement which ensure a healthy and respectful debate. Often this happens by informal mentoring and 'osmosis' from more experienced Members from within the various political groups and from becoming familiar with the procedures that are embedded in local government and familiar with the Officers of the Council whose role is partly to support the elected Members. It also happens by formal training sessions that Councils provide to new Members, which include specific training for the various Committees, including planning.
- 4.87. In the case of Arun, the 2019 elections unusually resulted in a large influx of new inexperienced Members (29 out of 54) and a change in administration to one supported by Members that had campaigned on a platform of opposition to the Local Plan and its associated housing development.

- 4.88. The unusually large number of new Councillors meant that some of the political groups had few or no Members with any previous experience in local government to pass on to their party colleagues, thereby making them more dependent on training than would be usual. The training provided to new Members has not been reviewed and it is possible that it did not adequately respond to the challenge of such a high proportion of new Members but in view of the fact that there are still difficulties over a year into this administration it is worth considering providing more training now.
- 4.89. The Peer Review also pointed out that Committee Members need to own the new Local Plan policies for it to be delivered
- 4.90. The Members who campaigned on an anti-Local Plan platform still harbour a strong resentment about various development proposals that either were not included or were included in the local plan and this is spilling into some quite heated exchanges
- 4.91. Unless Members of the Planning Committee start to take proper account of local and national planning policies in their decision making, the Council will lose more appeals and will be unable to maintain much needed housing delivery. Continued failure to meet the housing targets will result in the Government requiring the Council to publish an action plan to improve delivery, increasing the housing target by adding a 20% buffer onto the 5 year land supply target and Planning Inspectors applying a presumption in favour of sustainable development and engaging the 'tilted balance' when considering housing schemes. It will also result in uncertainty for applicants and communities, increased costs and time as the Council and developers fight appeal after appeal, neighbourhood plans being undermined and vulnerable to speculative applications; resulting in unwanted, unplanned and unsustainable development across the District.
- 4.92. Councillors on a Committee often do not like all of the advice they receive from their Officers and, it was clear from the interviews, that there is particularly an issue with some Members of DC Committee, especially those that are inexperienced.
- 4.93. Inexperienced Members particularly should listen to the advice of Officers
- 4.94. Officers and Members should abide by a code of conduct and show mutual respect but some Members of the DC Committee have been observed to make pointed or inappropriate comments towards Officers when they disagree with a recommendation, reducing it to a more personal than professional level.
- 4.95. The Planning Service makes decisions that affect people's lives and their livelihoods and as a result Planning Officers sometimes have to contend with passionate or animated Members of the public when they do not agree with their

decisions. Planning Officers have to be resilient to deal with these instances but quite rightly expect a more measured and professional treatment from their elected Members; expecting to be treated with respect.

- 4.96. Government guidance has for some years encouraged positive working, co-operation and better dialogue between developers and Local Government Planning Officers; identifying it as a necessary cultural shift from 'Development Control' to 'Development Management.'
- 4.97. A successful relationship between Members and Officers can only develop with mutual trust, understanding and respect. There is a clear need for both Member training and a Member/Officer protocol regarding appropriate behaviour. There is also clear need for Member training about the respective roles of Ward Members, Committee Members and planning Officers. Committee Members require better understanding of the relationship between their role as a political party Members and Ward Councillors and their role as a Development Control Committee Member so that they can differentiate the two and avoid making political based rather than planning based decisions.
- 4.98. It is also important that Members attend relevant training and should not be entitled to continue to sit on Committee unless they have taken part in the training and demonstrated that they have understood it.
- 4.99. Clearer understanding of their respective roles and other training may help but to ensure that Committee Members work respectfully and professionally with each other, and with their Officers.
- 4.100. There is also a clear need for the Chair to be given more support and training to help him with this difficult task. The Planning Advisory Service offer a 'Leadership Essentials' training course for Chairs and Vice Chairs that may be beneficial and the LGA may be able to offer some mentoring from a chair from another authority.
- 4.101. A programme of compulsory training should be drawn up for the DC Committee Members.

Effectiveness and Decision Making

- 4.102. The interviews and observations have revealed a Committee that has become bogged down by overly long agendas, lengthy reports and lengthy debates resulting in too many deferrals, too many abstentions, too many Officers' recommendations are overturned and too many decisions made without proper consideration of the reasons. Delaying tactics are used to avoid decisions being made with too many deferrals, with some applications deferred more than once. It is clear that the root of these problems lies in the preconceived opposition by some members of the DC Committee to growth and the allocations in the Local Plan, creating a reluctance to properly deal with housing applications, in

particular.

- 4.103. This issue is not a new one as the Peer review observing the Committee before the last election found it of concern that some of the discussions by Committee Members were not around material planning issues and discussions and decision making became confusing.
- 4.104. It is the responsibility of a Planning Officer to provide advice to Councillors whether they like the advice or not. It is the Councillors responsibility to make a decision having considered that advice. Once the Councillors have made a decision it is the Officers role to defend the Members decision to (a) avoid losing costs and, if possible, (b) win the appeal.
- 4.105. If Members are considering refusing a scheme against Officer advice it is the Officer's responsibility to provide Members with a clear risk assessment: what are the chances of success and whether there is a risk of losing costs? Once Members have that advice then it is their responsibility to make a decision having considered all the advice and to take responsibility for the consequences.
- 4.106. If the Members refuse an application against Officers advice and against a warning that an appeal will likely fail and lose costs then they do so accepting the risks and the consequences and it is their right and responsibility to do so. However, it is also their responsibility to learn from appeal and costs decisions, so they do not continually repeat the same mistakes but, unfortunately, that does not appear to be happening.
- 4.107. It is clear, that the above factors regarding the opposition to the Local Plan allocations have had a substantial impact upon the number of times Members have overturned an Officer recommendation at Committee. Some Members are clearly finding it difficult to set aside Ward or party issues to make decisions based on purely planning issues; leading to poor decisions by Members and costs being unnecessarily lost at appeal, as well as lack of control over what is finally built or what benefits can be secured for the community via S106 Agreements.
- 4.108. Other unacceptable behaviour includes some Members trying to cherry pick planning policies to support their point of view and provide Committee with their own interpretations of case law or overly technical/forensic assessments of detail to support their views and supplant the professional views of technical experts or to try and embarrass Officers who may not be aware of a particular legal case that may not even be relevant. In observations of Committee meetings these member assessments are often technically incorrect and, if left unchallenged, risk steering Members down the wrong path.

- 4.109. Members do not seem to all grasp that the NPPF requires that for all developments that generate significant amounts of traffic movement, an applicant should submit a Transport Assessment (TA) or Transport Statement (TS) prepared by a qualified highway engineer to accompany the application; which in itself is an 'independent' assessment. Neither do they appear to understand that this TA or TS is not drafted as the Highway consultant sees fit but rather the requirements for what should be included is stipulated by the Highway Authority, whose first task on receipt of the application is to then assess whether the TA or TS is fit for purpose. If it is, then the Highway Authority goes on to judge whether the conclusions of the TA or TS are reasonable in terms of the identified harm, based on which they make their recommendations.
- 4.110. Deferring an application for another highway engineer to revisit this issue shows a lack of understanding of the matter, wastes resources in engaging a further consultant and wastes time in determining an application that should have been dealt with.
- 4.111. This scenario is also played out in relation to flooding, when a clear lack of understanding of the different types of flooding issues leads to lengthy debate by Members and unnecessary refusals. Members have been observed to spend an inordinate amount of time debating flooding levels that are a result of flooding elsewhere in the locality rather than the application site or treating surface water flooding in the same way as if it were fluvial or coastal flooding. The Members rely more often on anecdotal evidence from local residents or from their own recollections rather than on clear technical assessments in a Committee report.
- 4.112. There is a clear need for Members to receive further training on highway safety and flooding issues in relation to the determination of planning applications, the need to protect floodplains from inappropriate development and the need to ensure that the development of a site includes adequate mitigation to deal with surface water runoff. There is also a need for Member training about appropriate reasons for refusal and thresholds of harm.
- 4.113. Observations of Committee meetings have also revealed a lack of understanding about the meaning of a number of other common matters, including; the 5 year housing land supply, sustainable development, overdevelopment, parking standards, twin tracked or duplicate applications and the difference between outline and detailed applications.
- 4.114. These issues inevitably lead to a lack of understanding and poor quality decision making, which is amply illustrated in the Council's very poor appeal performance that has been previously referred to.
- 4.115. There is a tendency by some Committee Members of throwing multiple reasons at an application that raises concerns in an attempt to refuse it but all that does

is result in wasted time and resources at appeal discussing reasons that have no merit. Each potential reason should be clearly stated and considered.

- 4.116. A programme of compulsory training should be drawn up for the DC Committee Members, that includes demonstrating that they have understood the training.
- 4.117. In terms of the view of the DC Committee's decision making from stakeholders and customers, there has been no customer survey or agents forum information available. However, interviews were carried out with representatives of 13 T&PCs.
- 4.118. The T&PCs are clearly enthusiastic to get involved in planning matters but feel ignored by both the Planning Service and Committee and have a poor impression of the way DC Committee makes decisions. The T&PCs state that the reports to Committee only say that Officers 'do not agree' rather than explaining why their comments are not accepted as valid objections and as such they are regarded as dismissive and without explanation. They reported using planning consultants to get their points over but, even then, their representations were, in their view, still glossed over. When Officers negotiate amendments in response to representations from T&PC's, they would like the opportunity to re-comment on the amended plan.
- 4.119. In the experience of the author, these views are not uncommon to T&PCs elsewhere and are generally due to a lack of understanding about their role in the planning process but, in the case of Arun, it is perhaps a little surprising as the Scheme of Delegation ensures that where T&PCs object to an application it is automatically referred to DC Committee for a decision, which should make them feel that their views have some weight.
- 4.120. When decisions are made, the T&PCs expressed concerns that the Committee attach conditions that are too flexible and attach too many at outline stage; which does not help their enforceability or the ability of the limited number of planning Officers to investigate breaches effectively. They are also concerned that they are not consulted about applications for the discharge of conditions and have to monitor the website and weekly lists. Whilst discharge of conditions applications are generally technical matters, it is understandable that in some cases T&PCs will feel strongly but, if the system was set up so that the T&PCs receive an automated notification rather than a consultation, it may make them feel less excluded.
- 4.121. Following a decision, the T&PCs receive an email saying, 'decision made.' The email does not say what the decision was, provides no copy of the report or decision and no idea of how their views were addressed. Without any feedback or explanation, they feel that the Planning service and Committee are treating them with contempt.

4.122. All of these comments point to a lack of engagement and a lack of understanding about what constitutes a material consideration and how the T&PCs fit into the planning system. Training and better communication with T&PCs will help to manage their expectations and enable them to provide more useful comments. This will ensure that they receive feedback that they can learn from and make them feel more engaged.

4.123. The automatic referral to Committee where a T&PC makes an objection should be reviewed as part of a wider review of delegated powers as there does not seem a good planning reason to do so. It would be more constructive for the T&PCs to receive feedback than a token referral to Committee.

Committee Procedures:

4.124. As a quasi-judicial decision-making body, it is inevitable that a DC Committee has clearly documented procedures to provide an appropriate governance framework to protect the Council, the Committee, and the decisions it makes. However, sometimes and often over time, some of those procedures need to be reviewed and amended/removed in order to make its decisions more effective and to respond to a changing legal or social environment.

Scheme of Delegation:

4.125. Delegating decisions to officers is good practice and has been encouraged by government guidance for many years. It is based on a philosophy that Planning Authorities are busy and a planning committee is a valuable resource that should be deployed to focus on the most significant and sensitive applications and not spend its precious time considering more straightforward matters or those that only involve technical or legal determinations. However, as a result of the current Scheme of Delegation and Member call in procedure, the DC Committee agendas are too long, with too many items on agendas. Many of the criteria contained in the Scheme of Delegation focus on minor issues or specific areas of Member concerns rather than trying to effectively manage decision making in the interests of the District as a whole.

4.126. There is a provision within the current Scheme of Delegation that requires any applications to be referred to Committee where the T&PC representations are in conflict with the Officer's recommendation and another which allows a Ward Member to request the referral of a householder application to DC Committee. There is no requirement that either the Member call in or the T&PC comments be based on planning reasons. Both of these provisions allow simple applications to be referred to Committee.

4.127. These provisions result in DC Committee is dealing with very local issues rather than strategic developments, or issues that affect the wider communities. As a result, the Committee becomes embroiled in small householder schemes that can take up a substantial part of a meeting.

- 4.128. This concern was also raised by the Peer Review team, who were concerned that the Committee will not be focused on the most important applications who recommended that the Scheme of Delegation be reviewed in addition to the pre-application process to strip out the non-strategic work but ensure that Ward Members and T&PCs have a better opportunity to engage earlier in the process instead rather than bringing applications to Committee.
- 4.129. The Committee deal with numerous minor applications and some result in no speakers and no debate by Members, raising the question why they were on the agenda in the first place.
- 4.130. The following areas of the Scheme of Delegation should be urgently reviewed and amended:
1. Consider amending the Ward Member 'call in' procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair. This should include an advice note that householder applications will not normally be agreed to be called in.
 2. Consider excluding those applications that are either technical in nature or have reduced timescales, such as discharge of conditions, Certificates of Lawful Development and Prior Notifications.
 3. Consider removing the automatic referral to Committee if there is a Parish Council objection. It is more appropriate to simply rely on the provision for Ward Members to call in applications instead. At present it is the Parish Councils who are setting the agenda for DC Committee and an amendment to this provision should also increase the dialogue between T&PCs and Ward Councillors.
 4. Introduce size thresholds in order to allow smaller Council applications to be delegated.
 5. Consider removing the requirement for any application to go to Committee if it creates a new access via the A27, A29, A284, A259 & A280. Instead apply size thresholds to ensure that larger, more strategic applications are considered by Committee, leaving smaller developments to be dealt with by Officers. This should include those applications recommended for refusal so that Members can scrutinise reasons for refusal in order to improve decision making and appeal results.
 6. Amend the requirement for Member/Officer applications so that minor applications which fully comply with policy can be delegated without consultations (this should not apply to planning staff or planning Members).
 7. Consider the introduction of a provision that the Group Head of Planning can choose to refer significant or contentious applications to Committee.

The Planning Briefing Panel and Committee site visits:

- 4.131. The Planning Briefing Panel is a monthly meeting open to all Members to informally discuss significant or controversial planning applications with Officers in order to increase Members understanding of the issues. Whilst the panel is a useful forum to enable matters to be discussed outside of the Committee environment it does significantly add to the lead in times to Committee as it takes

place approximately 2 weeks before Committee and considers the Officers report. The timing and format of the Briefing Panel should be reviewed to ensure that the benefits are protected but in a way that does not impact upon lead in times to Committee.

- 4.132. Site visits by DC Committees can be helpful in reaching a decision where site related issues are fundamental to the decision. However, Committee site visits can cause delay and additional costs for both the developer and the Council and should only be used where the expected benefit is substantial.
- 4.133. Site visits are undertaken by a Development Control Site Inspection Panel, made up of 8 Members, with its own Chair and Vice Chair.
- 4.134. It does not appear that any visits are carried out after a development has been completed as it is understood that in the past such visits were arranged, but Members failed to turn up. These type of visits are helpful as part of a training programme for Members, enabling them to see the results of their decisions and sometimes to go further afield and see examples of good practice elsewhere. Such training can help Committee Members better understand numerous issues and improve the effectiveness of their decision making.
- 4.135. The current process for Committee Members visiting a site appears to have also caused some difficulties in recent meetings with some Members unsure whether to declare that they are pre-determined at DC Committee when they have visited a site and voted on a recommendation that is subsequently presented to the DC Committee. This is perhaps understandable as Panel agendas, dates and minutes are not published on the Council's website with the Members' debate and vote held in private. However, it does point to a lack of understanding by some Members about declaring an interest. T&PCs also complain that, whilst they can attend DC Committee site visits, they are excluded from the Panel discussion and vote, making them feel excluded by the Council from its decision making.
- 4.136. The purpose of a pre-Committee site visit should be to enable Members to familiarise themselves with the site and its surroundings prior to the Officers presentation at Committee, representations by speakers and any information not available at the site visit. The purpose of a post Committee site visit should be to enable Members to see a feature of the site that they cannot obtain from the information available to them in the Committee Chamber.
- 4.137. In these circumstances the reasonableness of a debate on site that is in private, followed by a vote in private, is questionable and creates a risk of challenge and complaint. It is also questionable why this facility is only open to half the Committee and why the half remaining behind should rely on the observations of fellow Members when they would not rely on those of an Officer who has visited the site. However, observations of applications that have been the subject of a

site visit have shown that the views of Members who have visited the site visits have carried little weight in the Committee decision.

4.138. Best practise for Committee site visits is to adopt a similar approach as a Planning Inspector: where an inspector views the site, with or without the applicant or Council representative, can have features pointed out by those attending but will not engage in debate and will not make a decision there and then.

4.139. A site visit protocol should be adopted to ensure they operate more like a Planning Inspector's appeal site visit to make site visits much safer and less susceptible to challenge, disagreement by Members or feelings of exclusion:

1. The intention to conduct the visit should be publicised and the applicant should confirm that the Committee can access the site.
2. These visits should be open to all Members of the Committee.
3. The Planning Officer should describe the proposals to the Committee Members and any public, applicants, Ward Members or T&PCs should only observe and not speak.
4. Committee Members can ask questions about what they are looking at but there should be no debate by the Committee Members about the merits of the scheme – that should be reserved for the formal DC Committee meeting.

4.140. When Members defer an application at Committee, they should identify what it is that they want to look at so as to be clear why they are unable to make a decision.

Debate and Decisions in Committee Meetings:

4.141. The generally overly long Officers' reports have been previously commented upon. The Officers present their reports to Committee and, in general, the presentations by the Team Leaders are generally efficient and reasonably short, highlighting the relevant material considerations.

4.142. The use of visual aids for Officer presentations is good; utilising plans and photos on a large screen to help Members' consideration of the applications. Some comments were made about mistakes made in presentations by individual Officers but, overall, those observed were adequately carried out. Meetings are filmed and streamed on-line which provides a convenient and accessible way of watching meetings remotely.

4.143. As a result of extensive debates with Members repeating points already made or speaking on multiple occasions to argue technical or detailed points rather than focussing on strategic issues and accepting officer's advice, Committee meetings regularly last for hours and can often last most of a day. This in itself causes fatigue and inevitably means that decisions taken at the end of a long Committee meeting will not be as effective or as well considered. Members have been observed speaking for more than 10 minutes about an irrelevant issue before intervention by the Chair, Group Head of Planning or Legal Officer.

- 4.144. Despite the 5-minute speaking limit, Member speeches are far too long as some Members regularly exceed the limit or are allowed multiple opportunities to speak. Some Members, generally those that seek ways around the 5-minute rule, find the rule constraining and would prefer there not to be a limit. Most points can be easily made within 5 minutes, but Planning Authorities with a more mature and professional Committee do not necessarily have a time constraint as they have a more strategic and disciplined approach.
- 4.145. Therefore, it does not appear to be the 5 minute rule that is the problem, it is the fact that some Members in particular are reading out lengthy pre-prepared speeches going into minute detail, are making inaccurate technical statements, make comments about non planning issues, stray outside their role as DC Committee Members, refer to other sites or applications, repeat what others have said or engage in cross-floor disagreements. If all of these issues were eliminated, then the 5-minute rule would not be an issue.
- 4.146. The meetings are held in public and, in some cases, it can be difficult to control the noise of the public gallery.
- 4.147. There should be clear written guidance given to Members in the form of a revised code of conduct and Committee procedure protocol that clearly sets out the rules of engagement, expectations of behaviour and process.
- 4.148. Meetings are currently held in the Council Chamber, where Members sit according to party affiliation, but, that in itself should not prevent a good debate and decision. The Chair needs stronger support from Officers in managing meetings. Seating arrangements in Committee should be revised to ensure that the Chair is supported on either side by either the Director of Place or Group Head of Planning, and by a Council solicitor, to provide easily available advice.
- 4.149. As a result of lengthy debates considering wide ranging issues and questioning, the professional recommendations of Council Officers and consultees, there are too many deferrals that result in Officers exploring non-material issues or needlessly revisiting technical matters. Some applications are deferred more than once, where Members are clearly reluctant to make a decision, again failing in their role to make decisions on behalf of the Council as a whole.
- 4.150. The confusion and interruptions can also result in mistakes being made or Officer advice not being clear
- 4.151. These circumstances also result in too many Member overturns without good planning reasons to refuse applications, as evidenced by the poor appeal record and loss of costs; which give a poor impression to developers, making them less inclined to invest their time considering developing in Arun or less inclined to negotiate a scheme with the Council. Without repeating points

made previously relating to the consideration of technical issues, there is also a further procedural issue which is affecting the quality of decision.

- 4.152. It is strongly recommended that the decision-making procedure should be amended as a matter of urgency so that any counter proposals against the officer's recommendation are considered first.

Public Speaking:

- 4.153. The current provisions potentially should allow 5 public speakers on each application: two in support, which can be both applicant and agent; two in opposition; a representative from the T&PC; and a Ward Member. Each speaker has 3 minutes meaning a potential 15 minutes or more in total for each application, not including any subsequent questions afterwards. However, there can be more speakers if more than 1 T&PC is affected and on one occasion 7 speakers were allowed.

- 4.154. There were concerns from the T&PCs that due to the running order of speakers the applicant is inadvertently given a right of reply as they follow the T&PCs. Councils operate many variations of public speaking and it would be sensible, whilst considering the operation and management of Committee to review the public speaking element and review alternative arrangements to consider whether the number of speakers is appropriate, the time allotted to each of them and the order of speaking, to avoid any unintended right of reply or bias.

Committee Size & Composition:

- 4.155. The LGA recommend a Committee of less than ten Members ensures a more professional and reasoned debate. A smaller Committee is likely to act more professionally as the Members cannot be representative of every part of the district and as such must adopt a wider, more strategic, stance as a result.
- 4.156. In a larger Committee there is more prospect of a Committee Member representing each, or most, parts of the district and decisions tend to be more parochial as a result with Members supporting each other in the hope that they will be supported in decision affecting their Ward.
- 4.157. The Arun DC Committee is quite a large, comprising of 15 Members, which serves to encourage poor behaviour with the Members who are behaving badly being supported by a number of others sitting around them rather than being more isolated in a smaller Committee. There are often a number of 'substitutions' at each Committee, which in itself can affect the consistency of decision making, as Members are swapped in and out, and do not get consistent experience of planning, to be effective.
- 4.158. A reduced number of Members would mean that the Committee cannot contain representation from across the District and must therefore act more strategically in the needs of the district rather than drawing up partisan lines based upon area

or allegiance, also increasing its cohesiveness.

4.159. It is recommended that the number of Committee Members be reviewed with an aim to reduce the Membership to 10 or less. The make-up of Committee will still need to be politically balanced.

4.160. A few of the Members have expressed a desire for the Committee to be split into two area Committees (East and West) which will simply reinforce the east west divide that appears to exist in the district and plays into a partisan attitude. There is insufficient work for two Committees and the formation of two area Committees would only make matters worse in terms of the poor quality of decisions as it would create a far more polarised and parochial Committees. The solution is to make changes to enable better decision making and creating two area Committees will not do that.

4.161. The Peer Review recommended changing the name of the Committee to 'Development Management Committee' to try and change the emphasis from 'control' to 'management' to reflect the emphasis of the modern planning service. There is no reason not to change its name but that alone will not deliver the necessary changes.

Closing Comments

4.162. It is clear from the findings of this review that the Planning Service has an uphill journey to overcome the various difficulties and shortcomings that have been identified.

4.163. The review has identified a lack of commitment to the implementation of previous review recommendations. The review has also identified a number of procedural issues and a fundamental conflict between some Councillors elected on an anti-development platform and their role as DC Committee Members. This is reflected in the considerable number of identified recommendations that are necessary to turn the service around.

4.164. Sustained improvement and the implementation of the recommendations will require commitment over a prolonged period from both Officers and Members, to take on board all of the many recommendations, if Arun District Council is to start performing as a better quality Local Planning Authority.