

## PLACE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	<b>Planning Service Improvement Update</b>
Meeting date	17 January 2024
Status	Public Report
Executive summary	<p>This report showcases the ongoing work to improve the performance of the BCP Council planning service.</p> <p>There has been good progress in stabilising and improving the Planning service, with a performance management culture being strengthened which has weekly coordinating groups meeting to actively address and reduce the backlog of outstanding cases.</p>
Recommendations	<p><b>It is RECOMMENDED that the Board:</b></p> <p><b>Note and endorse the measures underway to improve and transform the planning service.</b></p>
Reason for recommendations	To update on the performance of the BCP Council planning service.
Portfolio Holder(s):	Cllr Millie Earl – Portfolio Holder for Connected Communities
Corporate Director	Jess Gibbons, Chief Operations Officer
Report Authors	Wendy Lane, Director of Planning & Destination
Wards	Council-wide
Classification	For Information

## **Background**

1. The purpose of this report is to showcase the ongoing progress made in reducing the planning backlog, improvements in planning performance in relation to planning applications (known as Development Management), complaints and enforcement through the embedding of a performance culture as well as the achievements of key milestones for the Local Plan.

## **Planning Improvement Journey**

2. A Planning Improvement Board was established in April 2021, chaired by the Chief Executive and attended by relevant Portfolio Holder Members and key officers. This Board meets on a monthly basis to oversee the Planning Improvement programme.
3. The objectives of the programme have been:
  - a. Achieve high and consistent standards of performance delivering to the expectations of customers
  - b. Deliver the local plan to set out the framework for growth meeting the areas sustainable development need
  - c. Deliver strong and responsive development management including proactively managing the backlog of older cases
  - d. Utilise modern ways of working and new technology to optimise the efficiency of working practices
  - e. Create an environment for staff to have job satisfaction and develop their careers within the service that is known for delivering positive outcomes and has a strong reputation.
4. The programme has consisted of five workstreams working to meet these objectives;
  - f. Structure, People and Culture
  - g. Performance and Development Management
  - h. System and Process Harmonisation
  - i. Customer Service and Support Services
  - j. Local Plan
5. The following section provides an update on the progress against the key objectives within each workstream.

## **Structure, People and Culture**

6. The key objectives for this workstream are;
  - k. Recruitment to vacant posts and reduction of agency staff.
  - l. Implement a new fit for purpose structure.

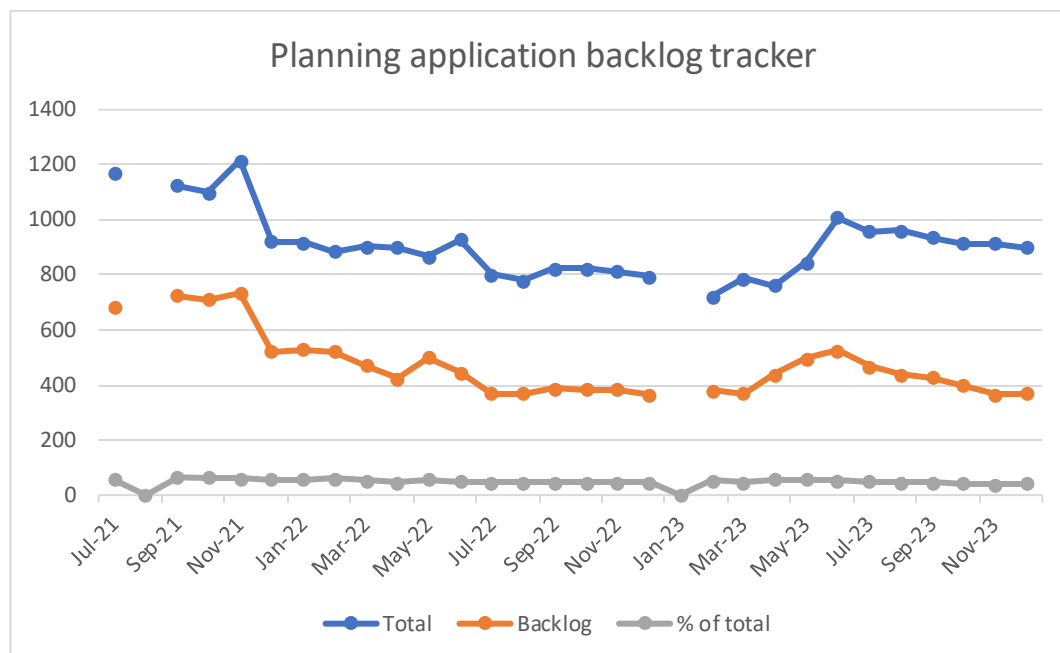
- m. Address workforce issues including low morale, high workloads, staff wellbeing and resilience pressures.
  - n. Develop a new culture which supports to optimum performance.
  - o. Address challenges of home working.
  - p. Provide leadership development to Planning Managers.
- 7. Progress within this workstream has been significant over the last 6 months. The Head of Planning Operations has been appointed and starts at the end of February and the Head of Strategic Planning will shortly be appointed. The Director of Planning and Destination started on 1 December. 2023.
- 8. Staff wellbeing and resilience is a challenge for the Planning Service. They are our greatest asset and despite huge challenges of high workloads, complex caseloads and negative views directed at the service, there remains a strong sense of ownership and commitment.
- 9. Early in 2023, a new structure for Planning was agreed with senior officers partly to formalise a range of temporary working arrangements whereby a number of staff were in interim roles, whilst also enabling promotion opportunities for staff who have proven themselves to be worthy of more challenging roles. This process has just been completed in late December 2023. A number of vacancies do remain and whilst some posts might be filled by internal candidates within the Council, external recruitment will be required.
- 10. Workloads remain high and performance improvement is being strongly driven. Even though the number of agency staff has reduced, there remains a reliance on the use of agency staff to support the delivery of the service and whilst this presents its challenges, this is key to delivery and improvement in equal measure.
- 11. In mid-December 2023, we were pleased to be advised that our application to the Planning Skills Delivery Fund for backlog funding had been successful and the Council will be awarded £100,000. We are awaiting the Memorandum of Understanding for the grants which should then enable us to access the funding.

### **Performance and Development Management**

- 12. The key objectives for this workstream are;
  - q. Address backlog of applications
  - r. Address issues with Major applications
  - s. Improve consultee performance
  - t. Improve section 106 process and performance
  - u. Reduce incomplete/substandard applications
  - v. Review and reduce planning conditions
  - w. Improve the viability assessment process and performance

13. There has been a continued focus and commitment to reducing the backlog of applications, with twice weekly operational meetings with the oversight of a weekly strategic meeting chaired by the Chief Operations Officer. An application is defined as being in the backlog if it has not been determined by its due decision date. The due decision date is either the statutory timeframe or the date that has formally been agreed with the applicant or their agent through and Extension of Time (EOT) or Planning Performance Agreement (PPA).
14. The statutory time limits for applications for planning permission are set out in article 34 of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended). They are 13 weeks for applications for major development, 10 weeks for applications for technical details consent and applications for public service infrastructure development, and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies).
15. Where a planning application takes longer than the statutory period to decide, and an extended period has not been agreed with the applicant, the government's policy is that the decision should be made within 26 weeks for major applications and 16 weeks for non-major applications (as defined by article 34(2)(b) of the Development Management Procedure Order 2015). This change in government policy for non-major applications occurred in early December 2023.
16. The Government recognises, in its guidance, that longer periods may be required:
  - Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should consider entering into a planning performance agreement before the application is submitted; and
  - If a valid application is already being considered and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time.
17. In respect to PPAs, the Strategic Applications Team has increased our capacity to offer a pro-active service to developers and applicants in offering Planning Performance Agreements (PPA's) to progress major schemes. The team has worked hard to get effective processes in place with this led by the Strategic Applications Team Leader and for the overall credibility of the planning system, the teams understand that extensions of time should really be the exception and efforts are made to meet the statutory timescale wherever possible.
18. In November 2021 there was a backlog of 734 applications. This has been reduced by 50% to 371 applications in December 2023. This includes significant reductions in the oldest applications. When the Planning

Improvement Board was established, there were applications from 2015, 2016 and 2017 which had not been determined. In the last 6 months, 25 of the oldest applications have been determined and the team are targeting applications for the first half of 2022.



19. The number of live cases in the system has reduced from 1128 in May 2023 to 878 in mid-December. Similar patterns are seen for cases over 26 weeks. There were 134 in late May 2023 and the latest position was 74 for December 2023.
20. All staff are involved in keeping the tracker of planning applications up to date. Meetings are held twice weekly to review progress and all DM staff meet weekly to update on progress.
21. The new Section 106 process is working well. The more proactive monitoring of outstanding S106s which has facilitated early interventions has significantly improved the effectiveness of the process.

### **Benchmarking Development Management Performance**

22. Local Planning authorities have completed PS1 and PS2 forms for Government since at least the 1990s. These returns collect information about the range of district matter applications that local planning authorities handle when exercising their development management functions. These returns do not cover all applications received by the Council for determination of applications.
23. This information is monitored by the Department for Levelling Up, Housing and Communities (DLUHC) whereby they assess local planning authorities' performance on the speed and quality of their decisions on applications for

major and non-major development. Where an authority is designated as underperforming, applicants have had the option of submitting their applications for major and non-major development (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.

24. BCP Council performance, with EOTs, has consistently been above government intervention levels, apart for Minor applications which are close to the 70% target. Without EOTs, BCP performance is below the Government targets across all of the legacy areas and for each of the three measures.

BCP - ANNUAL PLANNING DECISIONS 2023/24					
Annual	1st Apr 2023 to:		Week Ending: 15/12/23		
Type	Govt Target	Actual %	Applications In Target	Total Applications	% Approved
<b>Bournemouth</b>					
Majors - Under 13 Weeks	60%	100.0	32	32	84.4%
Minors - Under 8 Weeks	70%	83.18	267	321	67.0%
Others - Under 8 Weeks	70%	92.11	433	470	79.2%
<b>Christchurch</b>					
Majors - Under 13 Weeks	60%	91.0	10	11	73.0%
Minors - Under 8 Weeks	70%	65.00	35	54	80.0%
Others - Under 8 Weeks	70%	78.00	178	227	92.0%
<b>Poole</b>					
Majors - Under 13 Weeks	60%	68.97	20	29	89.6%
Minors - Under 8 Weeks	70%	54.13	118	218	72.0%
Others - Under 8 Weeks	70%	82.89	465	561	89.3%
<b>BCP</b>					
Majors - Under 13 Weeks	60%	86.11	62	72	
Minors - Under 8 Weeks	70%	70.83	420	593	
Others - Under 8 Weeks	70%	85.53	1076	1258	

## System and Process Harmonisation

25. Since the formation of BCP Council, Development Management has continued to operate with 3 legacy IT systems undertaken in three area teams, based on legacy council arrangements across Bournemouth, Christchurch, and Poole with the addition of a separate team dealing primarily with the larger and more complex major applications. Across the teams, processes have been realigned as far as the IT systems allow to ensure there is a consistency of approach to development. Regular meetings are held across the teams and with the team leaders to ensure consistent decision making. The major applications team also operates a “forum” where cases can be discussed more widely to ensure consistency.
26. A project to harmonise these 3 IT systems into one new system has been ongoing. This has a Project manager and is governed by a Project Board, with the Director of Planning & Destination as Senior Responsible Officer (SRO).
27. The new system is called ‘Mastergov’, which is an updated version of two of the current legacy IT systems. The team has been working to ensure that those areas of work which have yet to be harmonised, such as how decisions are physically issued, can be addressed as part of this new IT system to provide a single approach to all parts of the application process. This will

replace some of the work around processes which are currently needed with the legacy systems. In addition, additional features such as standardised conditions and performance management tools are being built into the new system to make it easier for staff to maintain a consistent approach and to ensure performance against national targets is on track. At present much of this work is required to be carried out manually but the new system will provide a greater degree of automation.

28. The new single IT system will also have the advantage of being able to introduce greater staff flexibility as there remains limited ability for officers to switch between the current 3 systems and thus the 3 area teams due to the current differences in IT systems and as part of the proposed staff restructure to move to two area based teams this will assist in harmonising the work practices, allow for greater resource flexibility and also enable a greater feeling of being as one culture.
29. The go-live date for the project has not as yet been defined but it is anticipated to be one of a number of transformation projects that are going to be delivered in Summer / Autumn 2024.

### **Customer Service and Support Services**

30. The key objectives for this workstream are;
  - x. Improvement of registration and validation process
  - y. Address current levels of complaints including historical complaints
31. The Development Management function is supported by colleagues in Business Support, who are responsible for validating and registering applications, consultations, decision notices and the administration of planning appeals.
32. Validation is taking place within 5 working days, which meets the government target and the return of invalid applications has been made consistent across the 3 legacy council areas.
33. Planning complaints were previously administered as part of a centralised corporate approach to complaints. There was not previously an effective structure in place to manage these. Improvements have now been made and we now have a dedicated post in Business Support who coordinates the handling and resolution of these. Regular fortnightly meetings within the team take place to monitor resolution of these.
34. Since September 2023, we have responded to and sent out 80 responses. As an example, in November, whilst 4 new cases were registered, 9 were responded to and the below table shows the current scale of open cases.

Live complaint/enquiry numbers by area					
Area	Enquiry	Stage 1	Stage 2	LGO	Total
Bournemouth	1	0	0	0	1
Christchurch	0	2	0	0	2
Poole	0	11	0	0	11
Not site specific	0	0	0	0	0
<b>Total complaints</b>	<b>1</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>14</b>

35. In addition to this, our Planning Complaints Officer has replied to 70 other enquires, which we treat as pre complaints, and this early intervention has stopped a formal complaint having to be submitted.

### **Local Plan**

36. The key objectives for this workstream is to deliver and adopt the BCP Local Plan.
37. The Council has a statutory duty to prepare and maintain a Local Plan. The National Planning Policy Framework (NPPF) sets out that the planning system should be genuinely plan-led with succinct and up-to-date plans. We are currently operating three legacy area Local Plans that include over 300 policies, a significant proportion of which are out of date. The BCP Local Plan will replace these plans providing a single up-to-date plan for the area.
38. The publication of the draft BCP Local Plan is an important formal stage of the process prior to examination.
39. On 9 January 2024, Council is being asked to approve the Draft BCP Local Plan and Draft CIL Charging Schedule for public consultation for a period of six weeks.

### **Summary**

40. There has been good progress in stabilising and improving the Planning service with a performance management culture being introduced which has weekly coordinating groups meeting to actively address and reduce the backlog of outstanding cases.

### **Summary of financial implications**

41. The service has only been able to maintain performance levels by using agency staff to cover permanent posts that have been vacant. This has led to a forecast overspend as reported to Cabinet at Q2.
42. From 6 December 2023, fees increased by 25-35%. Planning & Finance colleagues are working together to forecast the impact this will have on the Planning fee earning budget and will, in combination with the Planning Skills Delivery Fund ward of £100,000 for the backlog will help to mitigate the overspend.
43. The Local Plan work identified within the report will be covered by drawing down £140,000 from the Local Development Plan reserve which is set aside for this statutory purpose.



### **Summary of legal implications**

44. Planning applications and enforcement action can be the subject of challenge. Either by applicants appealing to the Planning Inspectorate against decisions to refuse permission or against conditions imposed by the Council when permission is granted, or by third parties challenging the Council's decision by judicial review, via the courts. Where the Council has been found to have acted unlawfully or unreasonably then sometimes costs are awarded against the Council, and in the case of judicial review, planning permission can be quashed. The Council's legal team advise and defend the Council's position in such circumstances.

### **Summary of human resources implications**

45. There is currently a national shortage of suitably qualified and experienced Planning Officers. The team has had a number of vacant posts, which have been mitigated by the use of agency staff. Whilst this is an ongoing national problem it has had an impact on the Council's ability to provide a cost-effective and efficient planning service.

### **Summary of sustainability impact**

46. Individual planning applications are determined on their own merit, in accordance with the Development Plan and the National Planning Policy Framework. Sustainability is a key consideration in these policies.

### **Summary of public health implications**

47. None identified at this time.

### **Summary of equality implications**

48. None identified at this time.

### **Summary of risk assessment**

49. If performance dips below government thresholds then the Council is at risk of being designated as a Standards Authority for the purposes of planning applications. This requires close working with DHLUC for both the period while performance is under the required standard and for two years after performance reaches the required minimum standard. The Council's performance is consistently above designation levels and is actively monitored by the team on an ongoing basis.