



Planning Peer Review

Uttlesford District Council

21st and 22nd June 2023

FEEDBACK REPORT

8 August 2023

## **1.0 EXECUTIVE SUMMARY**

- 1.1 This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The scope of the review has arisen as a consequence of the authority being 'designated' by the Sec of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications.
- 1.2 Since 2019, the authority has been under the control of Residents for Uttlesford political group and the recent elections (May 2023) saw the party remain in control.
- 1.3 The Council has in place a Corporate Plan with a vision to make "Uttlesford the best place to live, work and play". The plan, at its heart, has public engagement and acting in a way that is responsive to its residents. The Plan and vision were something that members and officers were not especially able to reference.
- 1.5 The Council has a strong commitment to community engagement which is commendable. However, care has to be taken to ensure that the level of engagement is manageable / sustainable in the long term and that the expectations of the community are suitably managed.
- 1.6 The Council is without a current local plan as the existing plan adopted was in 2005 with virtually all of the allocated residential allocations now built out. There have been several attempts to progress a new local plan but these have faltered. Consequently, the Council has and is receiving planning applications in unallocated locations in a situation where UDC does not currently have a five-year supply of housing-land as required by national policy (UDC has a reported 4.89 years supply). As a result, in Framework terms, the Local Plan is deemed out-of-date and paragraph 11d of the Framework therefore applies. Against the backdrop of the concerns and philosophy of the controlling party (which relate to the community being in control of development in its area), the authority has faced a difficult period of time in terms of considering these planning applications. The Authority is now progressing a Local Plan and it is anticipated that this should reach Regulation 18 stage (first consultation on a full draft of the plan) in Autumn 2023. There is a strong will and desire to make this happen. However, there is the concern that the Council's desire to listen to its community could cause the progression of the local plan to adoption falter again and that the planning service will not be able to fulfil /sustain the high expectations of the Town and Parish Councils. There is the clear need to have a robust communication strategy around the new local plan and to effectively manage the expectations of the Town and Parish Council so that the relationship / engagement is sustainable for the Planning Service. It is hoped that the

impact of being a designated authority will also shine a light on the importance of having an adopted local plan.

- 1.7 The Development Management service benefits from good management, competent and committed staff with plenty of appetite for continued innovation and change being demonstrated. However, there is the need to develop the leadership skills of middle managers so that performance management is truly embedded across the service.

In terms of performance, the speed of undertaking validation checks was found to be good. The speed of the determination of planning applications was satisfactory. Delays in the completion of legal agreements was identified as being down to fluctuating legal resources at the Council and the lack of sufficiently prompt engagement by key partners. The service should aim to better embed the culture of performance within the whole service rather than rely too heavily on the senior managers to drive performance. It should also strive to continue to change and innovate (through the review of work flow, processes and use of ict) and look to ensure that the pre-application service is meeting its objective and that the opportunities for planning performance agreements are explored. The quality of decision making, as measured against the national performance indicator, was found to be good for non-major developments and the Council is now close to performing within acceptable performance target for major developments. The planning service has recently been boosted by the recruitment of a number of inhouse specialist posts and given the significance of the airport, there is the need to build a skills and knowledge bank in this work area. A planning performance agreement with the airport would help resource this.

- 1.8 The scheme of delegation was seen to result in a high number of applications being determined by committee which resulted in overly long meetings and engaging committee in applications that did not always merit their attention. Whilst the Peer Review Team only met those developers / agents that had not submitted applications to the Planning Inspectorate, the feedback was that there were good working relationships between them and development management officers. However, there was concern from them about the reliability of the Planning Committee in its decision making and this is perhaps reflected in the number of applicants that elect to have their applications determined by the Planning Inspectorate. A workshop so that members can appreciate the 'developers' side of planning' would be a helpful addition to their training programme.

- 1.9 The Council is liaising with the Department of Levelling Up, Homes and Communities (DLUHC) (in respect of the former designation) and there are a number of performance metrics that DLUHC is gathering from the Council so that an informed decision can be made on whether, at a point in time, it would be appropriate to de-designate the Council. The Council is showing evidence of progress in relation to the various performance metrics.

## 2.0 RECOMMENDATIONS

**R1** Uttlesford District Council needs to embed the Council's vision and corporate strategy including through the emerging 'workforce plan', to ensure it is relevant and drives the Council. There is a need to align the Local Plan and Corporate strategy with each other in relation to having a clear spatial vision for the council that meets the wider corporate vision.

**R2** Implement a skills and development programme for the middle managers in planning to help them develop as leaders / future leaders and continue to grow and embed the culture of performance with officers and Members with 1-2-1s / case reviews happening consistently for all.

**R3** Review key development management processes / workflows for inefficiencies / inconsistencies and the use of ICT

**R4** Manage the expectations of Town & Parish Councils regarding a serviceable level of engagement through a programme of training and consistent communication.

**R5** Robust communication strategy is needed for the emerging local plan to help manage the risk of derailment following Reg 18 consultation.

**R6** Hold an applicant / development led workshop with members and officers to improve understanding from applicant and council perspectives that can then form the basis for improved partnership working with developers and agents.

**R7** Work with key external partners to secure more timely engagement from them in Sec 106 matters and use external legal support to reduce S106 delays.

**R8** Take up offers of training support from key consultee partners.

**R9** Provide further support and training for staff on the use of PPAs and keep the pre-application service under review to ensure that it is appropriately priced and is meeting the objectives set by the Council

**R10** Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.

**R11** Fill skills gap in airport related development and consider a PPA to support this / fund part of the officer resource.

## 3.0 BACKGROUND AND SCOPE OF THE PEER CHALLENGE

3.1 The peer team Peer challenges are delivered by an elected member and officer peers with substantial experience in Local Government. The make-up of the peer team reflected the Council's requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with the Council. The peers who delivered the peer challenge at Uttlesford District Council (UDC) were:

- Julian German – **Councilor (Ind)**, Cornwall County Council

- Tracy Darke – **Assistant Director Economy and Place**, Shropshire Council.
- Peter Ford - **Principal Consultant**, Planning Advisory Service.
- Nick Harding, **Peer Review Manager**, LGA consultant.

Thanks also go to Kalash Patel, **LGA Programme Support Officer**, Local Government Association for her administrative support.

3.2 Importantly thanks go to all of the staff and councillors at Uttlesford District Council for their valuable assistance with the review.

#### 4.0 SCOPE & FOCUS

4.1 The peer review was intended to highlight key issues that Uttlesford District Council should focus on. It was not intended to investigate individual applications or complaints but provide recommendations, including practical quick wins. The main focus was on the matter of the quality of decision making on major planning applications. Planning Enforcement was excluded from the review as this had been the subject of an EELGA peer review relatively recently. The Planning Peer Review covers the following themes:

Theme
<b>Vision and leadership</b> - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives
<b>Performance and Management</b> - the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) in decision-making on development proposals.
<b>Community engagement</b> – how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.
<b>Partnership engagement</b> – how the authority works with partners to balance priorities and resources to deliver agreed priorities.
<b>Achieving outcomes</b> - how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.

4.2 Given the DLUHC oversight that is currently in place, a section of this report looks at progress in relation to the various metrics that are in place under the arrangement. This does result in a degree of crossover with the themes identified in the table above.

4.3 Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement and are not an inspection. The process is not designed to provide an in-depth or technical assessment of

specific plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read. The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing (albeit that the information was not as comprehensive as would normally be expected as the lead times for the review were short. The majority of the 'gaps' were filled either during or just after the close of the 'virtual visit'). The team then spent two days working at UDC, during which they:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

4.4 This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team shortly after its on-site visit (21<sup>st</sup> June to 22<sup>nd</sup> June 2023). In presenting feedback to the Council, they have done so as fellow local government officers and Councillors, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. The peer team appreciate that some of the feedback may be about things the Council is already addressing and progressing.

## **5.0 DETAILED FEEDBACK**

### **5.1 Vision and Leadership**

5.1.1 The Council's corporate strategy is currently contained in the Corporate Plan [2023 to 2027](#). The Council's vision is to make "Uttlesford the best place to live, work and play". The Plan gives priority to the fact that the organisation will put residents first and be a council that listens to and acts for residents. Specific reference is made to planning as it is stated that the organisation will: "increase the voice and influence of residents in planning".

5.1.2 Under the priority of "active place-maker for our towns and villages" it is stated that the Council will Masterplan new communities for and with residents and as an integral part of this it will "continue to develop our 20-year Local Plan, reflecting the unique character of our area as best as possible within central government constraints and statutory requirements".

5.1.3 Another priority identified in the Corporate Plan is that the Council will be a "progressive custodian of our rural and historic environment" and as part of delivering this it will "encourage positive planning that values and protects our heritage and landscape".

- 5.1.4 Under the final priority (“Champion for the District”), the Council identifies that, in its role as a place-maker, it must work with other authorities and organisations to influence, prioritise and coordinate actions to collectively deliver the best for the district and its resident.
- 5.1.5 What was evident during the visit was that whilst members and staff were acting / doing their work in a way that was generally compatible with the Corporate Plan, they were generally unable to identify the vision key components of the Plan. This is a significant shortcoming and could be addressed including through the forthcoming corporate workforce plan.
- 5.1.5 There appears to be an inbuilt tension between the elements of the Corporate Plan as summarised above (5.1.1 to 5.1.4) and a significant part of the role and activity of the planning service. Simply put, the tension lies in the area of listening to and acting for residents and the task of determining planning applications and the production of the new local plan. Whilst it is acknowledged by the Council in the Corporate Plan that the task of preparing the local plan and allocating land for development are a “must”, there is undoubted tension which could potentially compromise the Council as it goes about the business of determining planning applications and preparing the local plan. During the peer visit, there appeared to be a situation in which some members had high expectations about the range and depth of policy issues that would be tackled by the new plan, whereas the members and officers at the “coal face” of plan preparation understood that given the timetable, there would have to be some “under delivery” against the expectation. The level of risk posed by these different positions could not be established in any great detail due to the limited time the Peers were on site. However, it is an area that the peer team considers should be addressed by the council as a priority. There was a sense that getting ‘a’ local plan over the line was of most importance, understandably so, given the current designation, lack of current local plan and the five year housing land supply position.
- 5.1.6 At this time a “Corporate Plan Delivery Plan” (which will be used to guide the implementation of the Corporate Plan) is being prepared and will be published later in the year. This may help ease the perceived tension between the Corporate Plan and the preparation of the Local Plan and the determination of major applications for residential and employment development.
- 5.1.7 With regard to the production of the new Local Plan it was evident from the Members who met the Peer Team that there was a strong commitment to seeing it through to adoption within the timescales that have been set out in the [Local Development Scheme](#). In addition, it was seen that strong and effective arrangements had been put in place for:
- Member engagement in the production of the Local Plan via the cross party [Local Plan Leadership Group](#).
  - Public engagement via the [Community Stakeholder Forum](#).

- 5.1.8 The commitment from Members to the new Local Plan reflected the desire to be more in control of their 'destiny' than they currently have notwithstanding the fact that they don't necessarily agree with the quantum of development they need to accommodate.
- 5.1.9 From the conversations with UDC staff from various service areas, the Peer Team saw that they had a clear understanding of the importance of the Local Plan as a work stream in its own rights and how it relates to the Corporate Plan and the work of the different service areas within the Council.

## **5.2 Performance and Management**

- 5.2.1 The staff that we met demonstrated that a positive approach to work and performance had been created. The Council appeared to be an enjoyable place to work. The team has had a high turnover of staff but it now appears more settled and during a period where it is difficult to recruit to planning jobs, it was pleasing to see that during the week of the Peer site visit, more of the vacant posts had potentially been filled.
- 5.2.2 Validation speed was found to be very good with nearly all applications have the checks completed within 2 days of being submitted. In addition, the planning case officers considered that the accuracy of validation was satisfactory. The Peer Team heard no negative feedback from the applicants and agents that they spoke with. However, the Peer Team was only invited to speak to applicants who have not used the option of submitting Major planning applications to the Planning Inspectorate and therefore there could have been an element of bias in the feedback received.
- 5.2.3 It was evident that the service performs satisfactorily in relation to the speed of determination of applications. With regard to Major applications, between April 2023 and the end of May 2023, 88% of applications were determined in 13 weeks or within an Extension of Time (EoT). This is well above the Government set minimum target. This represents an improvement in performance when compared against the published [Live Tables](#) (table P151). The Authority currently ranks 242<sup>nd</sup> out of 322 authorities (in the live tables) but with current performance it would potentially jump the Council to being 173<sup>rd</sup> out of 322 authorities. With regard to non-Major applications, between April 2023 and the end of May 2023, 84% of applications were determined in 8 weeks or within an EoT. This is well above the Government minimum target (there has been a slight slippage in comparison to the 85% performance in the published [Live Tables](#) (Table P153) and would rank the authority 184<sup>th</sup> out of 322 authorities. Approximately 40% of applications of non-major applications have EoTs in place.
- 5.2.4 Extensions of Time can sometimes mask resource or procedural shortcomings. The Peer Team saw and heard no evidence of this during the visit. With the prompt validation process, there was virtually no lag between applications being made valid and being passed to planning case officers for processing. Coupled with this is the approach whereby applicants were only



allowed 1 round of amendments (save for major applications) and provided an EoT was entered into. There was a drive to reduce EoT's in the near future.

- 5.2.5 Retention and recruitment within the legal service has been difficult and it was reported to the Peer Team that staffing changes were causing delays in the completion of S106 agreements. Consideration could be given to the possibility of using a 'framework' legal service provided so that there would be access to a dedicated lawyer until a permanent in-house resource is secured. As the applicant is required to meet the council's legal cost there would be no budget implications for the Council.
- 5.2.6 The Council has recently reviewed its pre-application scheme with clear application forms and fee structure. Provision has also been made for a fast-track lawful development certificate process (even though the team understands that this service has not been taken up by any applicant to date). These initiatives are all useful and welcomed. However, there could perhaps be the inclusion of a free / low-cost option so that proposals that are of no merit can be filtered out without the applicant being put to significant time / trouble. In addition, it is important that the use made of the pre-application service is kept under review to make sure it is serviceable by the team, is appropriately priced and that it is meeting its intended objective or delivering better planning application submissions. Pre-application services should not be used as a money making exercise disproportionate to the resource being provided.
- 5.2.7 In terms of managing application cases, two approaches were being employed. Firstly, for large scale major applications, there were regular case review meetings taking place (example in Appendix 1). These identify the actions (and timescales) required to progress the applications and programmed the run in to a decision being made. Secondly, case officers held regular 1-2-1 case reviews with their line manager. Some feedback was received that some staff experienced (in their view) too frequent cancellation of these sessions. Having said that, feedback was also received that staff enjoyed the "open door" access that was offered by line managers. It is important that there is a balance between effective performance management and appropriate customer service. Whilst the Peer Team heard about generally good working relationships between agents/developers and officers, there was an example reported to the Team which appeared to show poor practice.
- 5.2.8 The service does make provision for planning performance agreements (PPAs), though the Peer Team noted that the bar for these was set at schemes of 200 dwellings or more. There is the potential to offer the service (PPA 'light') to smaller schemes (on demand), if it was considered that these could be appropriately serviced. Equally, the Peer Team saw that airport related development was going to be a constant and ongoing area of activity for the Council and there was perhaps scope for building up expertise in this area again (the skills and knowledge having been lost as a result of staff

leaving the organisation) and entering into a PPA with the airport so that this major facility knows that it has a dedicated resource available for it to access. It is not considered that this would cause any difficulties in terms of a conflict with the Council's corporate plan which sets out the wish to resist an additional runway, reduce night flying and flights over conservation areas.

5.2.9 With regard to the use of workflows and ICT, the staff were generally satisfied with their operation with the only reported inefficiencies / concerns being around:

- the insertion of planning conditions into the decision notice template (it is understood that the standard conditions are not available from a 'pick list' in the back-office system).
- The workflow / responsibilities at the preparation / issue of decision notices.
- some manual collation of statistics / data but since the visit this nearing resolution through the installation / use of Power BI a data visualisation tool.

As these are regular daily tasks, these should be reviewed by the service.

5.2.10 As already mentioned the Council is performing satisfactorily in relation to the speed of determination of planning applications. As a result of designation, performance management has been a key area of activity and not just in respect of the quality of decision making on major planning applications. It is important that once the Council comes out of designation.

5.2.11 There was clear leadership at the top levels of management within the service and whilst the middle managers in the Development Management Service showed good technical ability and a desire to manage the performance of their teams, there was the concern that there is too much dependence on individuals and the culture of performance needs to be better embedded within the whole service. The loss of key individuals who are the driving force behind improvement and change would possibly drag the service back to where it was is a potential risk. It is a stated objective of the Council for staff to have Personal Development Plans in place and the organisation is finalising its organisational development plan. This is the opportunity to help develop the leadership skills of the middle managers within the service.

### **5.3 Community & Partnership engagement**

5.3.1 As previously mentioned, the Council's Corporate Plan placed a significant emphasis on engagement with and listening to its residents. The service interfaces with the public centres primarily around:

- a) Consultation on planning applications.
- b) The operation of planning committee.

c) Consultation on the new local plan.

There is also engagement with a number of key partners and operators in the district such as Essex County Council and Stansted Airport and the services internal to the Council.

5.3.2 In respect of the consultation with the public and Town / Parish Councils, the Peer Team heard of no concerns with how the service was undertaking this work. The [Council's Statement of Community Involvement](#) (SCI) was adopted in 2021. No concerns were expressed by any parties the Peer Team spoke to in respect of the SCI not being complied with. However, the Town and Parish Council group thought that an updated version had been produced by the Council and that it had not been published yet. It appears that this may be a misunderstanding and relates to the "[Community Involvement Protocol](#)". The protocol (now adopted by the District Council) sets out how various parties (developer, UDC, Town / Parish Council) will contribute towards community engagement and is a voluntary agreement which is entered into on a case-by-case basis. As well as the possible misunderstanding of the status of the document, there also seemed to be a misunderstanding of how the protocol would be applied.

5.3.3 There is a reasonable level of delegated decision making on planning applications under the Council's constitution and associated [scheme of delegation](#). However, it was noted that the following applications are automatically considered by the planning committee:

"Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere"

This was seen by the Peer Team to result in applications, where there has been little or no comment from the public or Town / Parish Councils, going through the committee process. The Planning Committee should ideally have its focus on the more strategic and contentious applications. Currently the agendas are very long which is absorbing a high level of resource and creating very long meetings and the Peer Team is unclear why some of the items need Planning Committee consideration. Meetings being 7/8 hours long will not provide good quality decision making, particularly towards the end.

5.3.4 The Peer Team watched parts of a number of the Planning Committee meetings via the Council's You Tube channel (the most recent meeting available being June 2023). The meetings were chaired well, there was good debate and there was good legal support at the meetings. The interplay between officers was professional and showed that there was generally a good working relationship between officers and members. However, the Peer Team were made aware of some cases where planning committee members had openly declared at meetings that they had not read the committee papers.

If true, this is poor practice. The Committee is an important shop window to the organisation and the district and it is important that it projects a professional and competent image to the outside world. There is no need for officers to provide presentations, apart from any update, if members have read the reports.

5.3.5 The [public speaking scheme](#) operated at UDC is very generous and this fits with the element of the Corporate Plan relating to engagement with the public and involving them in decision making. The scheme allows for up to 10 members of the public to speak for up to 4 minutes. This arrangement can sometimes result in significant parts of the meeting being taken up with public speaking and planning concerns being repeated by the speakers. With the fact that the representations for and against the applications will have been summarised in the report, the public speaker presentations will be a reinforcement of the points made. As such there could be scope for setting a maximum amount of time per speaker (4 mins for example) with an overall maximum (12 mins for example) and if (in the example given) there were say 5 public speakers, the time should be shared equally before them or they elect a spokesperson.

5.3.6 In the session with the Town & Parish Councils, it was very evident that they were very much engaged in both development management, planning policy matters as well as enforcement. With regard to the former, it was sometimes the case that they commissioned specialist consultant advice to support them. The group explained that in the past there had been mistrust between them and the planning service. It was stated that relations had measurably improved but a number of concerns were expressed around:

- Summaries of objections and technical reports submitted by objectors being too brief.
- Inaccurate statements being made around important aspects of development (which they had to spend time correcting when speaking against applications at committee).
- Variable application of Neighbourhood Plan Policy.

5.3.7 The above concerns should be reflected upon by the planning service to establish the degree of truth, frequency and significance of these criticism and action should be taken as may be deemed appropriate.

5.3.8 The Peer Team was made aware that some Parish and Town councils benefitted from regular meetings with the planning service. These gave progress reports on major applications, significant enforcement / S106 matters as well and miscellaneous matters. There was some commentary that the Council under delivered on these in terms of useful content, though these meetings continue to take place. Consequently, the Peer Team concluded that the issue was one of differing expectations around what the meetings could realistically do / cover.

5.3.9 During the visit, the Peer Team met with a group of developers and agents. The general opinion expressed was that there were good and effective working relationships with planning officers. Notwithstanding the fact that none had applied directly to the Inspectorate for planning permission, there was a general concern about the reliability / consistency of decision making by the Planning Committee. An offer was made from the development sector to hold a workshop so that members to gain a better understanding of the development process and industry and the Peer Team thought that UDC should give consideration to accepting the invitation.

5.3.10 Relationships between officers and the internal and external partners appeared to be good (based on the feedback from the partners the Peer Team met with). However, some of the external partners felt that the relationship with members was not so positive but there was the hope and expectation that things will improve. At the meetings with the Peer Team, a number of the external partners did offer training and support to the Council and this is something that should be pursued. Officers expressed the view that some key external partners engagement in the S106 process was variable and this was causing delays in the completion of the agreements. These partners could be brought together so that they get a better understanding of the importance of a timely contribution to this part of the process.

5.3.11 In respect of the emerging Local Plan, the Council has a 'landing page' on its web site that provides the community with key information about the new local plan. Specific arrangements have been made to put public and member engagement front and centre of the preparation of the plan through:

- the establishment of the Local Plan [Leadership Group](#) where its activities are document through the web site.
- The [Consultation and Community Stakeholder Forum](#) (an initiative which won an RTPI award).

5.3.12 Whilst the Council has caveated its corporate commitment to listening to and allowing the community to shape the local plan by making clear that it must meet the obligation to prepare a new local plan, the Peer Team thought that there will be challenges ahead in respect of managing the expectations of the community and that it was important that there should be a communication strategy which could play a part in helping managing this.

5.3.13 In the discussions with the Town and Parish Councils, they expressed concerns about information about the Local Plan being held back from them. A key example of this was the list of sites that had come forward through the call of sites the results of their evaluation. The Peer Team thought that there would be benefits in breaking down the timetable so that it could include more detailed information about the various elements of the plan / process so that the expectations of the Town & Parish Councils could be better managed. Alternatively, these messages could be delivered as part of the ongoing training / knowledge exchange sessions with them.

## 5.4 Achieving outcomes

- 5.4.1 The planning team is well respected and valued within the Council and across other services. The Development Management team is also seen as open and approachable within the Council. The service has been proactive in launching the service's new pre-application advice process to support applicants although further take up needs be encouraged. There is no question about the skills and knowledge that the council's planning team provide (save for airport related development) and it is noted that specialist inhouse resources have been increased. This puts the authority in a strong position in terms of delivery.
- 5.4.2 Whilst the authority has not enjoyed the experience of dealing with planning applications for unplanned and uncoordinated development proposals, it is edging closer towards having a 5-year land supply and as/when/ if this is achieved then the implications arising from having to consider the tilted balance will ease.
- 5.4.3 With regard to the Local Plan, there was a clear drive and enthusiasm for progressing the Local Plan towards adoption by both Members and Officers and keeping to timetable. As previously mentioned, the process needs careful management to ensure that the goal is achieved given the strong desire of the council to listen to the community and the hope and expectations of community groups in respect of the scale and location of new development and infrastructure provision.
- 5.4.4 Remaining with the topic of planning policy, the Council has put in place systems in place to:
- Support communities in the preparation of neighbourhood plans through its partnership with the Rural Community Council of Essex.
  - Engage the community in the production of a design code for the district.

These will help ensure that residents have the opportunity to shape their high quality urban and rural areas as aspired to in the Corporate Plan.

- 5.4.5 As result of the designation of the Council for its underperformance in respect of the quality of decision making on major planning applications, DLHUC is monitoring the progress of the Council against a series of metrics. These are listed below and are perhaps a key area to look at in terms of 'outcomes' (notwithstanding a degree of cross over with a number of other headings in this Peer Review Report):
- a) Percentage of qualifying applications taken via s62A / UDC.
  - b) Major applications dealt with in time or in accordance with agreed extension.
  - c) Speed of response to s62A applications.
  - d) Major applications granted by s62a compared to UDC over same

period.

- e) Number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC.
- f) Dwellings Permitted UDC and PINs (Issued).
- g) Percentage of major applications where recommendation for approval is over- turned by Planning Committee.
- h) Percentage of Major Applications overturned at appeal.
- i) Hours of Member Training provided.
- j) Measure of staff turnover.
- k) Percentage of vacant posts
- l) Percentage of professional staff with Personal Development Plan in place.

#### Percentage of qualifying applications taken via s62A / UDC

5.4.6 17 % of applicants for major development proposals have elected to have their applications determined by PINS and this has remained steady since designation (with 3 out of 10 applications being for solar farm proposals). This is not considered to be a particularly high level of applications 'leaking' away from the Council for determination elsewhere. However, this does still show that there is a lack of confidence amongst a proportion of applicants in the Council's decision making. The Council has sought to increase the confidence of applicants by:

- Delivering a member training programme including specifically on renewable energy developments.
- Holding regular agent and developer forum meetings.
- Improving the pre-application service.
- Letting applicants know about the strong speed of decision-making performance.

#### Major applications dealt with in time or in accordance with agreed extension

5.4.7 85% of major planning applications determined by the Council are determined on time and to support continued performance the council has put in place the following measures:

- a) The creation of a major's team and project officer post
- b) Fortnightly application project meetings
- c) Improvements to the pre-application service

#### Speed of response to s62A applications

5.4.8 100% of these applications have been responded to on time by the Council and this has been achieved through:

- a) The monitoring of validation performance.
- b) Having a dedicated s62A validation officer.
- c) Project managing the s62A applications.

#### Major applications granted by s62a compared to UDC over same period

Year	UDC issued	Approved	Refused	PINs issued	Approved	Refused
01/02/2022 – 31/01/2023	39	28	11	2	2	0
01/02/2023 – 31/01/2024	11	7	4	4	2	2

5.4.9 In the 2022/2023 reporting period PINS approved 100% of the applications determined by it. By comparison UDC approved only 72%. By contrast in the 2023-2024 reporting period (so far) UDC approved 64% of applications compared to 50% by PINS. This perhaps demonstrates that the metric is perhaps a blunt tool as no two applications are the same and the outcome of the application is based on material planning considerations pertinent to the case in hand.

The number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC

5.4.10 The table below suggests that there may be more confidence in UDC as a decision maker but this is not definitive due to the limited reporting period so far in 2023

Year	Number of Major scheme Pre-apps UDC	Went on to submit application to UDC	Went on to submit application to PINs
01/02/2022 – 31/01/2023	25	5	3
01/02/2023 – 31/05/2023	7	1	0

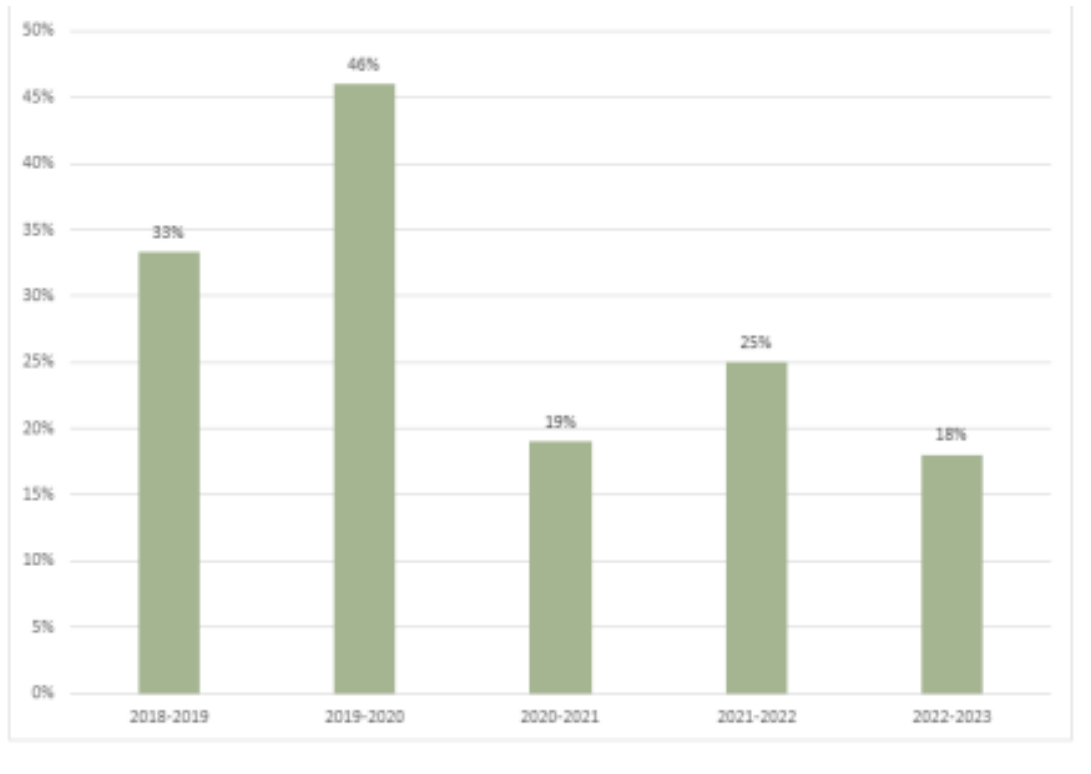
Dwellings Permitted UDC and PINs

5.4.11 UDC has issued decisions on 50 major applications (85% within 13 weeks or an EOT) since designation. 35 of these were granted planning permission. This equates to 1516 homes, 70 extra care beds and 49 retirement flats. By comparison 466 dwellings have been approved via 3 applications approved by PINs. Whilst not part of the metric, the Peer Team felt that it might be useful if it could look at the comments submitted to PINs by UDC on those applications that submitted to / being determined by PINs. Due to the tight timeframe for submitting their comments, UDC would be ‘blind’ to the responses of other technical consultees outside the organisation which would ordinarily influence the UDC response. In addition, it is difficult to judge if a decision based on some planning considerations is right or wrong (such as the setting of a settlement especially when the ‘tilted balance’ is in play) and so the Peer Team was unable to draw any conclusions on whether or not the Council was acting ‘appropriately enough’ when making its recommendations to PINs.

Percentage of major applications where recommendation for approval is overturned by Planning Committee.



5.4.12 The graph below shows that the level of overturns has decreased from previous highs which is an improved position. However, it is difficult to say if this is down to any particular change in the approach to decision making or other factors. This is because of the large number of variables that there when making planning decisions.



Percentage of Major Applications overturned at appeal

5.4.13 As can be seen in the table below, the Council is winning more appeals than in the recent past and so it is no longer performing below the Government performance threshold.

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending*	Result
Apr 2021 - Mar 2023	73	29	18	3	5	10	6.85%
Apr 2022 - Mar 2024	39	10	7	n/a	n/a	7	0.00%

Member Training

5.4.14 There is a programme of member training in place for committee members and this is covering a variety of topics. Attendance has been generally good and with the recent elections there has been some change in which members are sitting on the committee. An introduction to planning / quality of decision-making event has already been held (using PAS support) and future topics are set to include Local Plans, planning obligations / development viability and enforcement.

Measure of staff turnover

5.4.14 The turnover of staff is summaries below and it is evident that it is slowing (see table below).

<b>Job role in Planning</b>	<b>Average Number of Employees</b>	<b>Total Number of Leavers of the last 12 months (to end Feb 2023)</b>	<b>Turnover % in the last 12 months (to Feb 2023) (target 15%)</b>	<b>Total Number of Leavers from Feb 2023</b>
Development Management	16	6	37.5%	1
Local Plan & New Communities	8	4	50%	0

Percentage of vacant posts

5.4.15 The table below shows the level of vacancies in the team. The level is due to reduce as, during the week of the peer review visit, interviews were being held and verbal offers had been made to a series of candidates.

	<b>As at 01/02/2023</b>	<b>As at 31/05/2023</b>	<b>Covered by agency</b>
<b>DM including Enforcement</b>	33.33%	43.75%	Yes
<b>Policy</b>	50%	12.5%	Yes
<b>Specialist Team</b>	40%	20%	No
<b>Support &amp; Registration Team</b>	0%	0%	n/a

Percentage of professional staff with Personal Development Plan in place

5.4.16 At present only 20% of staff have PDPs in place and so clearly more progress needs to be made on these.

5.4.17 When looking at the performance against the metrics as a whole, it can be said that good progress is being made and that there is a case for UDC being de-designated.

## **6.0 IMMEDIATE NEXT STEPS**

- 6.1 We appreciate that the senior managerial and political leadership will want to reflect on the findings within this report in order to determine how the organisation wishes to take things forward. To support you in your improvement journey, the Peer Team have identified a number of key recommendations, some of which you may already have in hand. We welcome your response to these recommendations within the next three months through the development of an action plan. Your Principal Adviser, Peter Ford will be in contact to assist the council going forward and to provide additional support, advice and guidance on any areas for development and improvement and he will be happy to discuss this. In the meantime, we are keen to continue the relationship we have formed with the Council throughout the peer challenge.

## **7.0 FURTHER SUPPORT**

A range of support from the LGA and PAS is available at

<http://www.local.gov.uk> and via the PAS website <https://www.local.gov.uk/pas>.

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