

South Hams District Council and West Devon Borough Council



Planning Peer Challenge April 18-20th 2016 Position Statement

Final Version
13 April 2016

Working together



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Section 1 - Introduction and the challenge

1.1 This Position Statement provides the context for the Peer Challenge of Development Management and Strategic Planning delivered by the shared services of South Hams District Council and West Devon Borough Council. The review is due to take place between 18 and 20 April 2016.

1.2 The statement outlines the context within which the councils now deliver their services, the fundamental and innovative changes that have taken place over the last year as part of the Transformation 2018 (T18) Programme and a summary of present performance.

1.3 The Members and Senior Leadership Team understand the key role that effective planning and decision making plays in forming, supporting and delivering the vision, corporate values and statutory functions of the councils and the impact this has on the community.

1.4 The primary focus of the review has been scoped, with support from the Planning Advisory Service and the Local Government Association, and is as follows although it is envisaged that other areas of interest and future development are likely to arise as the review progresses;

The aims of the peer challenge are to:

- Assess whether the new ways of case management working that have been introduced across the integrated service and which are the foundation of the shared service is (or will) contribute to the delivery of desired outcomes in relation to the consideration of planning proposals and delivery of high quality development across the area.
- Investigate whether there remain inconsistencies in governance arrangements in relation to planning between the two LPA and assess what if any impact the lack of harmonisation has on the efficiency of the service and the experience of the customer.
- Review the Council's corporate priorities for sustainable development and economic growth: consider the existing planning policies and services offered to customers to evaluate whether the councils are considered to be positive by local businesses and supportive of economic growth in the area.
- Consider the effectiveness of the respective roles of officers and members in developing planning strategies, particularly in the context of the proposed joint local plan.
- Review the mechanisms for community involvement, including relationships with town and parish councils, customer access to planning services and the means for engaging communities in consideration of development proposals and the development of policies to guide development in the future

- Review rates of planning appeals and judgements on judicial reviews and appraise the extent to which local and national planning policy is taken into account by both officers and members when making decisions on planning proposals and whether this fosters good outcomes through the determination process
- Review and comment on the efficiency and effectiveness of decision making arrangements at planning committees, including governance arrangements, committee practice, role of members, speaking rights and training for members.
- Identify any learning opportunities that will help the councils to move forward and achieve their ambitions including through the proposals for commissioning effective planning services in the future.

1.5 In addition to the agreed scope above, the Councils are interested in;

- developing a vision for 'planning decision making'
- looking forward, being bold and innovative in its ambition,
- developing a high performing planning service, that is scaleable and attractive to potential markets in the future.

Section 2 - Vision and leadership

2.1 South Hams and West Devon Councils began their shared service journey in 2007 with the appointment of a shared Chief Executive. Since then through a range of iterative processes including the creation of a shared leadership and then wider management team, the depth of sharing has increased. Governance and Democratic process has remained separate with each Authority retaining its own decision making powers and identity.

2.2 Whilst substantial savings and efficiencies have been achieved by the development of the shared service the impending financial crisis facing most Councils demanded a more fundamental look at how the relationship worked. Both Councils were facing funding gaps over the next four years of between £2.2million and £2.5 million (28%). With between 65%-75% of revenue expenditure on staff costs, responding to the financial challenge meant reducing staff numbers whilst maintaining frontline services.

2.3 In 2013/14 the Councils engaged with leSE and Ignite to explore how a new Operating Model, similar to that being implemented in Eastbourne, may offer a more radical and sustainable option for future delivery as opposed to continued organic development of the shared service. As a result Transformation 2018 (T18) was born. The South Hams Committee Reports at Appendix A and B outline the original future operating model and business case and the latest monitoring update, respectively.

2.4 The Business Case for the programme included an investment of £4.61million from South Hams and £2.83million from West Devon, with predicted annual recurring savings of £3.37million and £1.64 million, respectively.

2.5 The decision to take on such a fundamental, innovative and high risk change programme reflects the vision of the Leaders and Members of both Councils. The decision has been backed up by unwavering commitment to see the programme through and to realise the benefits to the local communities.

2.6 The T18 programme is based on a number of key principles;

- Centred around the citizen not the Council
- Removal of service silos
- Enabled by technology
- Driven by behaviours

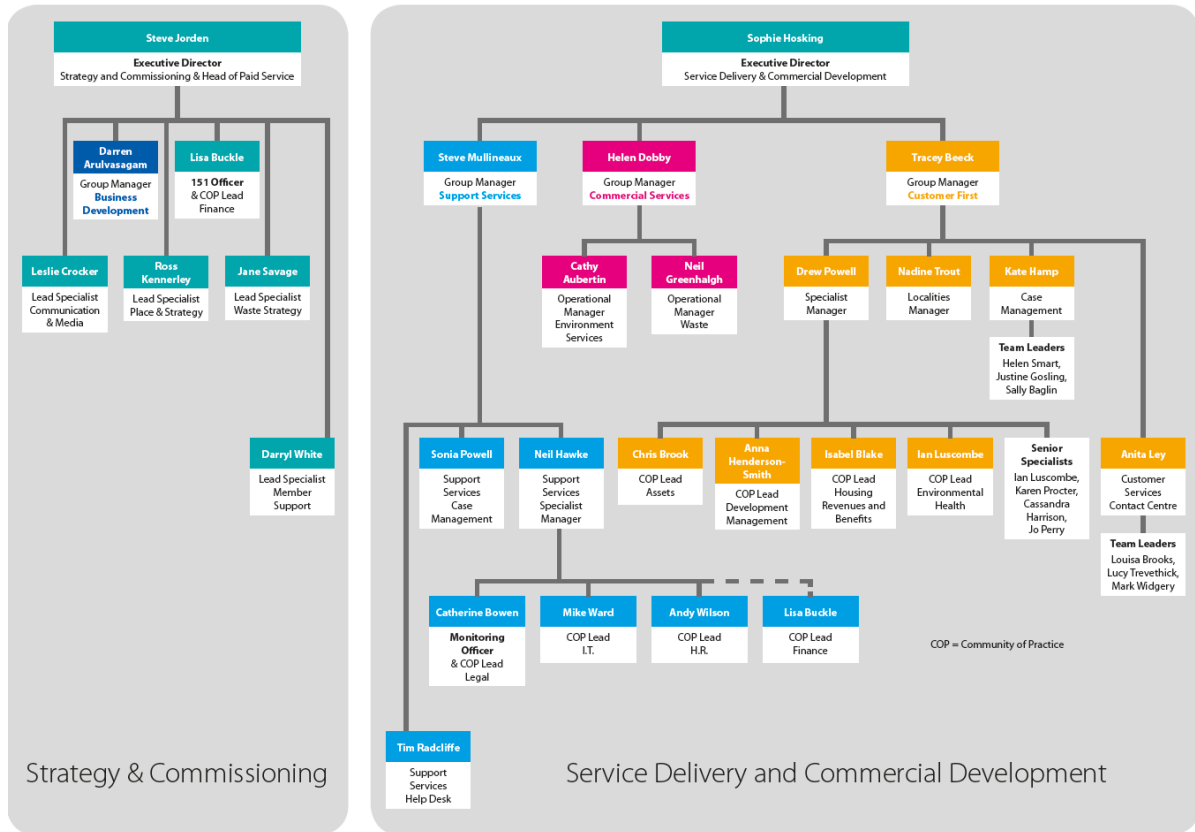
More details on the T18 programme are available upon request and will form part of the introduction on Day one of the Challenge.

2.7 Over the last 12 months the Councils have;

- re-engineered over 400 processes (60 linked to Planning/Development Management)- redesigned, mapped, scripted and tested
- Implemented new systems, the smarter use of technology and an emphasis on channel shift and efficiency

- totally redesigned structures on a case management and specialist model – removed all service silos
- reduced staff numbers by 30% (approx. 100 FTE's)

2.8 The new Structure



The chart above outlines the new operating model in terms of organisational structure. At present as the new ways of working develop, there is a 'soft split' between Strategy and Commissioning on the left and Service Delivery and Commercial Development on the right. The Councils are presently scoping options to increase their ability to trade and become more financially sustainable. One of the options includes transferring the right hand side, 'the delivery', into a Local Authority Controlled Company.

Vision and Priorities – Our Plan

2.9 Our Plan: South Hams/West Devon will be the single strategic plans that set out the vision, objectives and activities of each Council. It brings together all strategies and plans and sets out a comprehensive story of what the council wants to achieve through two blended and interrelated elements;

- The corporate plan establishing the Councils vision, objectives, priorities, actions and delivery approaches and
- The Local Plan establishing land use planning policies and allocations

2.10 At a local level WDBC, SHDC and Plymouth City Council are embarking on a Joint Local Plan. A draft of the Collaboration Agreement is being finalised at this time and officer time and funding has been committed.

2.11 Under the regional devolution bid *Place* features as a key element- in particular accelerated growth in the Plymouth area and collaborative Local Planning. See the prospectus at <http://www.heartofswlep.co.uk/sites/default/files/user-1889/Heart%20of%20the%20South%20West%20Devolution%20Prospectus.pdf>

2.12 In terms of sub-regional planning and Duty to Co-operate both Councils are signatories to the Devon wide DTC agreement (available upon request).

2.13 See Section 6 for details and links to Our Plan and its development.

Section 3 - The Development Management (Planning) Service

3.1 The Planning, or Development Management, Service within the Councils have moved more slowly towards being truly shared when compared with other frontline services. The reasons for this are not clear but factors include the existence of different polices and decision making, geographical challenges around delivery and a different management approach.

3.2 Stability within the Planning Service, and in the new Community of Practice of Development Management evolving within the new operating model, has been affected by a number of internal and external factors over a number of years.

3.3 The national shortage of suitably qualified Planning Specialists, combined with the loss of experienced knowledgeable officers through the T18 recruitment process, resulted in a reduced resource to deliver the service. Recruitment in advance of T18 was very difficult as there was no job security in view of the 'at risk' nature of the majority of posts. Posts have been back-filled with Agency staff which does not, generally, offer the same continuity and stability as establishment staff.

3.4 Delivery of the new operating model and the associated future efficiencies has required the migration of all planning records into new software from the established M3 system across to Civica's APP as part of the corporate solution. During the transition period, it was essential to operate both the old and the new software systems in order to maintain our statutory duties and minimise any risk to the council.

3.5 There has been extensive demand on key officers to support the transition and additional time spent training Case Managers and Specialists on use of the new systems. The impact of the above has been an increase in the backlog of applications waiting to be determined, delays in validating new applications and reduced levels of customer satisfaction.

3.6 The migration of data from the old M3 software into the APP (Civica) solution took place in November/December 2015. This included a programmed period of downtime of a week. There was an ongoing programme of updates as records/documents that extended to a number of weeks in entirety. Full migration of all records from M3 and therefore visibility is now 95% complete but the time taken, which was longer than expected, has had an impact on both performance and reputation. Notwithstanding these issues, applications are now being managed within the new APP system and some of the predicted efficiencies are beginning to have an impact. It is important to stress that these will take time to be fully realised.

3.7 The main benefit of the transition to date is that all applications received through the National Planning Portal are being automatically uploaded to the new APP system thereby removing the need for manual input and onward delay in processing the applications.

3.8 There have been some issues relating to uploading and viewing applications on the planning website which have now mainly been resolved. The website is now far more stable and increased functionality to improve the customer experience will be delivered in the near future.

3.9 Transition into the new way of working using Civica's W2 system is currently being trialled and once established will deliver a number of benefits including;

- Increased visibility of the progress of an application – Customer Advisers and Applicants will be able to follow progress of an application
- Applications will be managed and performance driven by Case Managers rather than being held by Specialists (formerly Planning Officers)
- Automatic updates through preferred method of contact (SMS, email, letter)
- Fully paperless capability

3.10 There have been a number of changes made to the service as a result of the transition and a new management approach, these include;

- Embedding performance management within the service
- Single IT platform, APP, for both Councils
- Fully shared Specialists and Case Managers – operating across both Councils depending on demand
- Use of Mobile Locality Officers to erect site notices and take photos to allow Case Managers and Specialists to reduce travel time on lower risk applications
- Review of Duty Planning system with the introduction of appointments for face to face and telephone calls.
- The retention of a charged pre-app service across both Councils

Section 5 on Planning Performance outlines the measures that have been taken to reduce the back log of applications and performance issues highlighted in 3.5 above.

Section 4 - Governance and Delegation

4.1 The two Councils retain separate and different Governance arrangements.

South Hams DC

4.2 The outcome of the Boundary review was to reduce the number of elected Members in SHDC from 40 to 31 in May 2015, each serving a four year term. The Council operates an Executive form of governance and has adopted the 'Strong Leader' model – Leader appointed for a 4 year term and able to appoint their own Deputy. The Leader is also the Chairman of the Executive, with their Deputy being the Vice-Chair.

4.3 Each of the 31 Members serves on one of either the Executive (6 Members), Overview and Scrutiny Panel (13 Members) or the Development Management Committee (12 Members). Each Executive Member has an allocated area of responsibility (a 'portfolio' area).

4.4 A key objective with regard to the make-up of the Development Management Committee was to ensure that it was both politically and geographically balanced as far as was practically possible.

West Devon BC

4.5 The Council operates with 31 elected Members each serving a four year term and is a fourth Option Council, with a 'Single Committee' (Hub Committee) form of governance. All appointments (including Leader and Civic Mayor) are appointed by the Council at its annual meeting each May.

4.6 Each of the 31 Members has a role on one of either the Hub Committee (9 Members) or the Overview and Scrutiny (Internal) and (External) Committees (11 Members on each). Each Hub Committee Member has an allocated area of responsibility.

4.7 Planning and Licensing Committee is made up of 10 Members presently, 7 Conservative and 3 Independent, which reflects political and geographical across the Borough.

A visual representation of the Council structures is at Appendix C.

Delegation

4.8 At present the schemes of delegation differ for the two Councils. Work is on-going to re-align the two schemes so that there are less differences and at the same time the schemes have been re-assessed to ensure that they are appropriate to enable decisions to be made within an appropriate time framework. Copies of the Committee Report and Scheme of Delegation for West Devon, which was agreed by the Planning and Licensing Committee on 29 March 2016, and considered at the Council meeting on 5 April, are attached at Appendix D and E, respectively.

4.9 The proposed scheme of delegation for South Hams, which is closely aligned to the West Devon scheme is also attached (see Appendix F), this is to be considered at the Development Management Committee on the 13 April which will then make a recommendation to the meeting of the Full Council on the 19 May.

4.10 Essentially the proposal allows for officer delegation to either approve or refuse applications where no comments have been received from consultees or members of the public that are contrary to the officer recommendation. If a contrary comment has been received a delegated decision can only be made with the agreement of the Ward Member(s) and in the case of South Hams the Ward member(s) and Chair of the Development Management Committee.

4.11 The majority of applications that require consultation with members are still dealt with through delegation and it is not considered that the overall number of applications called to committee for determination is at an unacceptable level.

Delegation Data

SOUTH HAMS	2013/14	2014/15	2015/16 (to 23/3/16)
Committee	3.38%	4.65%	3.47%
Member delegated	17.76%	19.28%	21.08%
Officer delegated	78.85%	76.07%	75.45%

WEST DEVON	2013/14	2014/15	2015/16 (to 23/3/16)
Committee	6.45%	4.91%	3.57%
Member delegated	Information not collected – shown as “officer delegated”		5.12%
Officer delegated	93.54%	95.09%	91.30%

Section 5 - Performance Data

Performance

5.1 Planning performance is monitored through service leads, management teams, portfolio holder briefings, and Overview and Scrutiny Committee. Appeal decisions are reported to all Councillors and to the Development Management Committee or Planning and Licensing Committee, whichever is relevant.

5.2 The following tables give a snapshot of the performance of the planning services over the last three years:

Major applications

% on target	2013/14	2014/15	2015/16 (to 23/3/16)
SH	88.46%	81.5%	95.5%
WD	62.5%	92.3%	91.7%

5.3 Major applications has been given a high profile for several years and the performance results in this area show a high percentage determined within agreed timescales. Whilst every Development Management Specialist can have a Major application there is a team approach to these applications with one of the Senior Specialists having an overview of the Major applications, who chairs a fortnightly meeting with internal and external consultees regarding current applications and pre-applications.

Minor applications

% on target	2013/14	2014/15	2015/16 (to 23/3/2016)
SH	55.5%	50.88%	50.84%
WD	56.19%	52.27%	43.46%

Other applications

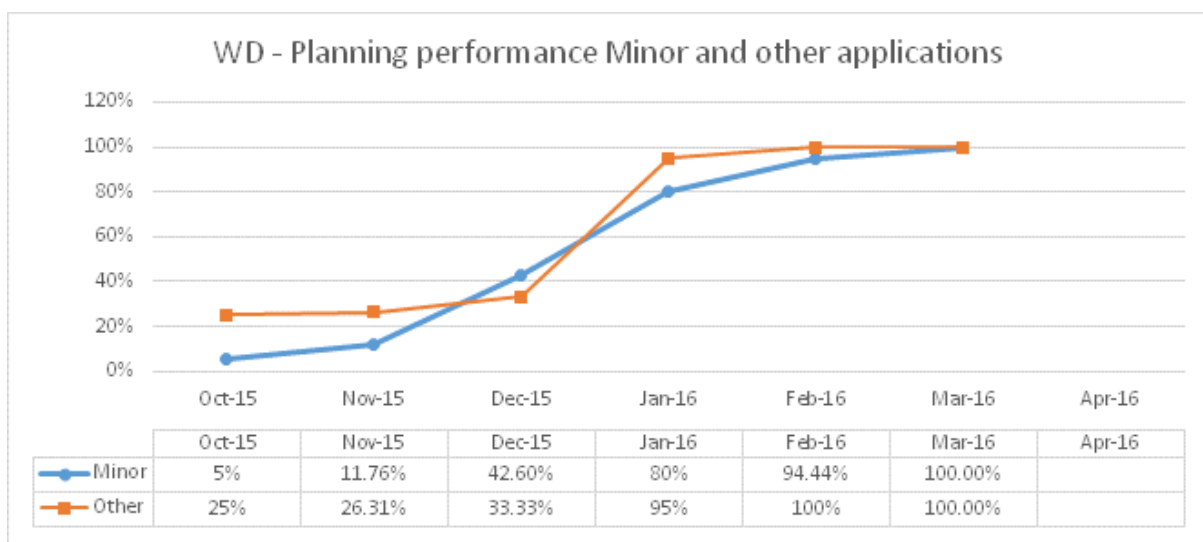
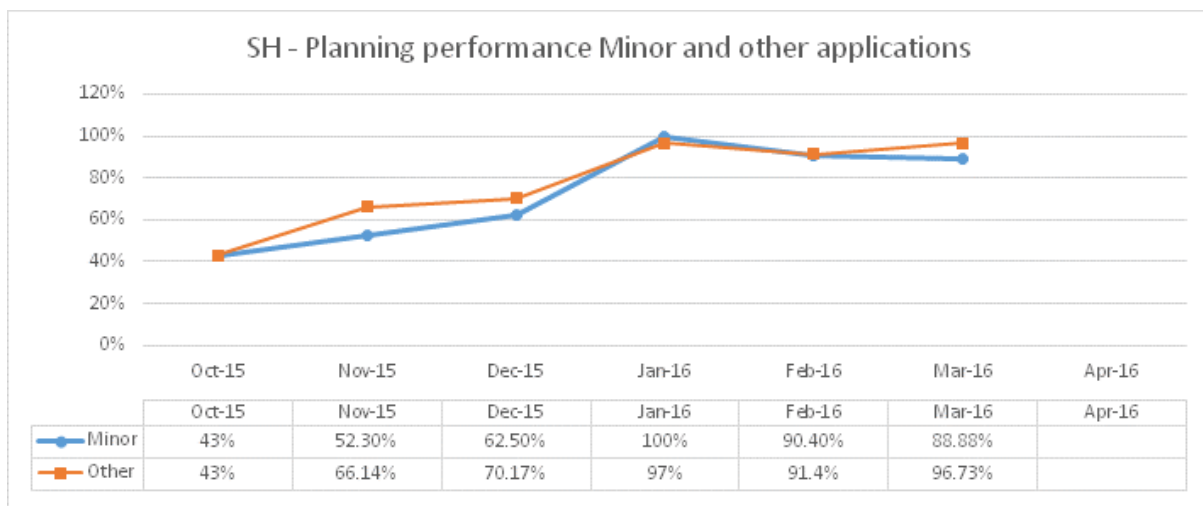
% on target (or with PPA/ Extension of Time) Target 60%	2013/14	2014/15	2015/16 (to 23/3/16)
SH	76.02%	64.47%	63.53%
WD	72.2%	83.08%	47.9%

5.4 Recent years have proved very challenging for Minor applications. Delays in determination have occurred due to a number of factors, including the transition process that has been undertaken, staffing levels and the processes that were in place to ensure that performance was at an acceptable level.

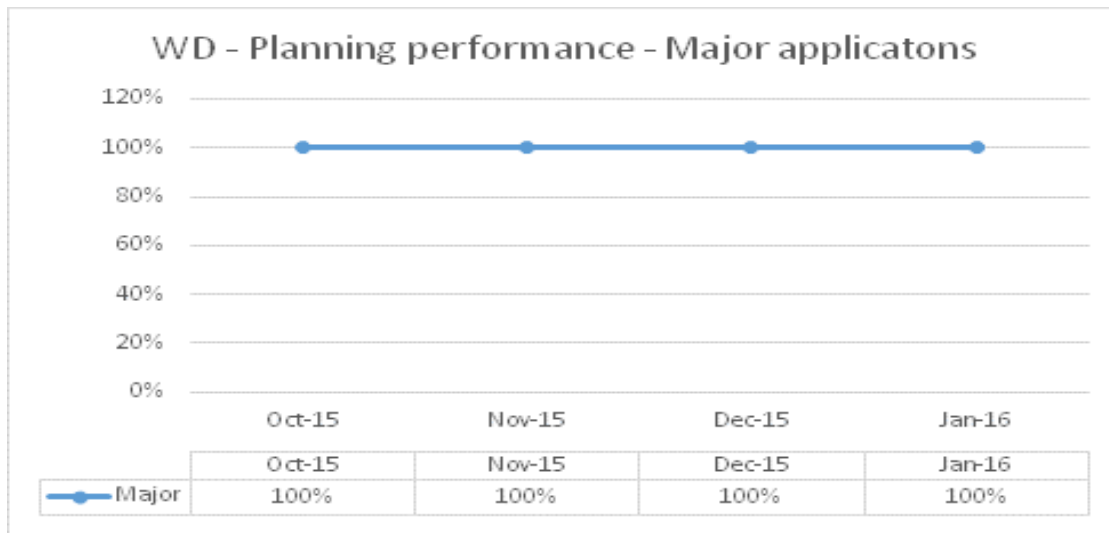
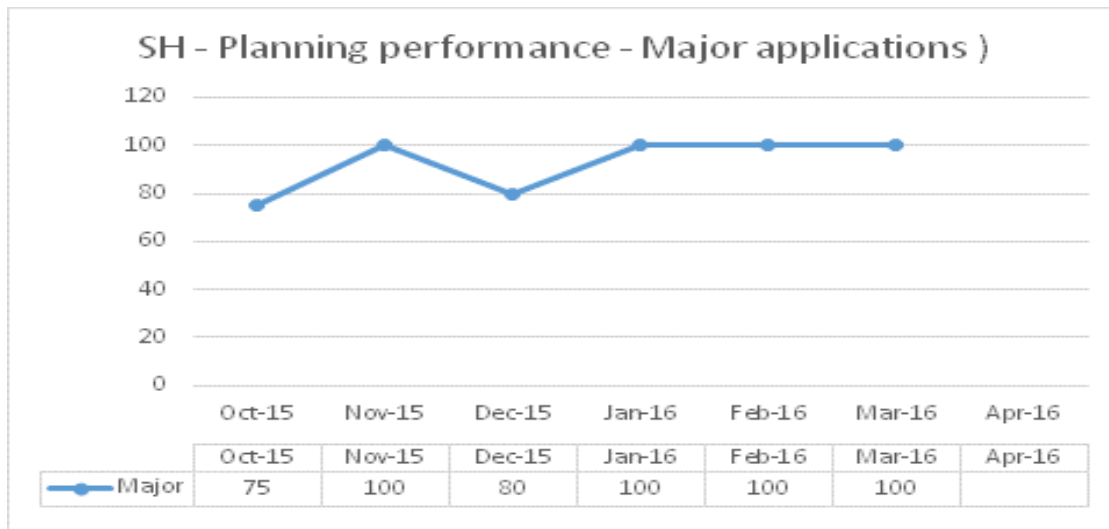
Present Performance

5.5 The transition process that has been undertaken does provide for a new way of working that has and will continue to improve the efficiency of the planning process, together with a more stable and committed body of staff has provided a dramatic increase in performance in this calendar year. Actions have been also been undertaken to improve performance management to keep performance as a key priority.

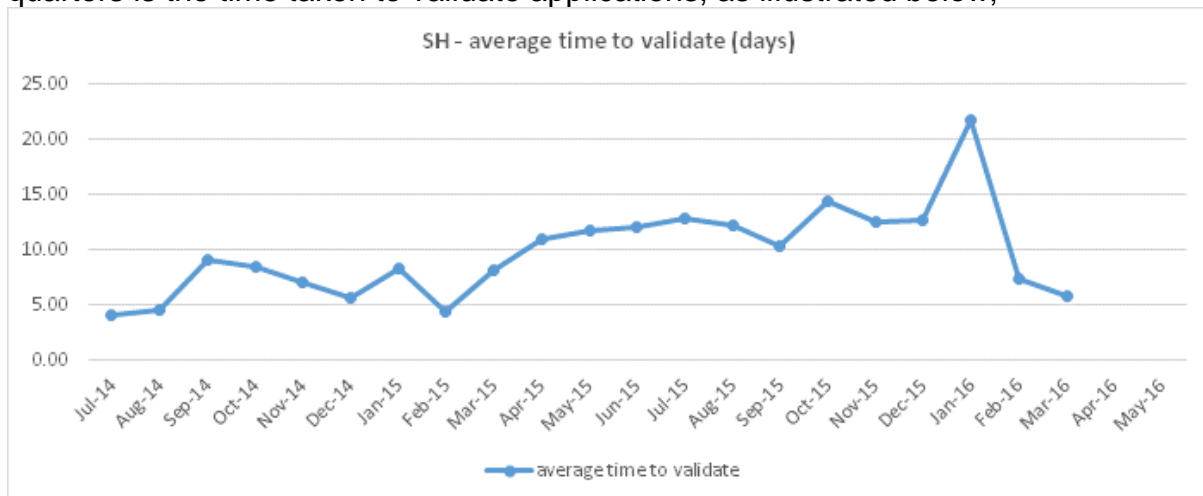
Minors and Others

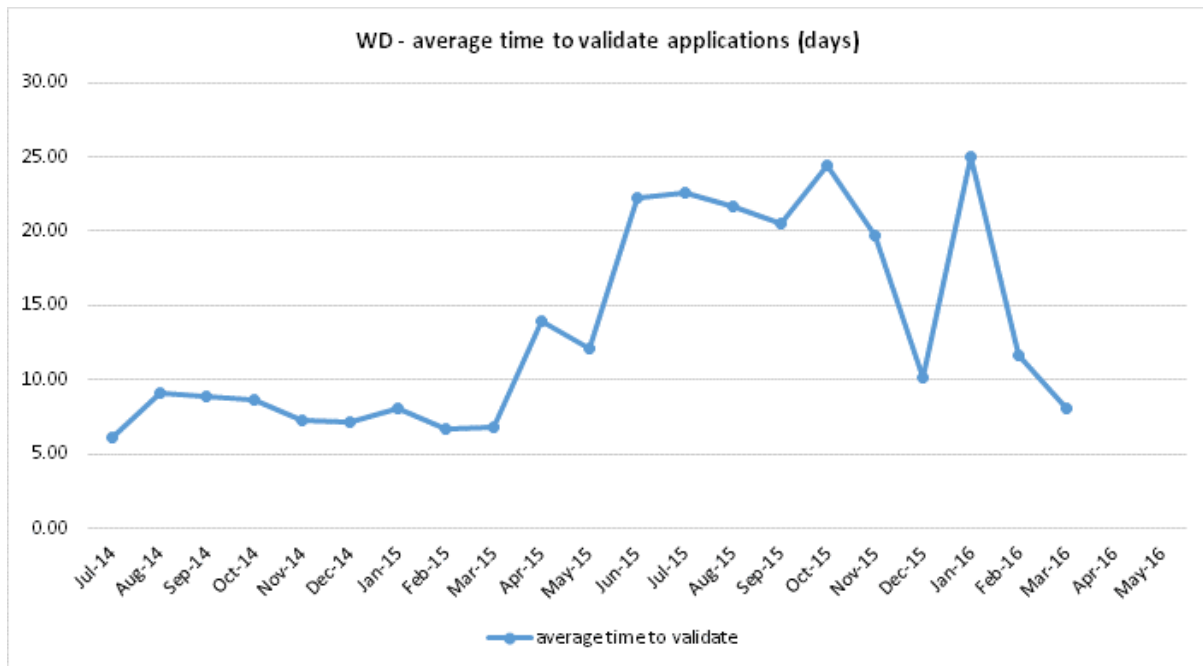


Majors



5.6 A key factor that has affected determination performance over the last three quarters is the time taken to validate applications, as illustrated below;





Appeals

South Hams	2013/14	2014/15	2015/16 (as at 23/3)
Total appeal decisions	35	32	30
Total won	24	19	20
Total Lost	11	13	10

West Devon	2013/14	2014/15	2015/16 (as at 23/3)
Total appeal decisions	25	24	29
Total won	12	14	14
Total Lost	13	10	15

Major Appeals:

South Hams	2013/14	2014/15	2015/16 (as at 23/3)
Total appeal decisions	1	4	1
Total won	0	3	0
Total Lost	1	1	1

West Devon	2013/14	2014/15	2015/16 (as at 23/3)
Total appeal decisions	3	0	2
Total won	0	0	1
Total Lost	3	0	1

5.7 The number of appeals received remains broadly similar each year over the last three years. In terms of overall performance, it is considered that the ration of appeals allowed/dismissed within the South Hams area is broadly consistent to national average. It is acknowledged that the ration of allowed appeals is slightly higher within the West Devon Area and we need to undertake some work to identify any particular trends and lessons to be learnt to improve this ratio.

Pre-application submissions

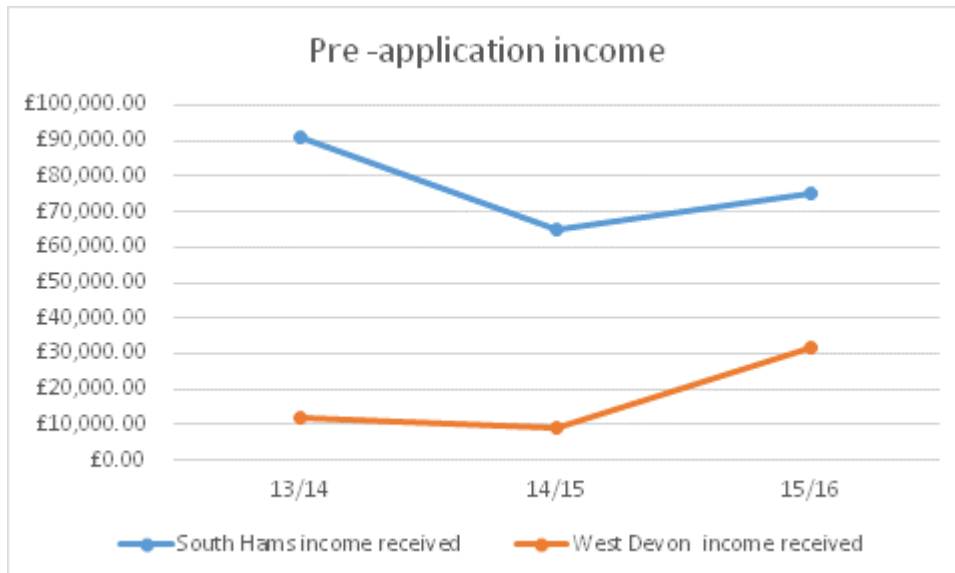
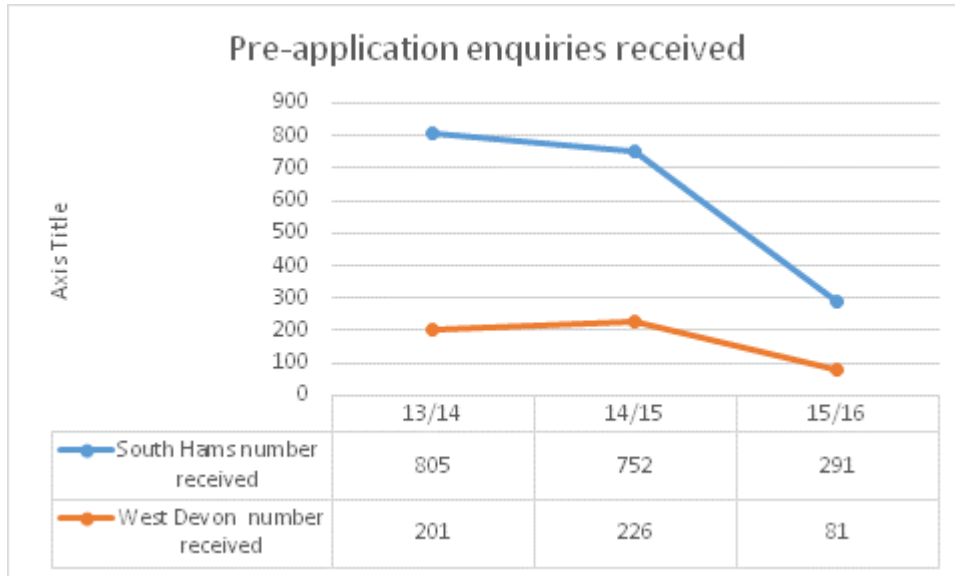
5.8 Formalised pre-application was introduced in South Hams in 2009 and West Devon in 2012. The following table gives details of volumes over time;

Pre-apps received

	Total	2009	2010	2011	2012	2013	2014	2015	2016
Total	4,165	2	522	623	523	894	1,061	487	53
South Hams Planning	3,657	2	522	623	521	740	834	371	44
West Devon Planning	508	0	0	0	2	154	227	116	9

5.9 The Councils provide a specific pre-application service that is set out on the website with a form to complete and forward to the Council. This will normally provide sufficient detail along with associated plans/design and access detail to enable officers to give guidance as to whether a scheme will receive support at application stage or if further amendments are required.

5.9 On receipt, each pre-application submission is given a unique file number and a dedicated case officer. Officers will facilitate meetings to discuss the pre-application, a charge is made for this service.



Section 6 - Local Plan and Policy Making

6.1 Both SHDC and WDBC have a clear basis for strategic planning and have adopted Local Plans.

6.2 For SHDC there are a suite of documents adopted under the Local Development Framework including

- Core Strategy 2006
- Development Policies Development Plan Document 2010
- Sherford New Community Area Action Plan 2007
- Rural Areas Site Allocations Development Plan Document 2011
- Dartmouth Site Allocations Development Plan Document 2011
- Ivybridge Site Allocations Development Plan Document 2011
- Kingsbridge Site Allocations Development Plan Document 2011
- Totnes Site Allocations Development Plan Document 2011

6.3 These documents provide a planning context to 2016 with phased allocations beyond 2016. The documents and supporting information are held at <http://shdcweb.swdevon.lan/article/3234/The-Development-Plan>

6.4 The Council has undertaken limited monitoring of implementation since 2011/12 but has, most recently, issued a Housing Position Statement which reflects a significant deficiency in supply when set against the 5 year land supply target. Details at <http://shdcweb.swdevon.lan/article/1886/Monitoring-Our-Progress-on-Strategic-Plans>

The most recent position statement is attached at Appendix B.

6.5 WDBC also has a suite of adopted documents running through to 2026. These include

- Local Plan Review (as amended by Core Strategy) 2011
- Local Development Framework Core Strategy. 2011
- Infrastructure Delivery Plan 2010

6.6 Details are available at <http://westdevon.gov.uk/article/3237/The-Current-Development-Plan>

6.7 WDBC has also undertaken monitoring and details are at <http://westdevon.gov.uk/article/2408/Monitoring>

6.8 In 2014 both Councils embarked upon a process of a Joint Local Plan under the title of “Our Plan” – a document that was also intended to encompass the full range of Council activities within a single corporate plan. This work went out on initial “Regulation 18” consultation. With details at

<http://westdevon.gov.uk/ourplan> and <http://southhams.gov.uk/ourplan>

6.9 Following this WDBC decided to embark on submission of a formal “Our Plan” Local Plan for just West Devon. This formal “Regulation 19” version was published in February 2015 and has been through formal consultation. Details are at <http://westdevon.gov.uk/CHttpHandler.ashx?id=12825&p=0>. South Hams didn’t progress to a Regulation 19 stage.

6.10 By autumn 2015 it was clear that the context for Local Plans was shifting markedly – with a particular emphasis on planning across Housing Market Areas. In light of this both SHDC and WDBC agreed to undertake a joint Local Plan with Plymouth City Council (PCC). This was agreed by SHDC in December 2015 (details at <http://southhams.gov.uk/CHttpHandler.ashx?id=16950&p=0>) and by WDBC in February 2016 (details at <http://mg.swdevon.gov.uk/documents/s377/Our%20Plan%20-%20Local%20Plan%20Arrangements.pdf>)

6.11 PCC simultaneously agreed to the Joint Local Plan process and a Collaboration Agreement is in preparation alongside joint governance arrangements and shared staff and resources. The timetable anticipates submission in autumn/winter 2016 and is explained further in the Our Plan Newsletter at <http://southhams.gov.uk/CHttpHandler.ashx?id=17137&p=0>

6.12 Both Councils have offered strong commitment to the Neighbourhood Plan process with 35 plans currently in preparation. None have yet reached examination and there is a building tension between the advancement of Neighbourhood Plans and the lack of an adopted Local Plan.