

Review of the Development Management Process following Planning Application 3614/18/OPA - Action Plan

Recommendation	Details	Action	Timescale
<p>1. Planning Application process and decisions</p>	<p>Applications should be accompanied by plans that show the land that is the subject of the application clearly outlined in red</p> <p>Planning Officers need to be less accepting and more challenging of the information being provided by applicants and consultees.</p> <p>Revise the standard decision template for Outline Planning Permissions to clearly identify the matters that are reserved.</p> <p>Details of an application are usually incorporated into a planning permission as doing so helps in interpreting the planning permission. It is noted that the only reference to an application in the template decision notice is the application reference number. The template should therefore be amended to make incorporation of the application to which it relates clearer.</p>	<p>Ensure validation list is followed – The current validation checklist needs to be revised and adopted. This will need public consultation with Towns/Parishes and users of the service. Once new list adopted staff training to ensure consistent use and interpretation.</p> <p>Briefing of Development Management staff and internal consultees who interact with planning applications</p> <p>Update Outline Decision Notice templates in new Development Management IT software which is due to go live in December 2020.</p> <p>Update Decision Notice templates in new Development Management IT software which is due to go live in December 2020</p>	<p>Spring 2021</p> <p>December 2020.</p> <p>December 2020 or within 1 month of new software going live if later than December 2020</p>

Recommendation	Details	Action	Timescale
	<p>Case officer reports should avoid or minimise the use of Acronyms.</p> <p>Establish a process to ensure that reports for significant or complex applications are reviewed and signed-off either by the Head of Planning or by a Senior Planning Specialist, who is not the report author, before such applications are determined.</p>	<p>Briefing of Development Management staff and internal consultees who interact with planning applications</p> <p>Set up interim process - discussion with Development Management staff to ensure that significant applications are discussed with Head of DM</p> <p>* See Note 1 below</p>	<p>December 2020</p> <p>December 2020</p>
<p>2. Planning Officer Reports</p>	<p>Revise the Officer report template for committee and non-householder delegated reports to incorporate the following:</p> <ul style="list-style-type: none"> • A clearer framework to ensure that reports provide a crisp technically accurate legally compliant analysis of an application. It should be clear from the report what has been taken into account and what has not. • The report should ensure that it has a focus on analysis and questioning and less on the reproduction of representations into the report body. A summary of such representations will suffice in most cases. If the full 	<p>Update Report Templates in new Development Management IT software. Benchmark with other Devon Councils to ensure new template is best practice.</p> <p>Training/Brief DM staff and members on how the new report should be completed and the changes from the current template particularly with respect of not including full details of letters of rep and consultation responses.</p> <p>*See Note 1 below</p>	<p>February 2021 or within 2 months of new system going live if later than December 2020. This will allow sufficient time to Benchmark with other Councils</p> <p>February 2021</p>

Recommendation	Details	Action	Timescale
	<p>consultation response is required, links to the website can be incorporated into the report. Identify the relevant Development Plan Policy at the beginning of the Report and provide analysis on how the proposal fits with the relevant policy</p> <ul style="list-style-type: none"> • show version/date of clearance by officer and in the case of significant or complex applications, clearance by the Head of Planning or another Senior Planning Specialist. This will aid understanding by members of the public when more than one version of the officer report is published on the Council's planning application pages. 	<p>Update Officer Report templates in new Development Management IT software to ensure this is clear within reports</p>	<p>December 2020 or within 1 month of new system going live if later than December 2020</p>
<p>3. Section 106 Agreements</p>	<p>Consider what process should be followed if a Section 106 agreement is not completed and signed with a reasonable period of time.</p>	<p>Ensure that officer recommendations and committee resolutions clearly set out the steps to be taken if a S106 Agreement is not completed in a timely manner with a briefing note to be provided to Development and Management Committee. * See Note 1 below</p>	<p>January 2021</p> <p>January 2021</p>

Recommendation	Details	Action	Timescale
	<p>The importance of getting the heads of terms right has been highlighted and more formal drafting of heads of terms in reports in respect of applications referred to Development Management and Licensing Committee is recommended to aid member understanding of what is proposed.</p> <p>On completion of all section 106 agreements, Legal Services e-mail a copy of the completed agreement together with a summary of what the agreement provides for to various sections of the Council. This will be copied to Ward members. Members will then be aware of the details of planning obligations to be delivered by development in their Wards.</p>	<p>Training/Brief DM staff on the level of detail required in reports with respect of Heads of Terms for S106 Agreements. *See Note 1 below</p> <p>Brief legal services officers to ensure that Ward Members are included in the internal email advising that a Section 106 has been completed. The email will include a copy of the S106</p>	December 2020
4. Information to Members	<p>Members of the Development Management and Licensing Committee will be provided with an informal update on current applications by the Head of DM at the conclusion of each Development Management and Licensing Committee. The update will be limited to those applications that are “significant” and include progress on S106 agreements.</p>	<p>Create a new report in the new Development Management IT software, once live to provide the DM & L committee with an update at each meeting of the undetermined Major Applications within the Borough.</p> <p>When the above new report is first presented to the DM & L Committee. Members will be briefed on the use of the circulated weekly list of applications to identify any non-major proposals that are likely to have significant impact on the</p>	<p>First report to the DM&L Committee at the meeting on February 2021</p> <p>First report to the DM&L Committee at the meeting on February 2021</p>

Recommendation	Details	Action	Timescale
	<p>All members to be notified of amendments to planning applications in their ward.</p> <p>Officers to be given political awareness training</p>	<p>borough (positive or negative). When such individual cases are raised the views of the committee will be sought on whether they wish the case reported to the committee each month as part of the new report</p> <p>Training/Brief DM staff to ensure that Ward Members are notified when revised plans for planning applications are advertised. *See Note 1 below</p> <p>Training to be arranged</p>	<p>December 2020</p> <p>February/March 2021</p>
<p>5. Member Induction and training</p>	<p>Newly elected members to be provided with information on all current applications within their Wards and the identity of the planning officer dealing with the application as part of the “welcome pack”.</p> <p>The induction will also draw new members’ attention to their responsibilities in connection with the determination of planning applications, including monitoring the weekly list of planning applications for applications in their Ward.</p>	<p>Preparation of Welcome pack</p>	<p>Before next election</p>

Recommendation	Details	Action	Timescale
	<p>Training will continue to be provided to members of the Development Management and Licensing Committee.</p>	<p>Continuation of member training in DM</p>	<p>On-going</p>
<p>6. Scheme of Delegation</p>	<p>The current Scheme of Delegation for planning matters to be reviewed including the following elements:</p> <ul style="list-style-type: none"> • To provide clarity in the circumstances that the Head of DM can/should refer an application to committee. • Provide for a further exemption to the delegated powers to ensure that all applications where it is proposed that the Council may acquire an interest in the site are determined by the DM & L Committee. • Ensure consistency in terminology • Consider an extension to the time that Ward Members are given to respond to delegated requests. • Require members to be re-consulted if the terms of a Section 106 have altered after a delegated decision is agreed. 	<p>Report to be taken to Full Council seeking approval of changes to the Scheme of Delegation.</p>	<p>Report to Full Council on 8 December 2020.</p>

Recommendation	Details	Action	Timescale
	<ul style="list-style-type: none"> Clarification of the roles of the DM & L Committee and the Strategic Director of Place with respect of S106 Agreements. 	This will be included into a wider review of the Constitution to be undertaken by the new Head of Legal Services.	To be considered by the Audit Committee on 9 February 2021.
7. IT and Website	<p>As part of the acceptance testing of the new process management software the Council should ensure that it is sophisticated enough to recognise when an application crosses ward boundaries and is able to populate templates with the identities of all the wards that are concerned</p> <p>Steps should be taken to ensure the timely uploading of documents, plans and representations to the Council's planning applications pages to ensure that the public have up-to-date information on which to base any representations on a planning application</p>	<p>The new IT software for Development Management is expected to be introduced in December. Work is on-going to ensure that this element is covered by the new software.</p> <p>The majority of representations are uploaded onto the website within three working days. The Case management process for indexing documents will be re-visited once the new DM software has been introduced to ensure that all documents are uploaded with three working days where possible.</p>	December 2020 or within 1 month of new system going live if later than December 2020
8. Interaction with the County Council	Arrangements to be put in place so that planning officers determining planning applications are made aware either through regular briefings with County Council officers or other regular communication about changes made by the County Council	Arrange meeting with relevant County Council Officers to agree arrangements to ensure that the Borough Council is kept up to date with changes in DCC policy relevant to planning applications	January/February 2021

Recommendation	Details	Action	Timescale
	in any of its policy affecting planning applications.		
9. Relationship with Town and Parish Councils	A memorandum of understanding to be developed and agreed between the Council and town/parish councils. The purpose of the memorandum would be to provide a framework for the process of consulting town and parish councils on planning applications. In doing so it will set out the responsibilities and reasonable expectations of the signatories so that each works proactively and engages constructively with the other	Draft a memorandum of understanding for consultation with Town and Parish Councils. Following consultation period seek approval of the memorandum by members. *See Note 1 below	Consultation in February 2021 adoption in May/June 2021
Note 1	There are a number of the actions detailed above that require consideration of and alterations/additions to elements of the processes currently in place in how the council determines planning applications.	The action points above will be completed as a priority as stand-alone action points. Once completed there will be a review of the main processes within DM regarding the determination of applications and the engagement with third parties. The review will inform the drafting of a planning charter setting out how we will process and determine planning applications.	Draft for consultation summer 2021 Adoption by end of 2021