

Report to: **Executive**

Date: **2 March 2023**

Title: **Development Management / Planning  
Enforcement Improvement Plan Update**

Portfolio Area: **Built and Natural Environment – Cllr Judy  
Pearce Leader of the Council**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: After the call in period has expired – 5.00pm on Monday, 13 March 2023

Author: **Alistair Wagstaff** Role: **Assistant Director  
Planning**

Contact: [Alistair.wagstaff@swdevon.gov.uk](mailto:Alistair.wagstaff@swdevon.gov.uk)

---

#### **RECOMMENDATIONS:**

**It is RECOMMENDED that the Executive**

- 1. Note progress on delivery of the Planning Improvement Plan and the update on performance.**
- 2. Instruct officers to bring a report on the delivery of the improvement plan to the Executive in 6 months' time; and**
- 3. Note the progress with the development of Conservation Area Appraisals and Neighbourhood Plans over the past 2 years.**

#### **1. Executive summary**

- 1.1 Development Management and Planning Enforcement are key services delivered by the Council. The services can be complex and involve significant consultation and engagement with many different parties. As a result, the services are highly visible to many within our communities, businesses and for those that interact with these services, a key indicator on the effectiveness of the Council.

- 1.2 The Planning Service historically has been significantly impacted by high workloads and difficulties in recruitment and retention of staff and as such, its effectiveness and the quality of service has suffered.
- 1.3 This has been acknowledged by the Council and the Senior Leadership Team. As a result, and following the undertaking of a Planning Advisory Service Review in 2021, additional support and resources have been provided and a Planning Improvement Plan ('the Plan') adopted. Since that time considerable resource and focus has been directed to take forward the recommended actions.
- 1.4 The purpose of this report is to update Members on the progress against key elements of the Planning Improvement Plan as part of the progress toward delivering a high-quality Planning Service to the Council and its Customers.

## **2. Strategic Context**

- 2.1 The Council's Corporate Strategy, 'Better Lives for All' sets out a range of themes and associated aims supported by Thematic Delivery Plans which have been adopted by Members. The Development Management and Enforcement Service forms part of the wider planning function alongside, for example, the Joint Local Plan, Strategic Planning and Neighbourhood planning teams, which are essential to deliver our strategic aims.
- 2.2 The Planning Improvement Plan sets out the Council's approach to improving service performance and therefore supports 'Better Lives for All'.

## **3. Background**

- 3.1. A number of the actions within the Plan – including the adoption of an updated 'Local Validation list' and the 'Planning Customer Charter' in the spring of 2022 which sets out clear expectations of the service and its users – have already been delivered while other elements form part of the ongoing implementation.
- 3.2. The main focus of the implementation of the Plan so far has been on Financial Management (Section 2) and Resource Management (Section 3). This included an assessment of the cost of the service including income and expenditure. This helped inform an initial capacity and resource review which informed more detailed analysis to determine the optimum organisational structure for the service going forward and to ensure that it can be flexed to meet changing demands.
- 3.3. This has resulted in additional investment in resources in a number of parts of the service over the past two years and specifically following the provision of additional funding by the Council in September 2021.
- 3.4. An early intervention was to increase the number of Planning Officers which has already delivered improvements to the service

as set out later in this report. The full structure of the Planning Service has now also been reviewed and altered, to introduce further capacity in the form of an extended management structure: A new Assistant Director of Planning and the creation of two Heads of Development Management; one providing dedicated management resource to South Hams District Council and the other providing dedicated management resource to West Devon Borough Council. The Assistant Director is also responsible for other core elements of the Councils planning functions including: Enforcement and Business Support functions, Planning Policy, Neighbourhood Planning and Conservation Area Appraisals.

- 3.5. The management posts have now been filled following a recruitment process in the Summer of 2022. There has also been a range of changes in staff in the planning service as part of the ongoing churn within the Planning profession and limited availability of Planners both nationally and locally. This has had an impact on the speed at which the implementation of the improvement plan has occurred.
- 3.6. The result of the additional recruitment is a more stable resource in the Department with new Principal and Senior Officers joining in January this year. Further recruitment is ongoing to ensure all posts are filled in the structure. Nevertheless, there is always churn in the planning team given the shortage of planners nationally and pressures in the local labour market and it is important that we continue to take steps to benchmark salaries to ensure we remain competitive and to implement a range of measures to help to recruit and retain staff, in particular in senior and principal planning roles.
- 3.7. The implementation of the Plan will further improve the service, resulting in a more balanced and a happier workforce; this will, it is hoped, further stabilise the resource within the service.

#### **4. Outcomes/outputs**

- 4.1. The purpose of the Planning Improvement Plan is to deliver improvements in the following broad areas:
  - Performance
  - Quality
  - Communication
  - Customer and Member satisfaction
- 4.2. To deliver these outcomes the Planning Improvement Plan has been fully reviewed by the new Planning Management Structure and a number of actions realigned to incorporate staff suggestions as a result of a Business Development Day with the whole team.

#### **5. Planning Improvement Plan Delivery**

- 5.1. The following section provides an overview of progress to date.

- 5.2. An updated monitoring framework has been implemented for the Planning service. An optimum case load for the Planning Officers within the Development Management function has been set to ensure that the workload is achievable, well managed and properly monitored. This will better enable officers to progress their case load of applications more efficiently, which will in turn, improve the performance and timeliness of decisions.
- 5.3. The following table shows the optimum and actual levels of work allocation at present against the case loads of previous year. This is taken at set periods of time rather than a yearly average.

<b>Officer Level</b>	<b>Optimum</b>	<b>31 March 2021</b>	<b>17 January 2023</b>
Principal	12	21	10.75
Senior	36	43.6	34.6
Planning Officer	36	38.4	25.7

- 5.4. When compared to previous years it can be seen that these are reducing to a more balanced position, which is starting to improve performance in terms of applications progressing through the system.
- 5.5. Demand on the service continues to grow. The table below shows the previous 3 years of decisions issued by the Planning Service. An increase in applications is a continuing trend.

	<b>2020</b>	<b>2021</b>	<b>2022</b>
South Hams	1649	1653	1752

- 5.6. The national performance indicators for the determination of both major and non-major applications are a key tool to review the performance of the service. The failure to meet the targets set can lead to the Authority being placed in Designation by Central Government. This is monitored closely by the Authority and is also an important indicator of the service we provide. The figures below show the performance of the service in 2022 and 2021 as a comparison. The table clearly shows that the Planning Service consistently exceeds the national performance indicators.
- 5.7. The table also provides the amount of each decision type are achieved with Extensions of Time (EOT). Whilst these are permitted within the set national targets, their use can be seen as an important measure of performance. It is nonetheless the case that they will, particularly for major applications, be a normal part of the process, especially where Section 106 Agreements need to be signed. It is therefore more important to monitor the use of EOT for non-major applications. It is proposed to review how and when extensions of times are used and the role of the Development Management Committee in terms of securing the completing S106 agreements post Committee resolutions as part of the improvements in the planning service.
- 5.8. As can be seen below a large number of these EOT's are required to achieve the current and historic performance. The aspiration is that for non-major applications, the majority should not require an EOT and should be determined within the statutory timeframe.

The delivery of all aspects of the Improvement Plan will be key to achieving this. As a benchmark, the aspiration is that under 30% of non-major applications will require an Extension of Time.

		2021			2022		
Type of application	National Target	% in time	% in time with EoT	Total	% in time	% in time with EOT	Total
Major	<b>60%</b>	7	74	<b>81</b>	19	59	<b>78</b>
Non-major	<b>70%</b>	49	34	<b>83</b>	51	36	<b>87</b>

5.9. The management of the enforcement cases being investigated by the service is another important focus of the plan. There has been positive improvement in terms of how quickly enforcement cases are being handled following a significant change in personnel within this part of the service over the past 2 years. Members will be aware that they have access to regular case reviews with the enforcement team as and when they are requested and better prioritisation of cases is now in place. Nonetheless, there remains a significant number of live cases as demand continues to grow.

	31 March 2021	31 March 2022	25 January 2023	KPI Target
Outstanding cases	395	442	441	<b>400</b>

- 5.10. With improved processes, staff training and development there will be further improvement in this part of the service.
- 5.11. A KPI target has now been set and is reported quarterly to the Overview & Scrutiny Committee in addition to being reported to Planning Committee. The Council's Planning Enforcement Policy will also be reviewed to further develop procedures for enforcement cases.
- 5.12. Historically, high levels of work and resource pressure has had an impact on the ability of staff to respond to customers in a timely manner. This remains an area where further development is required. The adoption of the Planning Customer Charter (Spring 2022) which sets out the Service's commitments to customers and the expectations on applicants and agents should lead to an improvement in this area and is reflected positively in feedback from agents at the recent forum as detailed later in this report.
- 5.13. Engagement with all customers is important and a key benchmark of success is communication with frequent users such as planning agents and developers. In December 2021 the Agents Forum was reintroduced to enable dialog and feedback. Initially this took place virtually, but the first in-person event was held on 6 December 2022. Whilst issues with communication were raised at this event, they did not feature as significantly as they have in the

past; this is a clear indicator of improvement. The Council pre-application process was particularly praised in terms of improving quality.

- 5.14. The Agents Forum will take place on a 4-monthly cycle to help build and develop relationships. These will also be used to identify issues and provide training to agents on matters such as national and local validation requirements and common issues with applications. This will deliver better quality planning application submissions which will, in turn, improve the speed at which they are able to be processed.

### **Wider Planning Improvements**

- 5.15. The reorganisation of the Planning Service in the winter of 2022 has brought together a number of the Council's wider planning functions within Strategy and Governance. This includes Planning Policy, Conservation Area Appraisals and Neighbourhood Planning.

- 5.16. In August 2022 the new Senior Conservation Officer started with the Council who is responsible for the updating of the Conservation Area Appraisals which support and guide the management of the Conservation Areas. A review of the existing Conservation Areas has been undertaken, including researching and establishing a base layer of all data and text related to the existing Conservation Areas. The intention is that during 2023 progress will be made on updating the plans on a risk-based approach.

- 5.17. The Council has had significant success in supporting Parish Councils and groups in the establishment of Neighbourhood forums and the development of Neighbourhood plans through examination, referendum and being 'made'. The plans help to ensure that local community lead aspirations become part of the material planning considerations when the Neighbourhood Plan comes into force as part of the statutory development plan. The following Neighbourhood Plans have been made over the past two years:

- Dartmouth: 15/12/2022
- Kingsbridge, West Alvington & Churchstow: 15/12/2022
- Frogmore & Sherford: 26/05/2022
- Ringmore: 31/03/2022
- Kingston: 20/05/2021
- Kingswear: 06/05/2021
- South Huish: 20/05/2021
- Strete: 20/05/2021
- Aveton Gifford: 20/05/2021
- Modbury: going to Referendum 09/03/2023

## 6. Proposed Way Forward

- 6.1 That the Executive note progress on implementation of the plan to date and reports on progress again in 6 months.

## 7. Implications

<b>Implications</b>	<b>Relevant to proposals Y/N</b>	<b>Details and proposed measures to address</b>
Legal/Governance	Y	The Implementation Plan will ensure improved governance and decision-making
Financial implications to include reference to value for money	Y	Funding has already been put in place to fund the changes in the Planning Service structure.  The continued implementation of The Improvement Plan will deliver improvements in the performance and efficiency of the Service going forward. This will increase capacity within the Service to further develop the Service and development of enhancement to the Service as chargeable items such as Planning Performance Agreements which would increase the Service income reducing the need for additional funding going forward.
Risk	Y	That the Council fails to deliver a Service that meets the expectations of Members and our Customers
Supporting Corporate Strategy	Y	Council, Homes, Environment, Enterprise
Consultation & Engagement Strategy	Y	As part of the Development of the Updated Planning Improvement a Staff Awayday has been undertaken to engage with the service staff and this has been integrated into the proposed plan.
Climate Change - Carbon / Biodiversity Impact		No direct carbon/biodiversity impact arising from the recommendations, however the delivery of the Joint Local Plans Policy DEV32 Delivering low Carbon Development and the recently adopted Climate Emergency Planning Statement are undertaken by the service in the consideration of Planning Applications
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		N/A
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A

Health, Safety and Wellbeing		The continued delivery of the Planning Improvement Plan will continue to improve the balance of performance and balanced workload of the service staff creating an improved work life balance and the wellbeing of Staff
Other implications		N/A

**Supporting Information**

**Appendices:**

There are none

**Background Papers:**

There are none