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To: MEMBERS OF THE PLANNING POLICY COMMITTEE  
Councillors Sayer (Chair), Farr (Vice-Chair), Black, Botten,  
Dennis, Duck, Jones, Lockwood, Prew, Steeds and  
Blackwell

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Substitute Councillors:

C.C. All Other Members of the Council

18 August 2021

Dear Sir/Madam

## **PLANNING POLICY COMMITTEE THURSDAY, 26TH AUGUST, 2021 AT 7.30 PM**

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

Yours faithfully,

David Ford  
**Chief Executive**

### **AGENDA**

- 1. Apologies for Absence (if any)**
- 2. Declarations of Interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

- 3. Minutes of the meeting held on the 24th June 2021 (Pages 3 - 8)**  
To confirm as a correct record
- 4. To deal with any questions submitted under Standing Order 30**

**5. To consider passing the following resolution to exclude the press and public**

**RESOLVED** – that members of the press and public be excluded from the meeting for the following items of business under Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) they involve the likely disclosure of exempt information as defined in the paragraph detailed below of Part 1 of Schedule 12A of the Act; and
- (ii) for the items the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Items</b>	<b>Nature of Exempt Information (as defined by the Act)</b>
6 & 7	Paragraph 3 ( <i>Information relating to the financial or business affairs of any particular person, including the authority holding that information</i> ).

**6. Planning Service Transformation (Pages 9 - 44)**

**7. Local Plan Update - response to the Planning Inspector (Pages 45 - 52)**

**8. Any other business which, in the opinion of the Chair, should be considered as a matter of urgency**

## TANDRIDGE DISTRICT COUNCIL

### PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 24 June 2021 at 7.30pm

**PRESENT:** Councillors Sayer (Chair), Farr (Vice-Chair), Blackwell, Botten, Dennis, Duck, Elias (substitute in place of Black), Jones, Lockwood, Prew and Steeds

**ALSO PRESENT:** Councillors Allen, Flower, Gaffney, Gillman, Moore, Ridge, Swann, C.White and N.White

**APOLOGIES FOR ABSENCE:** Councillor Black

#### 43. DECLARATIONS OF INTEREST

Non-pecuniary interests were declared as follows:

Councillor	Agenda Item	Nature of Interest
Dennis	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Member of the Neighbourhood Plan Steering Group
Gaffney	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Former member of the Neighbourhood Plan Steering Group
Flower	10 – Gatwick Airport Northern Runway Proposal	Employed by the Independent Pilots' Association, representing commercial pilots across the UK
N. White	10 – Gatwick Airport Northern Runway Proposal	President of the Campaign Against Gatwick Noise Emissions

Councillor Elias questioned whether the Chair and Councillors Farr and Lockwood should declare interests in agenda item 8 (Local Plan Update) as they had submitted third party representations to the Planning Inspector during the 2019 'examination in public' of the Local Plan and had therefore pre-determined their views. He asked whether they were now conflicted and, if so, whether they should exclude themselves from future discussion about the Local Plan to avoid the potential for decisions to be challenged.

The Chair confirmed that she was happy to declare that she had made representations to the examination hearings but observed that the matter was now with the Inspector and subject to due process.

Councillor Farr confirmed that Godstone Parish Council (of which he was an elected Member) had also made representations to the examination in respect of the proposed garden village development but he did not believe this compromised his position on the Planning Policy Committee when considering the Local Plan and saw no reason to exclude himself. Councillor Lockwood considered that Members were entitled to have opinions about Council business while retaining an open mind when matters were being determined at committee meetings. She believed that her remit was to represent residents in her Ward and stated that her personal views about the Local Plan were immaterial.

#### **44. MINUTES OF THE MEETING HELD ON THE 18TH MARCH 2021**

These were confirmed as a correct record.

#### **45. MINUTES OF THE MEETING HELD ON THE 27TH MAY 2021**

These were confirmed as a correct record.

#### **46. FINANCE REPORT - MONTH 2 (21/22)**

A report concerning the Committee's revenue budget and capital programme as at the end of May 2021 (month 2) was presented.

The report advised that the budget was provisional, pending the 2020/21 outturn to be presented to the Strategy & Resources Committee following the completion of the forensic review of the potential deficit by Grant Thornton (minutes of the 8<sup>th</sup> June 2021 Strategy & Resources Committee refer).

The provisional revenue budget of £1,188,100 had been adjusted by virements totalling £136,100 (resolution A below refers). An overspend of £23,000 was projected to cover the cost of a previously unforeseen public inquiry. It was confirmed that budgetary provision was not made as a contingency for the cost of possible planning inquiries, although this could be considered as a potential growth item as part of the 2022/23 budget setting process.

The scope for modelling likely future volumes of planning applications to inform planning fee income budgets was discussed.

**RESOLVED** – that:

- A. relevant budget changes since approval of the 2021/22 budget at Full Council in February 2021 (paragraph 4 of the report) be approved, namely:

*“ .... to realign the relevant case workers to Planning (+£170.9k), and aggregation of legal costs to Legal Services (-£34.8k). Overall, the Planning Policy Committee budget has increased by c£136k.”*

- B. the 2021/22 budget after recent budget virements be noted; and
- C. the Committee's forecast revenue and capital budget position as at month 2 (May 2021) be noted.

## 47. PLANNING POLICY QUARTER 4 20/21 PERFORMANCE REPORT

Members were presented with an analysis of progress against the Committee's key performance indicators (KPIs) and risks for the fourth quarter of 2020/21. This identified risks in connection with the Local Plan and resourcing issues pending the outcome of the Planning Advisory Service (PAS) peer review. The report also advised that the processes for extracting robust KPI data were still being developed and that data sets for certain indicators were currently unavailable.

In response to Members' questions, it was confirmed that:

- a pre-application advice service for householder applications would be reinstated from the 12<sup>th</sup> July;
- the PAS review should help identify the necessary resourcing requirements for the planning service, including solutions to current staffing shortfalls – the PAS report had now been received by the Executive Leadership Team and would be shared with Members;
- officers would investigate issues raised about the functionality of the Council's website regarding planning matters, including the need to reinstate e-mail notifications of planning applications and planning appeals;
- an up to date suite of Supplementary Planning Documents was required to enable more objective assessments by the Planning Inspectorate when considering appeals, thus reducing the tendency for Planning Committee decisions to be overturned.

**RESOLVED** – that the Quarter 4 (2020/21) performance and risks for the Planning Policy Committee be noted.

## 48. LOCAL PLAN UPDATE

A report was submitted which updated the Committee about the Local Plan process in light of the Inspector's preliminary findings and other matters.

Consultants had been engaged to undertake high level transport modelling regarding the capacity of Junction 6 of the M25 to help inform the Council's decision about whether to pause or withdraw the Plan. It was now hoped that this work would be completed by the end of June 2021. The Inspector had accepted this extended timescale but, by the end of August, would consider whether a sound Plan could be achieved in a timely way and, if not, whether he should conclude the Examination. A special meeting of Committee in August was, therefore, likely to be required.

The report also updated the Committee about:

- national planning policy developments, namely the progress of the Planning Bill (aimed at improving the process for delivering new housing and infrastructure) and the First Homes initiative (a new model for shared ownership); and

- the progress of neighbourhood plan initiatives throughout the District (clarification would be sought regarding the position of the Dormansland and Lingfield Neighbourhood Plans as these were not mentioned within report).

**RESOLVED** – that the report be noted.

## 49. CATERHAM, CHALDON AND WHYTELEAFE NEIGHBOURHOOD PLAN

This Neighbourhood Plan had proceeded to a referendum throughout the relevant polling districts on the 6<sup>th</sup> May 2021. Of the 6923 ballots cast (38% turnout) 87% had voted ‘Yes’ to the question:

*“Do you want the ... Council to use the Neighbourhood Plan ... to help it decide planning applications in the neighbourhood area?”*

The Committee was therefore invited to ‘make’ (or adopt) the Plan to become part of the Council’s Development Plan. This would give full weight to the Plan in relevant planning decisions and would increase the neighbourhood proportion of Community Infrastructure Levy from 15% to 25%.

**RESOLVED** - that the Caterham, Chaldon and Whyteleafe Neighbourhood Plan be made (adopted) to become part of the Tandridge District Council Development Plan.

## 50. GATWICK AIRPORT NORTHERN RUNWAY PROPOSAL - IMPLICATIONS FOR THE DISTRICT

The Committee considered a report about Gatwick Airport Limited’s (GAL) intention to use the current standby (northern) runway, in addition to the main runway, as part of its routine operations. This reflected ‘scenario 2’ of GAL’s 2019 masterplan for future growth and would require the seeking of a Development Consent Order to obtain planning permission. A DCO application for this purpose was being prepared by GAL and a public consultation process was scheduled for the later in the year followed by a final DCO submission to the Planning Inspectorate early in 2022. The process would culminate in a public examination of the proposals and the Planning Inspector’s recommendations to the Secretary of State for Transport for decision.

The report recommended that representations be made to GAL conveying the Council’s expectations for the northern runway consultation process; the need for GAL to explain the impact of additional flight capacity upon the District; and disappointment that GAL’s plans appeared to be incompatible with 2050 climate neutral objectives. Councillor Botten proposed amendments to the recommendations, namely:

- two additional resolutions (A and B below);
- addition of the words “and regrets” at the beginning of resolution C below, i.e.:

“The Council acknowledges and regrets Gatwick Airport Limited’s (GAL) decision to continue with the Development Consent Order to redevelop the northern runway as a second runway to increase capacity ...”

- the deletion of the following words from the end of Resolution E below:

~~“Whilst the Council is not against the use of planes for business and leisure and recognises the economic and social advantages, it is concerned about the environmental impacts, short and long term, that significant growth at Gatwick will have on the District.”~~

The Campaign Against Gatwick Noise Emissions (CAGNE) had been invited to submit representations to the meeting and a video recording of a statement from Sally Pavey (a CAGNE member) was duly replayed to the Committee. The statement urged the Council to oppose GAL’s growth proposals, asserting that the additional runway capacity would have significantly negative environmental impacts and that new ‘greener’ jobs were needed to create a more sustainable economy for the area, without a disproportionate reliance on Gatwick.

During the debate, it was suggested that the Council should not be submitting representations in isolation and should, instead, collaborate with neighbouring Local Authorities and benefit from expert advice which could be commissioned (via funding made available from GAL) more effectively as part of a joint approach. In response, the Chair advised that the Council had signed up to a joint agreement with other Councils to engage with GAL but considered that, given the timescales, it was important for the matter to be considered at this meeting from a Tandridge perspective. Other Members supported the case for Tandridge to submit its own representations prior to any multi-agency submission.

Other Members argued against the proposed amendments on the grounds that:

- there was no basis to the assertion that “*the case for airport expansion at Gatwick or anywhere else*” has not been made; and
- the representations from CAGNE were too one-sided and, notwithstanding the need to address environmental concerns, the Committee should consider more balanced arguments, including the operational advantages of the second runway; the relative fuel efficiency of modern aircraft; and the major contribution of the airport to the local economy, illustrated by the severely adverse impact of Gatwick job losses upon livelihoods and the welfare of households in the region.

Those in favour of the above mentioned amendments observed that the representations would align with the Council’s previous declaration of a climate change emergency and that there was no wish to seek the closure of the airport.

Councillor Botten’s amendments were seconded by Councillor Lockwood and, upon being put to the vote, were agreed by the majority of committee members.

**RESOLVED** – that the Council writes to Gatwick Airport Limited to make the following points:

1. Tandridge District Council has declared a Climate Emergency. It does not believe that the case for airport expansion is made, either at Gatwick or anywhere else, and expects the consultation process to set out clearly what that case is. The Council is concerned about the environmental impacts, short and long term, that significant growth will have on the District.
2. In the light of the impact of the pandemic on both working practices and the demand for air travel, the move to consultation on the conversion of the north runway is premature and cannot reflect a full understanding of those impacts.

3. The Council acknowledges and regrets Gatwick Airport Limited's (GAL) decision to continue with the Development Consent Order to redevelop the northern runway as a second runway to increase capacity. The Council expects that GAL will fulfil its obligation to consult with all those who live or work in the District, including those hard to reach groups such as those without access to the internet. The consultation needs to provide alternative opportunities for consultation responses to be made offline. The Council requests GAL to inform the Council of its proposals for achieving this.
4. The Council is also aware that the Future Airspace Implementation South ('FASI-S') is currently being progressed by the Civil Aviation Authority to increase capacity over the southern part of the UK. With the proposed increased traffic movements from the additional capacity at Gatwick, the Council requests that GAL explains the full impact of the changes on all parts of the District and, in particular, on those areas where traffic could be routed that have never been overflowed before, including the north of the District which has both significant residential populations and the Surrey Hills Area of Outstanding Natural Beauty.
5. The Council has adopted a Climate Change Strategy and endorses national proposals to reduce the use of fossil fuels and is therefore disappointed that GAL are seeking to increase the use of these fuels which does not seem to be compatible with the 2050 climate-neutral objectives.

## **51. ANY OTHER BUSINESS - SURREY COUNTY COUNCIL'S PROPOSALS FOR A GYPSY & TRAVELLER TRANSIT SITE**

The Chair raised this matter to update Members following the previous day's meeting of the Surrey Leaders' Group. She advised that Surrey County Council (SCC) would be progressing its proposal to establish a transit site at the Pendell camp off Merstham Road, Bletchingley on the border with Reigate & Banstead. As SCC would be developing the site (which it also owned) it would submit a planning application to itself under Regulation 3 of The Town and Country Planning General Regulations 1992. The application was due to be submitted at the end of July 2021 with a view to the transit site to be operational 12 months later.

The Chair reflected the District Council's wish to be engaged and considered that SCC should allow the matter to be referred to (TDC's) Planning Committee as part of the Regulation 3 consultation process. She confirmed SCC's willingness to enable this and for a similar right of scrutiny to be given to Reigate & Banstead Borough Council. A meeting between the three Authorities was being arranged to agree the arrangements.

Members supported the view that SCC's proposals should be considered by the Planning Committee.

Rising 9.17 pm



## Planning Service Transformation

### Planning Policy Committee Thursday, 26 August 2021

Report of: Chief Executive

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Purpose: For Information

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Publication status:

Restricted – not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, "*information relating to the financial or business affairs of any particular person (including the authority holding that information*"

Wards affected: All

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#### Executive summary:

- The last year has been extremely challenging for the Planning Service with capacity and resourcing issues impacting significantly on performance. In August 2020, the Government threatened designation for the quality of decisions on major planning applications with more than 10% being lost at appeal.
  - To address these issues, the Planning Advisory Service (PAS) which is part of the Local Government Association (LGA) undertook a review of the Council's Development Management function and Planning Committee.
  - This report presents Councillors with the findings from the PAS reviews, interim steps taken to address the issues raised and the proposed next steps to be taken including the development of a business case for investment in the service to be considered by this Committee at a future meeting.
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**This report supports the Council's priority of:** Building a better Council

**Contact officer** David Ford – Chief Executive  
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## **Recommendation to Committee:**

That the update on the implementation of the findings from the Planning Advisory Service reviews be noted.

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## **Reason for recommendation:**

Interim arrangements are being put in place to increase the capacity and resilience of the Planning team. Councillor comments from the Committee meeting will be fed into the process for developing the business case for any future investment in the service. The final business case will be considered by this Committee at its meeting in November. An interim report will be considered by this Committee on 23 September.

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## **1. Introduction and background**

- 1.1 The performance of the Council's Planning department has been of serious concern for several months now. There have been a range of issues that have emerged impacting on the delivery of Development Management Services. High staff sickness levels and low morale have impacted on the capacity and resilience of Planning Officers, there are backlogs with applications (including validation), issues with IT functionality and reporting reliability and concerns regarding councillor and officer working relations.
- 1.2 Because of these issues, between March and June 2021 the Planning Advisory Service (PAS) undertook reviews of the Council's Development Management function and Planning Committee. Officers and Councillors were involved in both reviews. The PAS reviews are attached at Appendices A and B.
- 1.3 This report sets out the key recommendations from the two reviews, the interim measures being taken to address immediate issues regarding staff capacity and resilience, and the next steps to be taken, specifically the development of a business case for investment in the service.

## **2 Planning Advisory Service Review Findings**

- 2.1 The findings from the Development Management and Governance Reviews are attached at Appendices A and B.
- 2.2 In summary, the recommendations from the Development Management review are as follows:
  - R1 Review the current IT systems (including the public portal) to address what is required for effective and efficient service delivery.

This includes:

- a. the accuracy of the data in the system
  - b. formatting management reports aligned to Government returns to easily complete the returns and to enable managers and individuals to manage workload and performance
  - c. providing Councillors, parishes and consultees with appropriate information/reports
  - d. implement in the system reports, consultation /neighbour letters and decision notices (templates etc)
  - e. review current processes and approaches and identify areas where greater data, constraint and policy pull through and greater automation can be achieved by the system
  - f. identifying the areas of current failure, potential solutions, and dedicated resource. Including ensuring sufficient resource capacity is available at all levels to develop the functionality of the system and aid effective solutions. if the current system is incapable of providing solutions an alternative proposal should be set out
- R2 Closely monitor all Government performance measures and appropriate measures to align with performance levels appropriate within the budget available and report these to senior officers, Group Leaders and Committee Members on a quarterly basis.
- R3 Review the structure and create a more traditional Planning service structure with appropriate and recognisable reporting lines and job titles.
- R4 Review the service capacity – particularly planner capacity. The service would appear to be at least three officers (2 junior and additional Principal Planning Officer - taking into consideration recent additions) below the minimum level on which the department can effectively function at a basic service delivery level. This capacity review needs to:
- a. address the needs of planning applications, planning appeal and pre-applications services
  - b. ensure Principal Officer capacity for sign off, coaching and supervision to enable the Chief Planning Officer and Head of Planning have enough capacity to 'manage' the service
  - c. Through appropriate permanent staffing minimise the need for temporary and consultancy staff

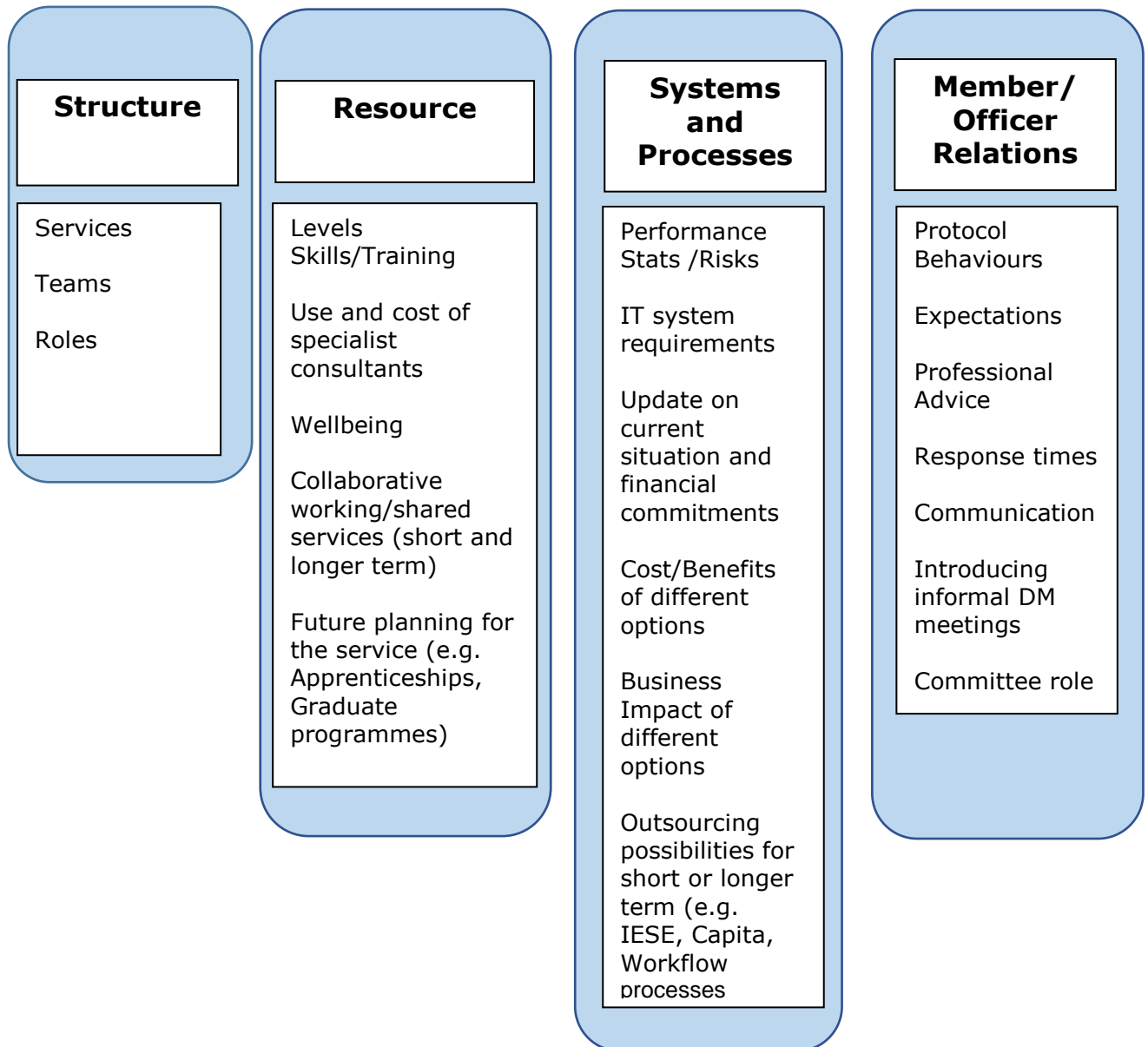
- d. Technology administration and validation management and capacity, including reducing planner administration., to maximise planner resources.
- R5 Develop a greater understanding between Members and Officers of the different roles and responsibilities including Officer recommendations. It is essential that the behaviour and conduct of all Councillors and Officers meets seven Principles of Public life in the Local Government Ethical Standards Report published in 2019. To achieve this:
- a. Proactive steps by the Council’s Executive Leadership Team to support Officers and rebuild officer/member relations
  - b. A revision of the recently revised Planning Protocol
  - c. Further Councillor and Officer training
  - d. Councillor /Officer engagement designed to build understanding and trust.
- R6 Continued support from Executive Leadership Team for the immediate and long-term solutions to the planning and DM service in line with the recommendations of the report.
- 2.3 In summary, the recommendations from the Planning Committee review are as follows:
- R1 Training and discussion in relation to the roles and responsibilities, and the difference, for Officers and Members (issues on the quality of input from consultee should be addressed separately).
  - R2 A new standard call-in procedure should be developed to ensure greater clarity and to avoid uncertainty.
  - R3 The structure of the meeting needs to be clearly explained and followed, with a clear appreciation of the Ward Councillor’s speech and the Committee’s questions and debate to clarify the roles and aid the public’s understanding.
  - R4 A more proactive advice role should be taken by the Planning Solicitor to ensure more robust and defensible planning decisions, particularly in relation to appearance of bias, predetermination, case law, material consideration and the Council’s case in relation to appeals and court challenge.
  - R5 Training and discussion, with input from the Planning Solicitor, on the approach to overturns and presenting alternative motions and the potential for the perception of predetermination.

- R6 Review of the planning protocol to ensure probity and robust defensible planning decisions, including, the review of the declarations of interest and potential conflict with other roles.
- R7 Live streaming should show the same view as the Zoom screen with all participants visible to viewers in order to help increase the clarity of the decision-making process for those watching. (This is no longer applicable as the Committee Members are attending in person).
- R8 Introduce an electronic voting system to make better use of time and deliver a more robust decision-making process, particularly as every motion is individually voted upon. (This is no longer applicable as the Committee Members are attending in person).

### **3. Interim Measures and Next Steps**

- 3.1 The recommendations from both the Development Management and Planning Committee reviews make it clear that fundamental changes are required to improve service performance. Some of the options for service transformation need careful consideration before determining the appropriate course of action. As such, a business case to support service improvement is being developed. In the meantime, interim measures are being put into place to ensure the Development Management team has the capacity and resilience to deal with the backlog of applications and maintain service levels. The recruitment campaign for a new Chief Planning Officer has now gone live. In terms of temporary resource, the following is in place to support the Development Management team:
- Principal Planning Officer- 6 months from August 16<sup>th</sup> 2021
  - 2 x Validation Officers - 6 months from July 26<sup>th</sup> 2021
  - 2 x Planning Assistants – 3 months to end of August and we may need to extend these
  - Informal advice and support is also being provided by Sevenoaks District Council
- The early implementation of measures to ensure communication between councillors and officers works as effectively as it can is also being considered as an immediate priority.
- 3.2 To support the development of the business case, an internal Transformation Lead (Jayne Roberts) has been appointed and will report directly to the Chief Executive. Key aspects of the role are:
- a. To act as the lead in the development of a full business case for change in conjunction with the Project Sponsor (Chief Executive) and other colleagues as required.

- b. To develop a framework for programme management and governance, including the establishment of a Programme Board and any working groups as required.
- c. To act as the lead in the development of the work programmes for four main workstreams as follows (note that recommendations from the Planning Committee review will be considered as part of Member / Officer Relations workstream:



- d. To work with Officers, Councillors and other external parties (e.g. other local planning authorities) to research best practice, consider business re-engineering techniques and efficiencies, system improvements and opportunities for collaborative working where appropriate to transform the Planning service for the short and longer term.

- e. To set out and manage all aspects of the funding required to undertake the transformation programme, reporting through the Programme Board, supported by the Finance Business Partners.
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- 3.3 The Chief Executive, as Project Sponsor, will retain overall responsibility for the operational decisions as this is a service transformation programme. This will be done in consultation with Group Leaders, Chairs and Vice Chairs where appropriate).
  - 3.4 The first phase of the project will focus on setting a vision for the service, evidence gathering including activity assessment, benchmarking, a value for money assessment and IT solutions. This work will inform the second phase of the project and needs carried out with due diligence in order to ensure the best possible outcomes are achieved in relation to the structure, staffing, resilience and value for money. To inform this phase, Peer Review work is being undertaken with district and borough councils who will have similar Development Management functions to Tandridge at how structures and resourcing are organised and how this impacts on performance.
  - 3.5 The outcome from the phase one work will be reported to Planning Policy Committee in September to inform the second phase. The Committee will be asked to consider the full Business Case and make recommendations to Strategy and Resources Committee for any investment required in association with this programme at its meeting in November.

## **4. Key implications**

### **4.1 Comments of the Chief Finance Officer**

- 4.1.1 As set out in this report, the performance of the Planning Department has suffered over many months due to lack of leadership and capacity. The aim is to invest back in the service to bring it to the requisite level to deliver its statutory function.
- 4.2.2 Due to the significant current and future financial constraints of the Council, every decision taken not just within Planning but across the Council as a whole, has to be carefully considered and managed. As set out in section 3 of the report, interim steps with the associated investment (as part of the short-term strategy) have already been taken to start to shore up the service. Fundamentally, the function needs to be transformed. Concurrently, a Business Case for this transformation is being prepared which will determine the medium-term investment required and the return on that investment over the same period. As this transformation programme progresses the risks and issues will need to be closely monitored and managed and reported through the programme governance.

## **4.2 Comments of the Head of Legal Services**

- 4.2.1 The Town and Country Planning Act 1990 provides the local planning authority with a strategic role within the planning system with a statutory responsibility for management of delivery of planning services within its designated area including Development Control and Planning Policy making functions.
- 4.2.2 Planning legislation and related government guidance requires that planning services are provided in a professional and effective manner, and in particular, that the decision-making process is robust and transparent.
- 4.2.3 The PAS recommendations if actioned should see improvements to well-being of Officers from reduced inefficiencies in performing day-to-day tasks, alleviating pressures from application backlogs, and improved customer feedback arising from better service standards.
- 4.2.4 The Head of Legal has considered the proposals set out in this report and is satisfied that they will assist the local planning authority in effectively discharging its statutory duties as set out in Para 4.2.1. Legal advice will be sought directly on any individual proposals to implement changes arising from the report recommendations where there are legal implications.

## **4.3 Other Corporate Implications**

- 4.3.1 Not applicable

## **4.4 Equality**

- 4.4.1 This report contains no proposals that would disadvantage any particular minority groups

## **4.5 Climate change**

- 4.5.1 This report contains no proposals that would impact on the Council's commitment to climate change

## **5. Appendices**

- A - Development Management Review – Planning Advisory Service  
B - Planning Committee Review – Planning Advisory Service

## **6. Background papers**

- 6.1 None

----- end of report -----





## **Tandridge District Council DM Review July 2021**

### **1. EXECUTIVE SUMMARY**

- 1.1 The Planning Advisory Service (PAS), working with Tandridge District Council, undertook a review of the Council's DM function in March and April 2021. The person appointed to work with PAS to conduct the Development Management Review is Gilian Macinnes Bsc MBA MRTPI. A wide range of officers and Councillors (and a Parish representative) were interviewed as part of the review.
- 1.2 The Council was formally approached by central Government in August 2020 threatening designation for the quality of decisions on major planning applications of losing more than 10% at appeal. The published table of data put Tandridge District Council for the 2 year performance period, year ending December 2018, as the fourth (325/338) poorest performer in the Government league table ([Planning Live Statistics - table 152](#)) with a percentage of 11.3% of major applications lost at appeal.
- 1.3 In undertaking the review, in addition to the quality performance, it became apparent that there were a range of serious issues impacting on the delivery of Development Management Services. In particular: application (including validation) backlogs, lack of IT functionality and reporting reliability, high staff sickness, low staff morale and concerns over some officer/Member working relations. The main issues have been identified in this report and recommendations made in relation to the next steps to address them.
- 1.4 In relation to Government designation, it appears that there has been a significant improvement in terms of the quality measure. Committee Members have an understanding about the difficulties of refusing an application based on technical grounds without support from the technical consultees or technical evidence to support the position. This understanding appears to primarily derive from the outcome of the Felbridge appeal and costs award. The Council has not been monitoring this quality performance measure which would have been expected following central Government's approach. Using a PAS planning application performance monitoring tool and the statistics provided by the Council's IT department, the performance has improved from 11.3% of major applications lost at appeal in December 2018 to 6.25% in March 2020, so below the Governments designation threshold of 10%. However, this is based on the IT system report and PAS have concerns about the reliability of the

## APPENDIX A

Gilian Macinnes

reports being produced by the system. The Council is achieving the performance required in the other three Government performance measures. The Council has done very well to maintain the speed of determination of majors and non-majors, however, it appears a backlog of applications is growing.

- 1.5 The current structure, developed during the corporate restructure a few years ago, does not appear to be fit for purpose in terms of delivering the Council Development Management Service in an effective and efficient manner. The number of officers is insufficient for the workload and the back log is building to what we believe is an unmanageable level. The caseloads per officer are very high and becoming impossible for officers to maintain throughout, and we believe they are becoming ineffective as they can become 'frozen' by the volume. We believe the present structure does not provide the managerial or supervisory capacity to aid service delivery, for example, there are planners that report to a non-planner; the Principal Enforcement officer without a team, as the other Enforcement officers report elsewhere; and a Head of Planning, that at another authority would be a Development Management Manager, who has a large number of direct reports resulting in a supervision and work throughput burden which reduces her capacity for service management. We believe a traditional hierarchical structure with appropriate post titles, function teams and limited number of reports would be much more effective in term of service delivery, quality of output, staff wellbeing and recruitment.
- 1.6 It is apparent that there is significant member support for the planners and the DM service and an appreciation by many that they are under resourced. However, it was highlighted in the review that there are perceived issues in the working relationships between some Planning officers and some Members where officers have felt that they have been engaged unprofessionally by Councillors, where officers have not responded to Members requests and there is a perceived disconnect between what is expected of the service by some Members and what it is currently resourced to deliver and what is possible within the legislative, policy and guidance framework for Planning. Incidences have not been formally reported but this breakdown of the two-way relationship between Planning officers and Members has produced a lack of trust in the service.
- 1.7 The relationship between Members and Planning officers is a key component of a productive Planning service. It is vital for all Members to clearly understand the framework within which Planning exists and their role in terms of Planning legislation, policy and guidance, probity and the Nolan Principles of Public life, as all Local Authority Councillors have to in their engagements in Planning. Measures need to be taken to build greater trust between the Members and the Planning service. These should focus on: developing a greater understanding between officers and Members of their respective and vital roles, clarity of standards of behaviour for officer and Members and clear process and support for officers to confidently reporting perceived mistreatment and reported outcomes if any unacceptable behaviour is proven. Training for all Councillors should be made available, not just those on the Planning Committee, and greater clarity in the Council's Protocol would ensure a greater and wider

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understanding of the planners' role and the Councillor role so they can work constructively together.

- 1.8 To improve relationships and trust, officers also need to develop a greater understanding of the political environment in which they work, ensuring that all conversations, correspondence and communications remain impartial, professional and polite. Officers at all levels would benefit from training on the role and responsibilities in Planning of Councillors and officers.
- 1.9 In terms of the Planning and DM service management, a great deal of support has been voiced for the managers and team by Members and officers however, there is also criticism that the service is not being effectively managed and there is a perception by some that there are capability issues with some Planning officers. It is our opinion that at present, due to the lack of capacity at lower grades, the managers appear to be 'doing' not focusing on managing. More capacity needs to be provided at Principal Planning Officer level and below to 'do', including signing off work, to facilitate the effective management and delivery of the service.

There appears to be a high level of incidences of stress and sickness leave within the service, this is of concern for both the health and wellbeing of the staff but also in the provision of the necessary resources to deliver the statutory service and will be of concern to the Council. The Council has placed extra temporary staff, suspended the pre-applications service and taken advice from Sevenoaks Council as immediate but short-term responses to the capacity issues of the service but longer-term solutions will be required.

- 1.10 The IT systems and level of functionality falls considerably below that which you would expect in a modern Planning service. As previously stated, there are significant concerns about the reliability and efficacy of the current IT system particularly in terms of reporting. In terms of the wider use of the Planning systems, it was apparent that there is very little, if any automation and that officers are doing their reports in MS Word and then populating more than one system. This is hugely inefficient and time consuming. Improving system functionality (or the use of system functionality) and greater automation should be a priority to ensure that the reports and decision notices can all be produced in the system.
- 1.11 It is apparent that the issue of the Council's finance is upper most in the senior officers' minds. Whilst it is appreciated that the Council is facing financial challenges, the failure to address the issues currently impacting on the Planning Service have the potential to be costly financially in the long run in terms of appeal, court, ombudsman, staff sickness, and recruitment costs. In any event, in addition to these costs the workload backlog (applications, appeals, complaints) will eventually have to be addressed by temporary staff or consultants at greater expense than permanent staff or by an increase in permanent staff or a combination of all of these. In addition, failure to address these issues in a timely manner may impact on your Government speed of determination performance measures potentially leading to designation, the loss of decisions making powers and the potential loss of applications fees.

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1.12 In addition to the issues identified above there are also a number of other issues that were raised during the review that could not, due to time constraints be considered in any detail. It is recommended that these suggestions are considered for inclusion in a future action plan:

- Length of the delegated reports (reduction)
- Review, consult upon and reissue the local validation list (2 years out of date)
- Training on policies for DM officers to ensure the greater use of local plan evidence base in decision making
- Introduce development team meetings on major or complex applications including Planning Policy
- Address concerns raised about Legal resourcing to support Planning including lack of litigation specialist
- Review management policies and procedures in relation to the DM service (Risk Assessment etc)
- Review the process, procedure and training in relation to document redaction and resource.

1.13 The Planning and Development Management Service has improved their quality performance and maintained a speed of determination, but applications are increasing, and the backlog is building. There are concerning levels of ill health, high workloads, an ineffective structure, an IT system that does not have the functionality expected in a modern Planning service and potentially inaccurate performance reporting. In addition, although there is a great deal of Member support and understanding about the under resourcing there is a lack of trust and a poor relationship between some Members and officers. These are all serious problems prohibiting the effective and efficient functioning of a Development Management Service. It is essential that the structure and lack of capacity is addressed urgently to permanently address the workload levels and minimise future use of temporary staff; that a project to review the current IT system and if possible, develop the necessary reporting is resourced and prioritised; and measures taken to improve Councillor/Officer trust and understanding and address behaviour issues/perceptions.

The following are the key recommendations proposed to address the main issues raised during the Review:

### KEY RECOMMENDATIONS

**R1 Review the current IT systems (including the public portal) to address what is required for effective and efficient service delivery. This includes:**

- a. **The accuracy of the data in the system.**
- b. **Formatting management reports aligned to Government returns to easily complete the returns and to enable managers and individuals to manage workload and performance.**
- c. **Providing Councillors, Parishes and consultees with appropriate information/reports.**

- d. **Implement in the system reports, consultation /neighbour letters and decision notices (templates etc).**
  - e. **Review current processes and approaches and identify areas where greater data, constraint and policy pull through and greater automation can be achieved by the system.**
  - f. **Identifying the areas of current failure, potential solutions, and dedicated resource. Including ensuring sufficient resource capacity is available at all levels to develop the functionality of the system and aid effective solutions. if the current system is incapable of providing solutions an alternative proposal should be set out.**
  
- R2 Closely monitor all Government performance measures and appropriate TDC measures to align with performance levels appropriate within the budget available and report these to senior officers, senior Councillors and Committee on a quarterly basis**
  
- R3 Review the structure and create a more traditional Planning service structure with appropriate and recognisable reporting lines and job titles.**
  
- R4 Review the service capacity – particularly planner capacity. The service would appear to be at least three officers (2 junior and additional Principle Planning Officer - taking into consideration recent additions) below the minimum level on which the department can effectively function at a basic service delivery level. This capacity review needs to:**
  - a. **Address the needs of planning applications, planning appeal and pre-applications services.**
  - b. **Ensure Principal officer capacity for sign off, coaching and supervision to enable the Chief Planning Officer and Head of Planning have enough capacity to ‘manage’ the service.**
  - c. **Through appropriate permanent staffing minimise the need for temporary and consultancy staff**
  - d. **Technology administration and validation management and capacity, including reducing planner administration., to maximise planner resources.**
  
- R5 Develop a greater understanding between Members and officers of the different roles and responsibilities including officer recommendations. It is essential that the behaviour and conduct of all Councillors and officers meets seven Principles of Public life in the Local Government Ethical Standards Report published in 2019. To achieve this:**
  - a. **Proactive steps by the Council’s leadership team to support officers and rebuild officer/member relations.**
  - b. **A revision of the recently revised Planning Protocol.**
  - c. **Further councillor and officer training.**
  - d. **Councillor /officer engagement designed to build understanding and trust.**

**R6 Continued support from senior council officers for the immediate and long-term solutions to the Planning and DM service in line with the recommendations of the report.**

**2. INTRODUCTION**

- 2.1 The Planning Advisory Service (PAS) is part of the Local Government Association (LGA). PAS provides high quality help, advice, support and training on planning and service delivery to councils. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve.
- 2.2 The person appointed by PAS to conduct the Development Management Review is Gilian Macinnes Bsc MBA MRTPI: Gilian has over 30 years Local Government planning experience, having worked across a wide range of planning related roles including as a consultant with PAS, a Director of her own consultancy Gilian Macinnes Associates and recently as Head of Planning and Development at Ashford Borough Council.
- 2.3 The scope of the review was discussed with Jackie King, Interim Chief Executive; Charlotte Parker, Chief Planning Officer; and Louise Wesson, Head of Planning. The review was instigated due to the Council having failed to achieve the Government major application quality performance threshold (10% of major applications lost at appeal) and has focused on the operation of the Development Management Service and identifying areas of concern where there are barriers to success and improvement, and identifying areas for improvement.
- 2.4 The Review was undertaken between February and April with the majority of meetings taking place on the 15<sup>th</sup> and 16<sup>th</sup> of March, however, there has been on going engagement with Heather Wills of the LGA and Jackie King, Interim Chief Executive. The Chief Planning Officer and the Head of Planning were both on sick leave during the interviews but kindly contributed to the Review. All interviews were carried out virtually using Zoom/Teams/Skype
- 2.5 A much larger number of interviews were undertaken than is normal for a DM Review, with a broader range of Councillors and officers, particularly senior officers. Unfortunately, there was no engagement with the development sector or external consultees, with the exception of a Local Council representative interviewed. Some of those interviewed for the PAS Committee Review also commented on the wider DM issues. All those interviewed have engaged fully with the process and are thanked for providing their honest opinions and feedback.

**3. Purpose and Overview**

- 3.1 The Government assess local authority Planning Services, Development Management function using four Government performance measures: major

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application and non-major application speed of determination; and major application and non-major application quality. If the performance thresholds is above the Government thresholds in the case of the quality measures and below in the case of the speed measures, the Council could be designated and have the potential to lose their ability to determine that type of planning application. Tandridge District Council (TDC) are currently above the Government threshold for major applications quality and Government wish to see significant improvement. TDC failing the Government's major application quality performance indicator did not appear to be clearly know or understood, or of concern to many of those interviewed. Although the catalyst for the review was the major quality indicator, this review identifies the main issues affecting the Department's overall performance and suggests areas for further action. There are some quite profound issues affecting the Planning Service indicated by the following quotes made during the interviews:

*"Planning is a broken service"*

*"The rest of the Council prop up Planning"*

*"Other departments are bored hearing about Planning being under resourced – they just sigh"*

- 3.2 There is no doubt that the morale in the department is extremely low. There is a high level of stress related illness that appears to be work related. There were clear indications in the meetings with officers that many were overwhelmed with work, due to a lack of capacity; and adversely affected by complaints and perceived negative, confrontational, approaches that individual officers and their colleagues experienced from some Councillors and what was felt to be a perceived lack of support from the senior management of the Council. These incidents had not been formally reported or substantiated in this review. Almost everyone spoken to had a realisation that the Development Management part of the Planning Service did not have the capacity to undertake the current workload. There was great concern expressed by many about the impact this was having on officers. It is extremely unusual to undertake interviews where many of the officers were visibly upset and/or commented openly about the distressed state of colleagues. Almost everyone spoken to referred back to the 'Customer First' restructure and the adverse impact that had in terms of capacity, Planning and the overall organisation and this was noted on the Council's response to Government.
- 3.3 It is clear that the main driver in terms of the operation of the Council at present and therefore, the ability to address the issues in the Planning Service is the apparent imperative to reduce Council spending, implement cuts and curtail any additional spending. It was highlighted that other services in the Council are struggling but responding to also being under resourced. The provisions of a Planning system is a statutory service for the Council which will mean that a level of resourcing will be required. This does not seem to be appreciated by some officers outside of Planning.

#### **4. Government Designation**

- 4.1 The Government recognises the important role Planning services play in enabling growth. To ensure efficient and effective Planning services, it sets performance thresholds for speed of decisions (above 60% of total decisions within 13 weeks for major applications, 70% of total decisions within 8 weeks for non-major applications) and quality of decisions (no more than 10% of appeals allowed on appeal compared to total number of major and non-major applications decided) that all Local Planning Authorities (LPAs) are expected to achieve. Where these performance thresholds are not met the LPA may be 'designated' by the Government and lose the power to make decisions on applications. Performance is assessed over a rolling 2-year period.
- 4.2 The published Government statistics, over the rolling 2-year period, at the time of this DM review were:
- Quality of decisions score at 24 months to Dec 2018 was 11.3% (325/338) on major applications and 1.4% (273/338) on non-majors.
  - Speed of decision scores were 87.3% (208/344) for major applications and 89.3% (186/344) for minor applications in the 24 months to December 2020.

The quality threshold leading to designation for major applications at Tandridge DC (TDC) was exceeded in the designation quarter. A letter was written by TDC to MHCLG to assure them the issues were being tackled and PAS offered to undertake both a Committee and DM review and Councillor training, of which this Review Report forms part. The non-major quality threshold is well within the performance threshold.

- 4.3 In undertaking the review, it did not appear that forward projection of the major quality indicator, for which the authority is facing designation, had been undertaken. There was monitoring of Committee decisions, major and non-major, appeals and overturns but this does not give the full picture. This is an area where the reports have not been available for service managers and senior management or there is a lack of training on accessing performance reports. This lack of available, accurate monitoring information is a significant concern and fundamental to future improvement.
- 4.4 The review considered the quality data from the Council's IT department. This data was populated in a PAS tool to monitor the appeals performance of major planning applications. This helps to illustrate the potential outcome at the next designation period. The monitoring tool indicates that TDC, in relation to the quality for major applications measure, will avoid designation this year. However, the accuracy of the data being produced in reports by the current software system is questionable and inefficient.



**PAS** planning application  
performance monitoring tool  
**Criteria: Quality- Major**

**Council: Tandridge**

		District matter Majors						
		All Major Decisions	Refusals	Appeals	Dismissed	Appeals allowed	Pending	Result
Quarter 01	Apr - Jun 2018	7		2	1	1	0	14.29%
Quarter 02	Jul - Sep 2018	10		2	0	2	0	20.00%
Quarter 03	Oct - Dec 2018	7		0	0	0		0.00%
Quarter 04	Jan - Mar 2019	10		0	0	0		0.00%
Quarter 05	Apr - Jun 2019	6	4	0	0	0		0.00%
Quarter 06	Jul - Sep 2019	7	2	1	1	0	0	0.00%
Quarter 07	Oct - Dec 2019	10	2	1	0	1	0	10.00%
Quarter 08	Jan - Mar 2020	7	2	1	1	0	0	0.00%
total		64	10	7	3	4	0	6.25%
		Maximum level required						10.00%

4.5 The Council has done very well to maintain the speed performance for both Major and Minor applications. It is to be commended that the speed performance thresholds have been exceeded. However, this appears, if the Government statistics (data provided by TDC) are correct, to be disguising a large on-hand number/backlog of planning applications. It appears that there were 356 applications received, 284 decision and on hand figure of 657. This 'on-hand' figure seems unlikely to be accurate.

4.6 There may be issues regarding the accuracy of the Government statistic. The accurate recording of the statistics, the set-up of the IT system and the approach to reporting are clearly understood by the Planning Service management but there is a concern that it is not seen as important and a priority by others in the Council. It is vital that the IT system and reports are aligned in terms of the Government categories. This is not currently the situation, there is no reference to major applications and non-major. In addition, it is of concern that an officer is required to check the accuracy of the statistics being produced by the system. This seems a high-risk approach, based on memory, with a stable staffing situation that have good memories and a firm handle on all applications but impossible with staff turnover and absence. The accuracy of these nationally published statistics needs to be checked further and subsequently published national data does not correspond to the data received from the Council.

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- 4.7 To address these issues it is important that officers and Members are closely monitoring the quality indicators, that robust and defensible decisions are being made and accurate data is being recorded in the IT system. Data needs to be accessible in a format that is straight forward, aligned to Government returns and reporting, is useable and accessible with ease to Planning Service management and reported to the Council's senior officers. To ensure the appropriate monitoring for all Government returns and performance indicators and effective performance management it is recommended that a suite of reports is created that is easily accessible and provide robust accurate information. Training may be required, and time made available (with suitable resourcing) for the training.
- 4.8 It appears that the understanding of Councillors on the Planning Committees has increased in relation to the comments of consultees, the assessment of applications and particularly technical reasons for refusal. Following the 'Felbridge' appeals, where there were very significant costs awarded against the Council, members of the Planning Committee appear to understand the importance of considering the technical consultees responses carefully, in that to challenge these without evidence is unlikely to succeed. However, particularly in relation to technical consultee responses, there were examples observed of Councillors crossing over into an officer role, in terms of undertaking research, contacting consultees and seeking evidence (see PAS Committee Review); this is inappropriate for their role. Where there is concern about the output of technical consultees this should be taken up by the Chief Planning Officer and potentially the Chief Executive.

### **5. Staffing Structure, resources, capacity and resilience**

- 5.1 The current structure is not fit for purpose – it does not focus resources and the correct management and supervision in the correct location. It is understood that the corporate restructure several years ago ('Customer First - Ignite') reduced the number of planners and officers, altered the structure creating Specialists and Caseworkers, and removed the job title for Planning officers. The structure has been relatively recently changed a little to address some of these matters, but it remains disjointed and ineffective. At present there are planners that report to a non-planner; the Principal Enforcement officer without a team, as the other Enforcement Officers report elsewhere; and a Head of Planning, that at another authority would be a Development Management Manager, who has a large number of direct reports resulting in a supervision and work throughput burden which reduces her capacity for service management. In addition, changes to the structure could address working practices that detract from effective service management such as application allocation being done by the Case Service Team Leader and not the senior planners in DM who have a greater understanding of the caseload of the officers, the complexity of that caseload and performance capabilities. A traditional hierarchical structure would serve to ensure line and professional management with limited spans that can effectively manage, allocate and sign off work, manage performance, and coach and support more junior members of staff withing the relevant discipline.

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- 5.2 The number of officers is insufficient for the workload and the back log is building to an unmanageable level. The caseloads per officer are very high and it is becoming impossible for officers to maintain throughput, leading in some cases to officers becoming 'frozen' by the volume. There is a risk that applicants may decide to appeal on grounds of non-determination if they do not see progress with their applications which in itself has resource and cost implications. In addition, members are dissatisfied with the access they can currently get to officers and the suspension of certain services e.g. pre-application advice, and this is causing greater distrust.
- 5.3 There has been a history in the past of employing temporary staff to clear backlogs, most of which have been on very short contracts, and then getting rid of the temporary staff only for the backlog to build again without tackling the root problem that there is not enough capacity to maintain the throughput of applications. The reasoning for this is that there is not enough funding to address this lack of capacity. Planning, a statutory service, has no alternative but to respond to the workload that comes into the Council – it cannot turn away planning applications or appeals and suggest that the 'customer' take it elsewhere. If a planning application backlog builds it will be there until it is dealt with or until it is appealed on grounds of non-determination, which would use even more resources. It is a false economy to under resource the planning applications function (technical administration/validation and planners) as it will be more expensive to employ temporary staff to clear backlogs. In terms of planners, it will take officer resource away from doing the applications and appeals to train a revolving door of temporary staff; it will increase complaints that takes time away from doing the applications and appeals, it can lead to errors which can result in: court cases and ombudsman awards, low morale, staff health and safety issues, loss of members of staff leading to additional recruitment costs and undermining the reputation of the Council. All of these problems are evident from the lack of resourcing at Tandridge. In terms of technical administration/support staff much of the above also applies to the staff undertaking technical administration/support but it can also result in time sensitive applications being missed leading to default approval; potential costs from mistakes related to GDPR which can have costly implications; missing key deadlines in relation to Tree Preservation Orders and/or appeals. At present the backlog of applications being validated is rising which delays the ability of case officers to assess, recommend and where relevant determine them. All validation staff need to be well trained, understand the applications that are particularly time sensitive, appreciate the urgency to complete validation and get them to the Planning officers (this should be 3-5 days and is currently taking in excess of 2 weeks). The Validation officers have recently received additional training from the Principal Planning Officers. Appropriately resourced and trained technical administration is key to the delivery of a cost effective and functioning Planning Service. As part of a staffing review the technical administrative functions and amount of administrative work undertaken by Planning officers should also be reviewed. The benefits of a business manager and the use of administrative staff to undertake some functions to alleviate and

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produce more capacity for the more expensive and rare Planning officer resource should be considered.

- 5.4 There is a conflict of views provided to the Review in relation to staffing, there is a view that the Planning managers and DM officers have not made it clear that they require more resources, in contrast, the managers in Planning and other officers stating that they have been begging for additional resources. However, it was apparent that crisis point had been reached and the Council has agreed to employ temporary staff for a four-week period. However, this short period resource is ineffectual and adversely impacts on the resources available due to the time taken to train and induct new staff, temporary staff looking for better prospects due to the short term nature of the commission etc and the temporary staff having barely any effective time to deliver completed cases it becomes more a holding situation with them 'babysitting' the applications. Sevenoaks District Council has provided some peer support as advice for officers due to the lack of Planning/DM management as a result of sick leave, but this did not provide any validation or Planning officer resource to undertake workload/applications/appeals.
- 5.5 A number of Members commented that there were insufficient enforcement resources.
- 5.6 There is currently a high level of ill-health and apparent distress being displayed by officers in Planning and Development Management. The issues of staffing and management resources, capacity and resilience need to be addressed as a matter of urgency and a permanent solution developed.
- 5.7 Further work is required in relation to the short and longer-term solutions and the amount of resource required for the service to function properly. However, it is clear that a number of additional posts, in a new more traditional hierarchical structure, with Planning officers working in teams and enforcement officers in an enforcement team, to bring the service up to a basic level to cope with the incoming work without building a backlog. A structure that facilitated effective management and supervisory responsibilities, staff development and support.

## 6. Officer and Member Relationship, Roles and Responsibilities

- 6.1 It is apparent that there is significant Member support for the planners and the DM service and an appreciation by many that they are under resourced. However, there are other Members who appear to think that the officers are all doing well, and everything is fine. This review demonstrates that this is not the case. In addition, there is a disconnect between the expectation of some Members and what the department is currently resourced to deliver and what is possible within the legislative, policy and guidance framework for Planning.
- 6.2 It is vital for all Members to understand more clearly the framework within which Planning exists and their role in terms of planning legislation, policy and guidance; probity and the Nolan Principles of Public life. There is a desire by some Members to do the work of officers and feel that officers should use

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Councillors' experience. A new Planning Protocol 2020 has been drafted; however, it needs to be further reviewed to ensure that there is clarity of roles and responsibilities and standards of behaviour for both members and officers.

- 6.3 Most Members, particularly those on the Planning Committee, appear to understand that the officer's recommendation is their professional judgement, that they are required to make a recommendation, and that it is inappropriate to tell them they are wrong and try and persuade them that they should change their recommendation. Ultimately the Planning Committee can decide to disagree with the officer recommendation if they have robust and defensible reasons for doing so but individual councillors cannot change the recommendation or overturn an officer recommendation. However, there were concerns expressed that some Councillors did not clearly understand this. Therefore, further training for all Councillors not just those on the Planning Committee and greater clarity in the Protocol would ensure a greater and wider understanding of this.
- 6.4 It was highlighted during the review that there have been incidences where officers have felt that they have been mistreated or unprofessionally engaged with by some Councillors. These incidences have not been formally reported but there were several comments made during the Review that when certain Councillors contact details came up on the screen the officer had "a feeling of dread". Though not formally reported concern was raised by several officers that nothing had been done or they were not aware if anything had been done following these incidents. It may be that the officers have not reported or failed to produce the evidence in relation to the occasions of concerned engagement, so therefore no action has been taken. In the course of this review the perceived mistreatment was very real to the officers and even without a formal complaint will be of concern to the Council's leadership and something that will want to be addressed to allow the Planning service to function properly and work constructively with the members. Developing a greater understanding between officers and Members, clarity of standards of officer and Member behaviour and roles and support will go some way to rebuilding the necessary trust between officer and members for Planning to function properly.
- 6.5 Some Councillors were concerned and upset by the suspension of pre-application advice and the request to be patient with the Planning officers lack of capacity. Some Councillors appeared to understand why officers are taking this approach but other are frustrated. In assessing resources and capacity the pre-application service (and income) and the level of service sought/that can be delivered need to be considered and balanced against the statutory requirements of the service.
- 6.6 Officers need to develop a greater understanding of the political environment in which they work ensuring that all conversations, correspondence and communications remain impartial, professional and polite. Officers at all levels would benefit from some training on the role and responsibilities of Councillors and officers.

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Cllr Comments:

Officers show a *“lack of willingness to work with Members”*.

*“Communication difficulties, lack of resources creates a culture of them and us”*

### 7. Management of the Planning Service

- 7.1 In terms of the Planning and DM Service management, a great deal of support has been stated for the managers (and team) however, there is also criticism that the service is not being effectively managed and there is a perception by some that there are capability issues with some Planning officers. At present, due to the lack of capacity at lower grades, the managers appear to be ‘doing’ not managing, particularly the planning applications workload. It appears that by trying to deliver application decisions, there is insufficient time/resource left for the management of the department, service improvement, IT system implementation, risk assessments, resource planning, working with members, forward planning etc. More capacity needs to be provided at PPO level and below to ‘do’, including signing off work, to facilitate the effective management of the service.
- 7.2 In addition, it does not appear that all the management policies and procedures are in place, updated and /or disseminated that one would expect to be in place. It has not been possible to investigate this, or the degree to which it is addressed corporately, in this review. However, it is recommended that management policies and procedures are reviewed, updated and disseminated.
- 7.3 There appears to be a high level of incidences of stress and sickness leave within the service, this is of concern for both the health and wellbeing of the staff but also in the provision of the necessary resources to deliver the service and will be of concern to the Council.

### 8. IT Systems

- 8.1 The IT systems and level of functionality falls considerably below that which you would expect in a modern Planning service. As stated above there are significant concerns about the reliability and efficacy of the current IT system particularly in terms of reporting. The new system should be able to produce performance dashboards and performance reporting for all officers. Comments were received that the new system did not function as well as the previous version.
- 8.2 In terms of the wider use of the planning systems, it was apparent that there is very little, if any automation and that officers are doing their reports in MS Word and then using them to populate more than one system. This is hugely inefficient and time consuming and improving system functionality (or the use of the system’s functionality) and greater automation should be a priority to ensure that the reports and decision notices can all be produced in the system. The view that *“the IT team develop what the business wants them to develop”* is not effective if the resources to do that development and maximise functionality are

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not available. It may be that the system has the ability to deliver the functionality required but a significant level of Planning and IT resource is required to achieve this including back filling the internal resource that make up the project team that would deliver such functionality. It is recommended that a project scoping the requirements of the system, the approach to delivery and cost is undertaken. This project should review all process to ensure that the system is developed in the most efficient way, ensuring history 'pull through', maximising constraint and policy 'pull through' and templates developed to maximise automation and utilise information 'pull through'. The information provided to councillors and parishes should meet their information needs (wards, closing dates etc). In addition to improving the internal system, the web provision should be reviewed as several concerns were raised particularly by Councillors.

- 8.3 There is a considerable lack of trust in the accuracy of information available from the system, particularly historic information, that can have a fundamental impact on the determination of applications (particularly in Green Belt areas). The lack of reliable information results in delays, manual searching and potential for future challenge. The previous stability of the service relied on individual people's memories to remember case histories – this is not a reliable or sustainable approach. An improvement in this area would also give Councillors greater confidence in the system.

## 9. Finance

- 9.1 It is apparent that the issue of the Council finances are upper most in the Council's senior officers' minds. It was said "*there is a culture of fear around spending*" and with reluctance for the Planning Service to be an exception to get spending sanctioned. Whilst it is appreciated that the Council is facing financial challenges, the failure to address the issues currently impacting on the Planning Service have the potential to be more costly financial in the long run. The strain that officers are currently under can result in an increase in mistakes resulting to administration and decisions that are not robust and open to challenge resulting in potential ombudsman and court cases. Failure to effectively resource Planning administration to deal with redaction and GDPR issues can have costly Information Commissioner (ICO) or court repercussions. The application workload if not addressed could result in a significant increase in appeals on grounds of non- determination and the potential for awards of costs and impact on the Government quality performance threshold. The failure to respond and determine applications in a timely manner can result in increased complaints, taking up resources, which further reduce the time available to tackle the DM Teams workload and potentially result in ombudsman complaints. Failure to determine planning applications can result in an increase in unauthorised development and demands on enforcement as people become frustrated with 'the system'. In any event, in addition to these additional costs the workload backlog (applications, appeals, complaints) will eventually have to be addressed by temporary staff or consultants at greater expense than permanent staff or by an increase in permanent staff or a combination of all these. In the meantime, you will have had additional staff

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sickness, potential staff health and safety issues, resignations and recruitment all of which result in additional costs. Ultimately, failure to address these issues in a timely manner may impact on your Government speed of determination performance measures leading to designation and the potential loss of applications fees.

### **10. Other Areas**

10.1 There are a number of other areas that were commented upon during the Review which should be the subject of future consideration and potentially included in an action plan. However, there has not been the time available to consider these in any detail at this time it is recommended that these are considered further in an action plan. These include:

- Length of the delegated reports (reduction)
- Review, consult upon and reissue the local validation list (2 years out of date)
- Training and policies to ensure the greater use of local plan evidence base in decision making
- Introduce development team meetings on major or complex applications including Planning Policy
- Address concerns raised about Legal resourcing to support Planning including lack of litigation specialist
- Review management policies and procedures in relation to the DM service (Risk Assessment etc)
- Review the process, procedure and training in relation to document redaction and resource.

### **11. OVERALL CONCLUSIONS**

11.1 The Planning and Development Management Service has improved their quality performance and maintained a speed of application determination, but applications are increasing, and the backlog is building. There are concerning levels of ill health, high workloads, a structure that is ineffective, and an IT system that does not have the functionality expected in a modern Planning service and potentially inaccurate performance reporting. In addition, although there is a great deal of member support and understanding about the under resourcing, there is a lack of trust and poor working relations between some members and officers. These are all serious problems which are adversely affecting the effective and efficient functioning of the Development Management Service. Many of these issues have not been addressed due to the need to make savings and reduce costs, however, in our view a failure to address these matters is likely to result in greater cost in the long run for the Council. It is essential that the structure and lack of capacity is addressed urgently to permanently address the workload levels and minimise future use of temporary staff; that a project to review the functionality of current IT system and develop the system to meet the needs of the business including the necessary reporting, is resourced and prioritised; and measures should be



taken to improve councillor/officer trust and understanding and address behaviour issues/perceptions.

## **Recommendations**

- R1 Review the current IT systems (including the public portal) to address what is required for effective and efficient service delivery. This includes:**
- a. The accuracy of the data in the system.**
  - b. Formatting management reports aligned to Government returns to easily complete the returns and to enable managers and individuals to manage workload and performance.**
  - c. Providing councillors, parishes and consultees with appropriate information/reports.**
  - d. Implement in the system reports, consultation /neighbour letters and decision notices (templates etc).**
  - e. Review current processes and approaches and identify areas where greater data, constraint and policy pull through and greater automation can be achieved by the system.**
  - f. Identifying the areas of current failure, potential solutions, and dedicated resource. Including ensuring sufficient resource capacity is available at all levels to develop the functionality of the system and aid effective solutions. if the current system is incapable of providing solutions an alternative proposal should be set out.**
- R2 Closely monitor all Government performance measures and appropriate TDC measures to align with performance levels appropriate within the budget available and report these to senior officers, senior Councillors and Committee on a quarterly basis**
- R3 Review the structure and create a more traditional Planning service structure with appropriate and recognisable reporting lines and job titles.**
- R4 Review the service capacity – particularly planner capacity. The service would appear to be at least three officers (2 junior and additional Principle Planning Officer) (taking into consideration recent additions) below the minimum level on which the department can reasonably function at a basic service delivery level effectively. This capacity review needs to:**
- a. address the needs of planning applications, planning appeal and pre-applications services.**
  - b. ensure Principal officer capacity for sign off, coaching and supervision to enable the Chief Planning Officer and Head of Planning have enough capacity to ‘manage’ the service.**
  - c. Through appropriate permanent staffing minimise the need for temporary and consultancy staff**
  - d. Tech administration and validation management and capacity, including reducing planner admin., to maximise planner resources.**

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**R5 Develop a greater understanding between members and officers of the different roles and responsibilities including officer recommendations. It is essential that the behaviour and conduct of all Councillors and officers meets seven Principles of Public life in the Local Government Ethical Standards Report published in 2019. To achieve this:**

- a. Proactive steps by the Council's leadership team to support officers and rebuild officer/member relations.**
- b. A revision of the recently revised Planning Protocol.**
- c. Further councillor and officer training.**
- d. Councillor /officer engagement designed to build understanding and trust.**

**R6 Continued support from senior council officers for the immediate and long-term solutions to the Planning and DM service in line with the recommendations of the report.**



## **Tandridge District Council**

### **Virtual Planning Committee Review**

#### **July 2021**

#### **1. EXECUTIVE SUMMARY**

- 1.1 Tandridge District Council, working the Planning Advisory Service (PAS), undertook a review of how the Council's Planning Committee has been working and in particular how it has been working since being delivered virtually due to Covid 19 restrictions.
- 1.2 The Committee, held monthly, is a good size for effective decision making with 11 Members and 2 substitutes. The Council has moved relatively quickly (28<sup>th</sup> May 2020) to deliver a virtual Planning Committee in response to the pandemic and everyone considered there had been few technical issues and the Council is able to carry out its business and it should be commended for this.
- 1.3 The public are able to make representations by recording them in advance of the meetings and those making them are provided with good help and support.
- 1.4 The move to the virtual Committee has been effectively executed, the live stream is generally clear and is the same as that held in webcast. There are minor changes that could be made to improve the viewing for those watching. There could also be an improvement in inter officer and Chair communication during the meeting.
- 1.5 Many benefits arising from holding meetings virtually (higher attendance, less apologies, improved public access) are appreciated by the Members of the Committee. Overall the view was that it would be good to get back to the 'Chamber' but several Councillors and officers considered that going forward, a hybrid Committee would be a good idea as they would improve attendance, give access for those with caring responsibilities etc.
- 1.6 Those interviewed generally considered that the Committee made robust and fair decisions and that they debated them well. The Chair is provided with a briefing note that seems to be very useful with all the key players and information on the applications e.g. officer, speakers etc. However, there are several organisational and procedural issues that need to be addressed for either a virtual or 'Chamber' Committee. These include having a much clearer 'call-in' requirement for applications to go to the Committee; an improved clarity of the roles of Ward Councillor and Committee Members during the Committee, improved order of speeches and debate; and removing any perception or reality that Members are predetermined in their views on an application - particularly those that are given on applications that could be overturned at appeal.

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- 1.7 The Councillors need greater clarity in relation to the framework within which they are taking decisions, to advice received by Planning officers from technical consultees; and the roles and responsibilities (Members, officer, consultees etc), including for example, the Committee Member representing the public interest of the District as a whole (and not their ward) and particularly for Ward Councillors, ensuring that there are no perceived conflicts of interest and predetermination. The Planning Solicitor needs to be more proactive with his advice.
- 1.8 It is recommended that the Council make minor presentational changes and greater use of technology to speed up voting and retaining clarity of who votes as recommended in this report.

### **KEY RECOMMENDATIONS**

- R1 Training and discussion in relation to the roles and responsibilities, and the difference, for officers and Members (issues on the quality of input from consultee should be addressed separately).**
- R2 A new standard call-in procedure should be developed to ensure greater clarity and to avoid uncertainty.**
- R3 The structure of the meeting needs to be clearly explained and followed, with a clear appreciation of the Ward Councillor's speech and the Committee's questions and debate to clarify the roles and aid the public's understanding.**
- R4 A more proactive advice role should be taken by the Planning Solicitor to ensure more robust and defensible planning decisions, particularly in relation to appearance of bias, predetermination, case law, material consideration and the Council's case in relation to appeals and court challenge.**
- R5 Training and discussion, with input from the Planning Solicitor, on the approach to overturns and presenting alternative motions and the potential for the perception of predetermination.**
- R6 Review of the planning protocol to ensure probity and robust defensible planning decisions, including the review of the declarations of interest and potential conflict with other roles.**
- R7 Live streaming should show the same view as the Zoom screen with all participants visible to viewers in order to help increase the clarity of the decision-making process for those watching.**
- R8 Introduce an electronic voting system to make better use of time and deliver a more robust decision-making process, particularly as every motion is individually voted upon.**

## **2. INTRODUCTION**

- 2.1 The Planning Advisory Service (PAS) is part of the Local Government Association (LGA). PAS provides high quality help, advice, support and training on planning and service delivery to Councils. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve.

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- 2.2 The person appointed by PAS to conduct the review is Gilian Macinnes Bsc MBA MRTPI: Gilian has over 30 years Local Government planning experience, having worked across a wide range of planning related roles including consultant with PAS, as Director of her own consultancy Gilian Macinnes Associates and recently as Head of Planning and Development at Ashford Borough Council.
- 2.3 The scope of the review was discussed with Charlotte Parker, Chief Planning Officer. The review has focused on the operation of the Planning Committee as a virtual meeting, the approach to decision making and identifying any potential areas for improvement.
- 2.4 The Virtual Planning Committees held between October and March were viewed with interviews carried out with key Members of the Development Management Service, the Planning Solicitor, the Head of Legal, Democratic Specialist (Committee Clerk), Councillors on the Committee, Chair of the Planning Policy Committee and a Parish Council clerk. Interviews with other participants including County Highways, applicants, agents and Members of the public were requested but unfortunately none were arranged. All interviews were carried out virtually using Zoom/Teams/Skype and were undertaken predominantly between 26<sup>th</sup> February and 3<sup>rd</sup> March 2021. In addition, a short meeting was arranged with the Planning Solicitor on the 27<sup>th</sup> January 2021 prior to his departure.
- 2.5 All those interviewed have engaged fully with the process and are thanked for providing their honest opinions and feedback.

### **3. GENERAL ARRANGEMENTS**

- 3.1 The Council has a single Planning Committee, which is generally held monthly and there has been good Member attendance at the virtual Committee. To date eight of these have been held virtually. One Committee in January and two in February 2021 have been cancelled. The Council's use of Zoom as a platform to host the Planning Committee has been very successful. Practice sessions were held in advance of the first meeting and Councillors and officers were very complimentary about the support that had been received from Democratic Services Specialist. The only difficulties appear to have arisen in relation to wi-fi and the potential for loss of sound. Members have voting cards should this happen. The meetings are shown through Public-1 microsite (webcast) which the Council used prior to the pandemic and is accessible on the website. The information about the virtual meetings is on the Council website and provided verbally to speakers who record their submissions. In terms of ease of access to the meeting, it could be made easier to access the meeting by putting the 'button' in a more prominent location (e.g. TDC landing page). There are eleven Members of the Committee and this has not had to be changed to accommodate virtual meetings. This is a reasonable number for good decision-making and it is considered to be a manageable number of Committee Members for the purpose of a virtual meeting.
- 3.2 The in-person Committee meetings previously lasted on average 2.5 hours and the virtual meetings are currently the same. The longest virtual meeting viewed was 3 hrs 45 minutes. The Council's scheme of delegation has not been changed and the same number of applications (4-5) go to virtual Committee as done previously. Call in arrangements haven't changed and TDC have a 97% level of delegation.

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- 3.3 There was a range of major and minor applications at all meetings and there is no evidence that the move to a virtual Committee has resulted in delays to the determination of these applications. However, the service is suffering from capacity and staffing issues that are likely to have delayed the determination of some applications.
- 3.4 There is a lack of clarity on the call-in procedure and the recording of the call-in, resulting in conflict between officers and Members and confusion as to whether an item is going to Committee or not. There needs to be a clear, structured and standardised approach where the request is made on a standard form – preferably on-line - that is automatically recorded by the system and/or the request on a standard form is sent to a standard mail box and put on to the file by administration. Call-ins should be clear and not reliant on individual officers to pull them and the reasons for call in from their mailbox. This is particularly important in a situation where there is a rapid turnover of officers.
- 3.5 The Democratic Services Specialist and the Planning officers are based at the Council offices for the meeting (recognising current social distancing requirements) whilst the Committee Chair and the Committee Members and Ward Councillors join the meeting from a remote location. The Council Planning Solicitor and Deputy Monitoring Officer were remote from the meetings. The Head of Legal attended the March meeting as the Planning Solicitors post is currently vacant. The speakers (excluding) the Ward Councillor all record their speech in advance of the session with the Democratic Services Specialist or submit an audio file. Speakers commented that it was less nerve racking than appearing in person on the night and that the Democratic Services Specialist facilitated re-recording if necessary. There was also the benefit of ensuring that the speech was the allotted time and did not run over.

## **4. MANAGEMENT OF THE COMMITTEE**

- 4.1 The Chair and three Vice Chairs all attend virtually. The Chair is provided with a briefing note (script) for the meeting that reminds Committee Councillors that they do not represent their wards; proposes a vote on non-committee Members joining the debate; introduces officers; Councillor conduct reminders; the Planning officer presentation is available on the website through the 'library'; and provides her with programme and 'actors' (officer, speakers etc) for each item. The concept of the briefing note is a very good one and seeks to ensure clarity for those observing. However, the briefing note also provides the possible 'motions' for items where Councillors may seek to overturn the officer recommendation.
- 4.2 There is general agreement between officers and key Members that the virtual Committee does not allow those involved to 'read' the room, removes the awareness of the level of understanding, unhappiness, desire to speak; or for officers to lean over to indicate to the Chair a wish to speak, the need to bring in another officer etc. This is all much more difficult and is generally felt to be a loss to the running of the Committee.
- 4.3 The officer that leads the Planning officer contribution is the Head of Planning, Louise Wesson; supported primarily by the Principal officers Georgina Betts and Laura Field although the Senior Officers and the Tree Officer also present their items when they are on the agenda. The Chief Planning Officer is also in attendance, primarily as an observer.

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- 4.4 The connectivity for Councillors appears to be good without issue in those Committees viewed, although back up voting cards are available should the audio be lost. The Councillors have not been provided with IT devices and the private devices should be monitored to ensure sufficient access is available for all Councillors.
- 4.5 There does not appear to be any significant difficulties with the streaming technology. On one Committee there was a loss of audio on the webcast, but it did not prevent the Committee from hearing one another and being heard. The audio was reinstalled the next day (following a merge of the backup recording).
- 4.6 There are no arranged site visits and the Councillors go and visit the sites themselves. There are potential access and probity issues that result from Councillors seeking to access private property and there needs to be clear protocols and advice for Members to be cautious of making any statements that could predispose their decision during any interaction with applicants or neighbours if visiting sites alone.
- 4.7 The officers prepare and present extensive presentations to provide Councillors with visual information to support their decision making. The streaming and library set up includes a picture of the Chamber in the bottom right corner; this detracts from the ability to view the slides as this obscures part of the slide. It is recommended that this is removed during the presentation. However, the slides are also available for viewing on the Council website during (and after) the Committee – <https://tandridge.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD241&ID=241&RPID=239347>). This is unlikely to overcome the issue for most people as it would require 2 screens to view the Committee being presented and the presentation separately.
- 4.8 Overall everyone viewed the virtual Committee as a success. Many of those interviewed thought it would be useful to continue with hybrid, part Chamber for those that wanted or could attend in person and part virtual for anyone that couldn't or would rather not attend in person. There was a view that some meetings could remain virtual and some in the Chamber. Only a few of those asked either wanted all back to the Chamber or all virtual. Comments were made on the ability for virtual meetings to give greater access to many people and there was recognition that virtual meetings open up both the Committee and the role of Councillor to those that cannot commit to attendance at the Council offices e.g. those with caring responsibilities. However, there was also the view presented that virtual meetings are not accessible to some because they do not own the technology or connectivity to access it, or that they do not understand how to use the technology. There was also a view expressed by some that, particularly with a multi-party Council, there was a loss overall without personal interaction around Committees, in terms of developing an understanding between Councillors and Councillors and officers.
- 4.9 There is a pre-committee (call-over) briefing for the Chair and three Vice Chairs to ensure all political groups are represented to discuss the running order, the cases being presented and anything else needing to be discussed before the meeting.
- 4.10 The constitution has been updated during the Pandemic and part of this was the inclusion of a 'Protocol for Virtual meetings'. <https://tandridge.moderngov.co.uk/Data/Full%20Council/202005071930/Agenda/Item%203%20-%20SO%20changes%20etc.pdf>
- 4.11 In Zoom Councillors all have their names displayed but officers do not. Although introduced by the Chair it would be clearer if all officers had their name displayed (e.g. name plate). There is a tendency during the Committee to address officers or

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Councillors by their first names which appears less 'professional'. It is recommended that a more formal approach is taken.

### **5. TECHNICAL SUPPORT**

- 5.1 As previously stated, the meetings are held using Zoom and are live streamed on Public-I. Members have been supported in their use of Zoom by Democratic Services and practiced in advance of the first virtual Committee. There does not appear to be any fundamental issues and Councillors seemed relaxed in their use of the technology during the Committee. Officers appear to be confident in their use of the technology but are in the Committee Chamber in case there are any difficulties. Contributors, such as the Parish Councils, find the pre-recording less stressful than performing live at Committee. The only technical issue was the loss of audio at one meeting and now Councillors have voting cards in case this should be repeated.
- 5.2 The view on screen is only the person speaking and a view of the Committee Clerk in the Chamber, it would be preferable if all Councillors taking part were visible and officers when speaking to provide a view of their participation. In that way it would be apparent who the Committee are, and they would appear more accountable.
- 5.3 The approach that the Committee takes to voting on overturns is that the Councillors propose the reason for approval or each reason for refusal as motions that are then individually voted on. This has merit in terms of ensuring that the entire Committee is satisfied with each 'reason'. However, a virtual named vote each time is very time consuming. The use of technology to undertake an electronic vote would be particularly helpful in recording the Councillor and the vote very quickly and enabling the Committee to move onto the next motion or item whilst providing clarity and accountability.
- 5.4 A comment, not directly related to the working of the Committee, was made by several Councillors that the IT system was not very good and access to information about applications was extremely hard to get and unreliable.

### **6. PROCESSES AND DECISION MAKING**

- 6.1 The committee reports are generally considered to be the correct length – enough information without being too much to overwhelm Councillors. The Chair is generally clear about those involved, the item and particularly the decision that is made, which is to be commended.
- 6.2 The Chair reminds all Councillors of the approach to planning. What is unusual is that there are no declarations of interest at the beginning of the meeting, particularly as it is understood that there are interests that should be declared. Members of the Committee do not declare whether they are Parish Members or whether they attend or chair Parish Planning Committees which if they have taken part could be perceived as predetermination of items on the TDC Planning Committee.
- 6.3 At the outset of the Committee, from the briefing sheet, the Chair states that all votes will be recorded but where it is apparent how the Committee is leaning, no vote is taken. This should be amended to most votes will be recorded or all votes and then record them all. All votes could be recorded and still be timely if a digital voting system was introduced (see above).



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- 6.4 It is even more important when meetings are held virtually that the meeting is well structured, and the process is made clear to all those involved, including those viewing online. The Chair takes a vote at the beginning of the meeting that facilitates all Ward Councillors to take part in the debate. This is unusual as Ward Councillors would, at most Council's, set out their views in a speech, slightly longer than the objector/supporter time, then step back for the Committee to debate. This approach makes it clear that they are not a decision maker. It is recommended that this approach is taken then there can be no misunderstanding and it will be clear to everyone.
- 6.5 In the meeting generally, Councillors were respectful to each other, to officers and those Members of the public attending. Some of those interviewed considered that it wasn't liked when officers provided their professional view. However, the views of the Committee Members behaviour at the Committee was very different to the view of Members (particularly non-Committee Members) behaviour outside the Committee where many officers felt unsupported and bullied by Members. The majority of those interviewed considered that the decisions the Committee made were well debated, robust and fair. However, comments were made in relation to not listening to or taking into account officers' recommendations and consultees responses. At Committee occasionally there did seem to be a confusion of roles between officer and Members, with Members appearing to take on an officer role by bringing in research, engaging with consultees and referencing other cases, that may or may not have been relevant. It was witnessed during the review that on those occasions the Planning Officers commented that they were irrelevant and therefore they were not a material consideration and so should not be taken into consideration.
- 6.6 It is apparent from the Committee that Members appreciate the potential implications of overturning a recommendation for approval based on technical evidence e.g. County Highways flooding, lighting etc. If the statutory consultee or expert state that a development is acceptable it is unlikely that a refusal will be upheld at appeal. It will not be a defensible decision. The Committee understanding follows the 'Felbridge' appeals, where there were very significant costs awarded against the Council, Members of the Planning Committee now appear to understand the importance of considering the technical consultees responses carefully, and that to challenge these without evidence is unlikely to succeed.
- 6.7 There should be no perception that a Member has a closed mind, bias or of predetermination. It is vital that all Members enter the Committee (virtual or otherwise) with an open mind, willing to hear the views put forward by others and do not make a decision until they have heard the whole debate. If a Committee Member has been part of a decision made at a Parish Council on an application this gives the perception of bias towards that decision and predetermination. In addition, as an informed observer the Member approach to a challenge/overturn to the recommendation is concerning. It is recommended that Members speak to officers about their concerns for a recommended decision, if they feel they may wish to move an alternative recommendation whether that could be robust and defensible with an opportunity to produce relevant wording and links to relevant policies that can then be taken into account in the officers report, officers presentation, speakers information and the debate. The approach taken by some Members gives the impression that they do not have an open mind to the information and advice shared at the Committee before making a decision: in one case that was viewed even where there was clear explanation of why a refusal was not justified, the Member continued to read out a

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prepared 'motions' script they had without endeavouring to amend or drop that motion. At one of the viewed Committee meetings reference was made by a Committee Member that they had been 'given' a proposed motion for an overturn that they brought forward – there was no explanation as to who had given them to the Committee Member, what their status was or why. This gave a perception of an external influence on the Committee. At another meeting a Ward Councillor said "A motion will shortly be proposed" during his address to the Committee at the beginning of the item. This was immediately followed by a Committee Member talking to the item stating that *"If the Ward Councillor has a motion I am happy to propose it"*. These examples give significant concerns that the current approach gives the perception of bias (to the views of the ward Councillor/others) and/or predetermination and should be the subject of training for not just Committee Members. There is also a perception at times that the Committee Members are making decisions based on comments from their residents, as a Ward Councillor would do, and not appearing to make decisions based on the wider consideration of whole of the District in the public interest.

- 6.8 It was noted by many that there was difficulty in the virtual world about communication between the Chair and officers – to make up for the ability to 'lean' to the chair to indicate an issue, a desire to respond or suggest the legal officer comment etc. It was considered more difficult for officers to attract attention when they wish to speak compared with a traditional face to face meeting. There did not appear to be an alternative method of communication other than speaking out. There is no protocol for sending messages during the meeting and the Council have not set up a Whatsapp group for the Chair and staff to pass instructions as has been done by many Councils. The Council may wish to consider what would be the best approach to mitigate this.
- 6.9 There was very little contribution from the Legal Officer/Solicitor, there were several times I would have expected input and advice from the Solicitor to ensure robust, defensible decisions were being made by the Committee e.g. addressing whether a Councillors comments were material planning consideration, addressing the perceived predetermination etc. There were times when the Head of Planning had to ask for the legal officer to comment.

## 7. ACCESSIBILITY

- 7.1 The live stream of the meetings can be accessed via the Council's website. However, it is not immediately apparent and could benefit from a button being put at the top of the Council landing page on Committee day.
- 7.2 There needs to be further consideration of the viewing experience of the public, the blocking of the slide presentation and the inability to see the Committee during the debate - just the speaker - does not provide a good virtual Committee experience. The virtual Planning Committee is a shop window of decision making by the Council and therefore presentation should be reviewed to facilitate a clear view of all presentations and decision makers.
- 7.3 The meetings were considered to improve accessibility by most, the ability for virtual meetings to give greater access to many people and with a recognition that virtual meetings open up both the Committee and the role of Councillor to those that cannot commit to attendance at the Council offices e.g. those with caring responsibilities, jobs where they are unable to be at the Council offices for Committee time. However, there was also the view presented that virtual meetings are not accessible to some because

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they do not own the technology to access them, have good enough connectivity or that they do not understand how to use the technology.

7.4 There were 769 viewings of the Planning Committee over 7 meeting (prior to March 21) since the pandemic started, views for the same period the year before were 971 (both live and archive viewings). This demonstrates that the virtual meetings and recordings were pre-virtual meetings and now in the virtual world providing good access to Planning Committee decision making.

7.5 The recordings of the meetings are divided into each item for ease of access which is very useful.

## **8. RESOURCING**

8.1 There are no additional resource issues for the Council due to the meetings being held virtually as the Council had already invested in Public-I and the contract entered into pre-pandemic. There are no additional costs of holding virtual meetings as TDC had Public-I. If virtual meetings were to continue it would be advisable to review how all Committee Members access the meeting and ensure that the equipment is suitable. There could be future resource implications if Councillors, to effectively participate in virtual meetings, required new or upgraded Council IT equipment.

## **9. OVERALL CONCLUSIONS**

9.1 The meetings have been effectively executed with few problems and the move to virtual meetings has been relatively straight forward. The business of the Committee has continued, and decisions have been made. Many still see the benefit of face to face meetings but with a view that a hybrid or use of occasional virtual meetings would be useful and provide greater access and less apologies. The Council, Committee Members and officers, should be commended for this.

9.2 A new standard call-in procedure should be developed to ensure greater clarity and to avoid uncertainty and conflict between officers and Members. There needs to be a clear, structured and standardised approach where the request is made on a standard form, preferably on-line, that is automatically recorded by the system and/or the request on a standard form is sent to a standard mailbox and put on to the file by administration of officers.

9.3 Those making representations at the meeting are offered excellent support including being contacted in advance of the meeting to record their contribution. This approach could continue if the contributor wished if virtual meetings cease.

9.4 The public have access to the live stream and recordings on the web site and the accessibility of individual items in the recording is good. In addition to the livestream and the recordings, the officer presentation is also available for viewing.

9.5 A basic requirement of a Virtual Planning Committee should be that those observing can view the business of the meeting in the same or similar way as if the meeting were to be face-to-face. The way the meetings are currently streamed does not achieve this. It would be preferable if all those participating (including officers) should be visible at all times, accepting that it is good practice to mute when not speaking. In

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addition, it would be helpful if the whole of the presentation were available to view and not obscured by the Chamber view on the right corner.

- 9.6 The Chair explains the process for enacting the business at the start of the meeting. However, it is particularly important that a clear structure is followed when meetings are held virtually. It is recommended that there is a clear distinction between those making speeches including Ward Councillors and the Committee Members questions, debate and moving of motions. At present, the lines between the Ward Councillor and their role and the Committee Member and their role is blurred. This is exacerbated by the moving of motions that have been handed over to Committee Members – rather than a motion coming from a Committee Member, after listening to all the information and debate presented at Committee as is the case at other Planning Committees. The structure of the meeting needs to be clearly explained and followed, with a clear separation of representations made to the Committee by the public, applicant and particularly the Ward Councillor, and the Committee Members questioning and debate to clarify the decision-making process and the roles of individuals present and aid the public's understanding. The structure of the meeting needs to clearly enact the different roles by providing the Ward Member with a specific time slot to speak ensuring a clear divide to the Committee Members debating and making the decision.
- 9.7 A more proactive advice role should be taken by the Planning Solicitor to ensure more robust and defensible planning decisions, particularly in relation to appearance of bias, predetermination, case law, material consideration and Council's case in relation to appeals and court challenge. The approach the Councillors take to drafting potential motions and then utilising them at Committee should be reviewed to ensure that there is not perception of predetermination, and robust defensible decisions are being made. The Planning Solicitor should input into training and discussion, on the approach to overturns and presenting alternative motions and the potential for the perception of pre-determination. In addition, there needs to be training and discussion with Members in relation to the roles and responsibilities, and the difference, for officers and Members. There should also be an identification of Member specific concerns about the advice officers are receiving from consultees and this should be addressed with those consultees (officers will act on the advice given). These matters should be addressed in a review of the planning protocol to ensure probity and robust defensible planning decisions, including, the review of the declarations of interest and potential conflict with other roles.
- 9.8 When a Committee Member is seeking to overturn the officer recommendation the Committee vote on each reason for refusal as a separate motion. This requires a great deal of voting and the process for voting is cumbersome, therefore, electronic voting should be explored.

## Local Plan Update: Response to the Planning Inspector

### Planning Policy Committee Thursday, 26 August 2021

Report of: Chief Executive

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Purpose: To note the letter from the Chief Executive to be sent to the Planning Inspector on 27 August

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Publication status:

Restricted – not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, "*information relating to the financial or business affairs of any particular person (including the authority holding that information*"

Wards affected: All

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#### Executive summary:

- The Council is due to update the Planning Inspector before the end of August 2021 on progress made in relation to the issues he raised in ID16. Unfortunately, for reasons beyond the Council's control, the traffic modelling reports for the M25 Junction 6 will now not be ready until later this year. The reasons for the delay and suggested next steps are set out in the letter to be sent to the Planning Inspector at Appendix A.
  - Mindful of the potential consequences of a further delay and the ongoing challenges to the Council to deliver a sound Local Plan, the letter also puts forward, without prejudice, an alternative option for the Planning Inspector to consider if he is minded not to continue with the examination.
- 

#### This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need
- Supporting economic recovery in Tandridge
- Becoming a greener, more sustainable district

**Contact officer** David Ford  
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## **Recommendation to Committee:**

That the Committee notes the intention of the Chief Executive to send the letter attached at Appendix A of this report to the Planning Inspector on 27 August 2021.

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## **Reason for recommendation:**

The letter to the Planning Inspector is to note but it is important that Members of this Committee are appraised of the implications and the potential for an alternative option to be considered if the Inspector were not minded to consider any further extension.

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## **Introduction and background**

1. An update on the Local Plan: 2033 was provided to this Committee at its meeting on 24 June 2021. Following public examination, in December 2020 the preliminary findings and feedback ('ID16') of the Planning Inspector were published. The central challenge to the deliverability of the Local Plan relates to capacity and mitigation issues at Junction 6 of the M25 and whether these issues can be overcome, or such that renders the Plan undeliverable and therefore unsound.
2. The Planning Inspector is expecting an update from the Council on the outstanding issues he raised in ID16. This update from the Chief Executive is attached in the letter at Appendix A of this report. Unfortunately, further traffic modelling work is required which will result in a further delay. The mitigating circumstances for this delay and the actions being taken are set out in the letter. It is hoped that the Planning Inspector will give due consideration to the points made in relation to the traffic modelling.
3. Given the further delay, in the event that the Planning Inspector will not continue with the examination, an alternative option is set out in the letter for him to consider. This is offered as a constructive suggestion given the challenges the Council is facing in trying to deliver a sound Local Plan. The alternative option, submitted without prejudice, suggests the following:
  - amending the Plan period to 2013-2028
  - to include in the plan amended site policies that would make as many of the allocated sites as possible sound in accordance with the Inspector's comments and
  - introduce a 5-year review policy.

Further details are provided in the letter.

4. Following this Committee meeting, the intention is to send the letter to the Planning Inspector on 27 August.

## **Key implications**

### **Comments of the Chief Finance Officer**

A provision for the Local Plan has been made in the 2021/22 budget. If further investment is required this will need to be determined through a business case. However, given the current and future financial constraints of the Council, and in the absence of a business case, it is important that the current budgetary provision is not exceeded.

### **Comments of the Head of Legal Services**

Preparation of a local plan is a statutory responsibility of every Local Planning Authority. Local plans are prepared within the framework set out in the Planning and Compulsory Purchase Act 2004 ('the Act'), as amended by the Localism Act 2011. Once adopted, the Local Plan will become part of the statutory Development Plan. Section 38(6) of the Act requires planning decisions to be made in accordance with the Local Plan unless material considerations indicate otherwise.

If the Inspector considers that the Local Plan has not been prepared in accordance within the legislative framework, then the Inspector may direct the Council to start the process again. Exceptionally, under s21(9)(a) of the Act, the Secretary of State has the power to direct a local planning authority to withdraw its submitted plan. This report and the proposed response to the Inspector's letter (ID16) provides a pragmatic approach.

### **Equality**

None

### **Climate change**

None

**Appendices:**

**Appendix A** – Letter dated 27 August 2021 from the Chief Executive to be sent to the Planning Inspector

**Background papers**

None

----- end of report -----



**PLANNING POLICY COMMITTEE – 26.08.21 – AGENDA ITEM 7  
REVISED LETTER TO THE PLANNING INSPECTOR**

27 August 2021

Dear Inspector,

I am writing to inform you that the Council has received a further update from our consultants stating that the traffic modelling reports for the M25 Junction 6 will not now be ready until November at the earliest. The reasons for this latest delay are set out below. Understandably, this is extremely unwelcome news and I ask that you consider the mitigating factors I have set out in this letter.

Having considered the latest position, if you are minded to continue the Examination, then the Council will continue working with our external consultants and with Highways England and Surrey County Council to achieve a solution as early as possible.

In light of your comments regarding the end of August in ID18 we would also like to introduce, without prejudice, what may be a pragmatic alternative option that could potentially move the Plan forward. This option is set out in the second part of my letter.

**Update on Transport Modelling**

As you are aware, the Council's consultants DHA have been working with Surrey County Council and Highways England to initially develop an interim scheme for Junction 6. As previously communicated to you, this has resulted in the successful identification of a scheme which would improve capacity at the junction, and which is positive in terms of a safety assessment.

However, carrying out this work has revealed two other issues which could not have been foreseen by any of the parties when we embarked upon this approach.

- The strategic model used has produced some anomalous figures which both the Council's consultants and Highways England query. For example, some flows through the junction are higher without the Local Plan development included than with it.
- Highways England is concerned that while the gyratory at the improved junction performs satisfactorily, the interim upgrades to the merge/diverge arrangements on the slip roads will be adequate for only a finite amount of development and may not accommodate all Local Plan growth.

Clearly these are problematical points. To address these issues with Surrey County Council and Highways England we are proposing the following actions:

- The Council's consultants will carry out manual assignment of traffic flows, agreeing each step of the methodology with Highways England. This will provide more transparent and reliable results which will demonstrate how much development can be accommodated in the junction and the slip roads before the interim scheme and merge/diverge upgrades are required.
- Longer term the Council recognizes the need for a more substantial upgrade to Junction 6 and to raise this strategic issue.

Inevitably the first action set out above will result in a further delay. An initial assessment of the timescale by our consultants is set out below.

The key milestones allow for Surrey County Council / Highways England review time but are subject to agreement with those bodies: -

- Project Steering Group meeting to agree principles of assessment methodology – w/c 23<sup>rd</sup> August (completed);
- Full assessment methodology issued to HE and SCC – w/c 6<sup>th</sup> September, followed by 10 working day review period;
- Draft trip distribution/assignment issued to HE and SCC – w/c 4<sup>th</sup> October, followed by 10 working day review period;
- Completion of junction capacity and merge/diverge assessments and issue of Technical Note – w/c 25<sup>th</sup> October, followed by 10 working day review period;
- Project Steering Group meeting to discuss findings and implications – w/c 15<sup>th</sup> November;
- Completion of Stage 1 Road Safety Audit and Designer's and Overseeing Organisation's responses – by w/c 13<sup>th</sup> December.
- Review of Road Safety Audit by Highways England (c 3 weeks).

I am conscious that this further delay will be unwelcome and that you may consider it unacceptable. However, I ask you to give it serious consideration, for the following reasons.

Firstly, the Government's requirement for councils to have a plan in place by 2023 will not be met if the Local Plan fails. In effect the Council would have to start again on plan preparation, with the outstanding issue of strategic highways constraints unresolved and consequent impacts on the important objective of housing provision, particularly in an area of South East England with strong national policy and environmental constraints, to say nothing of the lack of a five-year housing land supply. The fact that 94% of Tandridge is classified as Green Belt puts an obvious constraint on development.

The second is a recognition of the amount of positive joint working and commitment, as well as resources, put into developing a suitable interim scheme to date. In effect we believe that it is possible to identify how much development can be brought forward before junction and slip upgrades are required, which will assist in the achievement of the Government's objectives described above.

I am aware that you have raised other issues concerning the soundness of the Local Plan, but this strategic infrastructure issue appears to be key and I would welcome your thoughts.

### **Alternative Option – Presented Without Prejudice**

The emergence of this alternative option was prompted by the ongoing delay to the traffic modelling and your comments in ID18 regarding the August timeframe. The alternative option would:

- Amend the Plan period so that the revised Plan period would be over fifteen years, from 2013-2028.
- Include amended site policies that would make as many of the allocated sites as possible sound in accordance with your comments. We envisage that modifications would include altering the site policies to refer to “minimum” or “at least” site yields, addressing your comments in ID-16 paragraph 50-65, and including other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible.
- Introduce a five-year review policy. We believe that shortening the Plan period and adding a five year review policy are both necessary in order to indicate the Council's commitment to continuing to explore all strategic options, including joint working, while also not undermining the adopted Plan. The introduction of a five year review policy would also be consistent with comments you and others made during the Examination Hearings.
- Structure the Plan to facilitate possible future joint working on strategic matters while also retaining continuity at the local development management level. The delay to the Council's Local Plan means that the the window of opportunity for joint working with neighbouring authorities is re-opening and so it is important that the Plan does not preclude possible future joint working at a strategic level.
- Address any remaining questions/concerns you might have in the context of the revised Plan.

We conclude by reiterating that should you be minded to wait for the traffic modelling then we will continue to work with the consultants and partners to deliver in accordance with the amended schedule. We also welcome any questions or comments you may have regarding the alternative option.

Yours sincerely,

David Ford

Chief Executive

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