

# **POLICY AND PERFORMANCE SCRUTINY PANEL**

**9 March 2023**

## **POLICY & PERFORMANCE TASK & FINISH GROUP – REVIEW OF THE PLANNING PROCESS**

### **Report of Cllr Broomfield and the Executive Head of Planning and Economy**

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#### **Recommendation**

**It is recommended that Policy and Performance Scrutiny Panel notes the content of the report and the actions set out in Appendix 1 and pass these recommendations to Cabinet.**

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#### **Summary**

This report sets out the key findings of a Task and Finish group established in November 2022 and tasked to review the Development Management service provided by the Council. The objective was to understand the planning process and identify improvements that could be made to the delivery of the service. Appendix 1 summarises the key areas discussed and resulting actions proposed as set out below:

- Improve guides on the planning process for the public and councillors
- Review the planning website for ease of use
- Training session on the Planning Obligations (S106s) with Local Area Managers and Local Area Committees
- Provide clarity on the long term monitoring regime on major planning applications
- Identify measures to highlight when planning conditions or obligations are completed.
- Increased level of dedicated councillor training on planning.

The Task and Finish Group consisted of Councillors: Broomfield (Chair), Tyson-Payne, Kinloch, Beer (at scoping stage only). They were supported by Nick Parker (Planning Manager) and Andy Grandfield (Executive Head for Planning and Economy). The main report is the findings and recommendations of the T&FGroup. The Executive Head of Planning and Economy input has been to provide structure and complete the more strategic elements that are required on all committee reports.

## **Strategic Implications**

1. This report does not have any strategic implications. The report provides a summary of the Task and Finish Group's assessment of the Council's planning process, its interface with elected Councillors and the public and makes recommendations on how to improve this function.

## **Introduction**

2. This Task and Finish (T&F) Group was appointed by Policy and Performance Scrutiny Panel to consider the planning process as operated by the Development Management team. The Group initially scoped a broad range of topic areas for consideration, which through refinement and discussions with staff, was reduced to the following subject areas for comment:
  - (a) Public and Member Engagement
  - (b) Inspection/regulation during build process
  - (c) Allocation and Section 106 monies and implementation
  - (d) Sign-off at the end of the project
3. This main body of the report is taken directly from the T&F Group final report, including the recommendations. Staff have assisted in transferring this into the standard report format.

## **Assessment**

4. The report summarises this assessment and makes appropriate recommendations for action:

### **a) Public and Councillor Engagement:**

5. The T&F Group identified that in many ways key to measuring the success or failure of the process was the interaction and engagement of the public and/or Councillors. The Group felt that most interactions between Councillors and residents seem to involve planning applications (usually negatively). Often these interactions become necessary because residents feel uninvolved in, or simply do not understand, the process.
6. Staff shared the Local Validation Checklist and the draft 'Key Steps' document. This document set out the planning process from pre-application, engagement, planning application submission and post decision work on conditions and Planning Obligations. This was originally written to assist Council project managers in developing their planning proposals. Additionally, the Group were advised that the planning portal on the Council website is due for a review and refresh. The Group noted that the Council also has a Considerate Builders' Advice Note which is shared with developers.

7. The Group raised concerns with the communication on major development between the Council, residents and Councillors including notification on amended plans and use of planning jargon which tends to confuse. This particularly refers to the question regarding further public consultation in the event of changes to an application, which can have a very detrimental effect on neighbours (e.g. Goater Way development). This raised questions about how planners involved Councillors and residents who seem particularly to have missed out.
8. The Group felt no information is given to residents beyond a simple notification, so it seems possible that they might not fully understand the next steps, how to seek extra information or how to contact local Councillors. Residents may not be aware of the processes an application has gone through even before it is a formal application e.g. pre-application discussions may have occurred. They are also generally uncertain of what happens next, what the timeline might be, how they can comment (positively or negatively). It is rare for residents to support an application, which might be an area requiring rectification as well as an understanding of when applications are referred to Committee.
9. It also seems that Councillors may have difficulty in comprehending what a larger development might look like once finished (e.g. Goater Way). The Group felt it can be extremely difficult to look at a plan on paper and see what it will look like in terms of bricks and mortar.
10. The imposition of conditions was felt not to be clear and following up on conditions seemed particularly difficult for Councillors and residents to scrutinise. In this regard we felt the Council's planning portal was particularly difficult to negotiate.
11. Recommendations:
  - Improve EBC Planning website/guidance so it is more layperson friendly and navigable. Guides should be concise and free from jargon. Provide links to relevant advice within neighbour notification letters. This can include a planning process leaflet with information on how to be more engaged in the decision-making process. Explore measures to highlight importance of public engagement during planning process including amended plans and proportionality in relation to notification and publicity.
  - Search facility on planning website to be investigated (improved) but recognise this is a third party IT solution.
  - Provide more dedicated and detailed Councillor training.
  - A proactive approach to planning by Councillors encouraged including awareness of development proposals outside their ward, site visits with appropriate guidance which in turn can assist in translating the plans to the ground.

## **b) Inspection/Regulation:**

12. This is a particularly difficult area for residents and therefore Councillors. The Group feel this is an area of particular importance, as a great deal of Councillor casework results from questions or complaints about building works underway.
13. Councillors find it very difficult to determine which department a query should be addressed, and then to which officer. Difficulty in searching for conditions does not help this, and leads to lost time, duplicated work and some frustration.
14. However, once the responsible officer/department has been identified, the response is efficient and mostly effective; the difficulty comes in knowing where to go.
15. Recommendations:
  - Improve the EBC Planning website/guidance (see previous recommendation)
  - Investigate methods to confirm points of contact at the Council e.g. planning enforcement; environmental health, legal etc.
  - Investigate the use of a multi-service liaison group, involving, as required, planning officers, legal team, enforcement, councillors and residents meeting as required to discuss any progress, and any issues arising on major sites (Community forums; Community Development Officer role).

## **c) Section 106 monies:**

16. Negotiation of this depends on the Local Plan, planning documents in operation and local policies, so will vary from development to development. Allocation to projects depends on local Councillors, through the Local Area Committee system. The Group noted that a source of delays in the delivery projects can sometimes be as a result of capacity within some council service areas.
17. Additionally S106 money is directed to the Local Area Committee (LAC) area within which a development takes place, thus skewing the amount of money different parts of the Borough have available to spend on projects. Staff did advise that monies and projects secured by S106 should be directed at projects and schemes that help mitigate the impact of the development on the local area.
18. Recommendations:
  - Continue work on improving the S106 database and IT systems under way to ensure all financial and non-financial obligations are recorded and accounted for.

- Cross-service engagement including Planning, Local Area Managers (LAMs) and Assets to ensure the funds are directed to appropriate projects to benefit the local community affected by the development.
- A review of the EBC Planning Obligations SPD (2011) is underway. This is a useful document to raise its profile and signpost on web site.

**d) Sign-off (completion of developments):**

19. This is an area where Councillors seem frequently in the dark. Sign-off is undertaken at a point where staff are satisfied that work is effectively finished and all conditions discharged (or, in the case of long-term conditions, as course of action and oversight is agreed).
20. Councillors are not made aware when this point is achieved and there is doubt about the long-term effectiveness of some conditions and the responsibility for ensuring these are adhered to.
21. We are aware of the difficulties of persuading developers to have new estates adopted by the Council. This falls outside the Council's abilities to ensure it is achieved, unfortunately, although as much persuasion as possible is involved. The Group are aware that Hampshire County Council, as Highways Authority, prefers residential estates to be developed to an adoptable standard.
22. The Group expressed a desire to be informed of the final signing-off of major developments takes place. There is an awareness this could be many years following the commencement of development but through dedicated monitoring and communications progress should be made clearer to all.
23. Recommendations:
  - Examine options to improve public access for planning applications and order of documents on each application. For example, decision notice and S106 pinned at top of page; use of a conditions summary table for major development.
  - Search facility on planning website could be improved but recognise this is a third party IT solution.
  - Condition monitoring on major/controversial development underway and capacity/expertise in planning enforcement growing to achieve this.
  - Use of resident forums on high profile schemes managed by the Community Development Officer welcomed.
  - The Council work closely with their HCC highway colleagues and ensure that all non-adopted estates are built to an adoptable standard.

## **Financial Implications**

24. There are no financial implications contained within this report.

## **Risk Assessment**

25. There are no significant risks associated with the findings of this report

## **Equality and Diversity Implications**

26. The Equality Act is not relevant to the decision in this report because:
- It is a report dealing with internal or procedural matters only.

Therefore it is considered that for this decision the Equality Duty does not need to be addressed and an Equality Impact Assessment (EqIA) has not been carried out.

## **Climate Change and Environmental Implications**

27. There are no Climate Change and Environmental Implications from this response.

## **Conclusion**

28. The key findings of the Task and Finish Group are presented to Policy and Performance for consideration. The recommendations have been discussed with the Executive Head of Planning and Economy and the Planning Manager, and a table attached in response to these recommendations (appendix 1). A golden thread throughout discussions has been improved communication between the planners and its external customers including elected councillors and members of the public. Improvements to the dedicated planning website in terms of content and ease of access, including simple and informative process guides, is a key action from the group. The openness of the planning monitoring function; planning obligations; planning conditions and sign off are also key areas to target.
29. The recommendations contained within this report are to be passed to Cabinet.

COUNCILLOR S BROOMFIELD – CHAIR OF TASK AND FINISH GROUP

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Appendices Attached: 1

### **LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None