SCRUTINY COMMISSION
23 November 2021

Report Title	Review of the Planning Service
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Executive Member	Cllr David Brackenbury Executive Member for Growth & Regeneration

List of Appendices

None

1.   Purpose of Report

1.1.   To update members on the work that has been and continues to be undertaken to review the Planning service within North Northamptonshire.

2.   Executive Summary

2.1   In April 2021, North Northamptonshire Council (NNC) became the new local planning authority for the area of North Northamptonshire. This brought together the four former district and borough planning services along with the former County Council's Minerals & Waste Planning Service.

2.2   In order to deliver a single, harmonised Planning service and ensure that NNC is capable of delivering high-quality services for the future, a review of the Planning service is being undertaken. Work on the review started in January 2020 under the Future Northants programme and will continue for some time to come, as there is a longer term ambition to deliver transformation of the Planning service through a restructuring of the planning teams and the digitalisation of many of the operational systems within the planning process. This report describes the main elements of work that have been undertaken through the review to date, as well as those it is proposed to carry out in the future.

3.   Recommendations

3.1   It is recommended that the Scrutiny Commission:

a) Note the content of the report and consider the role that Scrutiny might play in the review of Planning services as outlined in this report.

3.2 *(Reason for Recommendation: To ensure that the Scrutiny Commission has the opportunity to review and add value to the proposed work identified to progress towards a harmonised and high performing Planning service)*

4. Report Background

Background:

4.1 On 1 April 2021, NNC became the new local authority for North Northamptonshire and in doing so, took over the statutory function of the local planning authority (LPA) across the area.

4.2 This reorganisation of local government necessitated the merging of the four former district and borough LPA's (the Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire Council and Kettering Borough Council) to form a single local planning authority as NNC. In addition to this, the former Northamptonshire County Council's (NCC) Minerals and Waste Planning service has also been incorporated into NNC's Planning service, although it continues to operate across the whole of Northamptonshire county providing the service to West Northamptonshire Council under the 'lead authority' model.

4.3 Work to prepare NNC for its role as the LPA commenced in January 2020 through the Future Northants programme and continues now, working towards the completion of the transformation of the Planning service for North Northamptonshire. It is estimated that this transformation work is unlikely to be concluded until some point during the 2024/25 municipal year, as there are both short-term and longer-term projects that will need to be undertaken.

Work undertaken before 1 April 2021:

4.4 A considerable amount of work was undertaken by the North Northamptonshire Chief Planning Officer group, which fed into the Future Northants programme. The focus of this work was to ensure that the planning function would be in a position to operate safely and legally when the transition to NNC occurred. Items of work included for example:

- Collection of baseline data across all former LPA's
- Development of options for a new planning committee structure
- Drafting of a Scheme of Delegation for the Planning service
- Drafting of a harmonised Planning Enforcement Policy
- Drafting of a harmonised Planning Committee Right to Speak proposal
- Drafting of proposals for the harmonisation of non-statutory fees and charges
- Drafting of harmonised privacy notices
- Design of front-end webpages for the new NNC website
- Comparison of existing website information and alignment where possible
- Ensuring new procedures were in place for transactions with third party organisations (i.e. Planning Inspectorate, Planning Portal, statutory consultees etc)

4.5 As a result of this preparatory work, by the time NNC came into being, the planning committee structure, Scheme of Delegation, Planning Enforcement Policy and Planning Committee Right to Speak scheme had been approved by North Northamptonshire Shadow Authority. Furthermore, the work undertaken to harmonise some of the key back-office processes ensured that NNC was able to operate a safe and legal Planning service from Day 1.

Work undertaken between 1 April 2021 and present day:

4.6 It is recognised that having an ability to operate safely and legally is only the first step on the journey towards becoming the fully integrated and high performing planning service that NNC aspires to deliver. It is also evident that NNC has inherited significant disparities between the capacity available across each of the area planning teams and that the performance of the teams and their working practices also varies. Further work is therefore required to bring together the former planning teams to ensure that they operate in a consistent manner and can deliver similar levels of performance.

4.7 In order to continue the journey and in addition to business as usual, further work has been completed since the 1 April, which includes:

- Delivery of Member training by the Planning Advisory Service for all Members appointed to sit on the Council's planning committees
- Implementation of the new planning committee structure
- Close working between officers and the Chairs and Vice Chairs of the planning committees to engender a consistent approach to the operation of planning committees (including the first review meeting to consider what has worked well and where further improvements can be made)
- Appointment of interim Tier 4 lead officers covering Planning Management & Enforcement (Martyn Swann) and Planning Policy (Simon Richardson)
- Development of a Planning Protocol (being considered by the Democracy & Standards Committee on the 16 November)
- Development of a Planning Site Visit Protocol (being considered by the Democracy & Standards Committee on the 16 November)
- A Review of the Planning Scheme of Delegation by the Constitutional Working Group
- Development of a draft work programme for the Planning Policy service
- Agreeing an Inter Authority Agreement for the Minerals & Waste Planning service to operate in a lead authority role
- Further harmonisation of non-statutory planning fees and charges
- Development of a harmonised Planning Performance Agreement template
- Audit of S106 monitoring and management (now at draft report stage)
- Business analysis work to understand the work demands across each of the area planning teams and to identify the resource requirements for each team to enable a consistent approach and quality of service across all teams
- Review of risk strategy for the service
- Review of key performance indicators for the Development Management, Minerals and Waste Planning and the Planning Policy service areas

Future work:

4.8 There remains much work to do over the next 2 – 3 years in order to fully develop a harmonised Planning service that can deliver consistently high-quality services for North Northamptonshire.

4.9 Apart from continuing to review and refine current operational practices and committee procedures, there are a number of specific tasks to undertake, which are outlined below:

4.10 **Restructure of the Planning Service**

4.10.1 This work is already in progress and is phased. The first phase of which is focussed on establishing a managerial structure for the Planning service (Tiers 4 and 5) and undertaking the business analysis work that will help to inform the potential team structures (Tier 6 and below) for each of the area development management planning teams.

4.10.2 Phase two will focus on establishing area planning teams that are suitably resourced to reflect the work demands expected to be placed upon each team.

4.11 **Planning Enforcement**

4.11.1 It is recognised that the planning enforcement capacity inherited from the former district and borough authorities is inadequate and that the resources currently available to NNC are unable to deliver an agile and effective enforcement service.

4.11.2 An early piece of work undertaken through the review was to ensure that NNC had a single, harmonised Planning Enforcement Policy, which as mentioned in 4.5 above, was agreed and in place before the 1 April this year.

4.11.3 A further piece of work and a key priority of the restructuring of the Planning service is to provide a significantly upscaled planning enforcement service. The intention is not only to increase the capacity of the team, but also to improve the effective use of that capacity by creating a single North Northants-wide team that can be deployed in an agile way across the area to meet the demands upon this service.

4.12 **S106 Management**

4.12.1 It is known that there is wide variation in the inherited processes for managing S106 agreements across North Northamptonshire. Not all area planning teams currently have responsibility for agreements, as for example, in Corby S106 management has historically been undertaken through the former council's Legal service. There is also variation across the area teams in the amount of capacity available for undertaking S106 management.

4.12.2 Another priority outcome of the restructuring of the Planning service is therefore to create a single North Northants S106 team. This team should have an appropriate level of capacity to effectively manage S106 agreements and maintain a database of up-to-date records. This will ensure that developer

contributions are collected at the right time, are distributed according to the agreements and that the use of these monies is monitored to ensure they accord with the agreement and is spent within the agreed time periods. The team should also have the capacity to respond to S106 related enquiries and produce and publish statutory information when necessary, such as the Council's Infrastructure Funding Statement.

4.12.3 An audit of S106 management has recently been undertaken and the resulting audit report is currently being prepared. It is anticipated that the report will make a number of recommendations that will help to inform and guide the work required in order to establish the S106 team and to develop a harmonised set of procedures for the management of the agreements.

4.13 **Planning Policy Service**

4.13.1 The Planning Policy service does not suffer from the same ICT constraints as the Planning Management service (discussed further in 4.15 below) and it is therefore an easier task to bring together officers from the former districts and boroughs to form a single North Northants Planning Policy team. This process is already underway and also incorporates staff from the former North Northamptonshire Joint Planning & Delivery Unit.

4.13.2 Further work will be undertaken through the restructuring of the Planning service to ensure that adequate resource is available within the service to progress key pieces of planning policy work, such as the development of a new North Northamptonshire Strategic Plan (currently known as the Joint Core Strategy), input into the OxCam Arc Spatial Framework, the development of other policy documents such as a Gypsy & Traveller Site Allocations policy, as well as being able to offer support to the growing number of neighbourhood plans that are under development.

4.14 **Website**

4.14.1 Work was undertaken prior to the 1 April to develop a new set of front-end web pages for the Planning service and to ensure that the information contained on the existing former authority websites was aligned wherever possible.

4.14.2 Further work is however necessary in order to migrate to a single set of web pages that contain up to date, appropriate content which will help to meet the online needs of customers and other users of the Planning service. The development of the website should improve the customer's ability to access public planning information and complete transactions online wherever possible. By doing so, this work will help to improve public access to information and the speed of service.

4.15 **Digitalisation and ICT System Transformation**

4.15.1 A key transformation project that it is anticipated will deliver improvements to the processing of planning applications, driving better performance and increasing the cost effectiveness of the service is the digitalisation of the planning system and rationalisation of back-office IT systems.

4.15.2 At the current time, each area planning team along with the Minerals & Waste Planning service all operate individual planning IT systems that are self-contained and do not speak to each other. Although the same software is used in several of the area teams, the way in which each team has historically used the software varies and all planning data is held in separate databases in each team. This constrains the way in which the development management teams can collaborate and how staff could be used more flexibly across North Northamptonshire.

4.15.3 In addition to this, government made clear through their Planning White Paper 'Planning for the Future', published in August 2020, that LPA's should take steps to increase the digitalisation of the planning system. This was a proposal supported by the former North Northamptonshire Joint Planning Committee in its response to the consultation.

4.15.4 This transformation project therefore intends to investigate new digital technology and the IT products currently on the market, with a view to procuring a single planning back office system for use by all development management teams across North Northants. And along with this, introducing technology that enables the digitalisation of the planning system wherever possible (such as the receipt and validation of planning applications).

4.15.5 This project will require significant input from the Transformation, ICT, Building Control, Local Land Charges and Procurement services, and therefore needs to incorporated into the corporate transformation programme, to ensure support and input can be provided as and when required.

5. Issues and Choices

5.1 The issue that Members should consider is which elements of the ongoing review of the Planning service the Scrutiny Commission wish to be involved in.

6. Implications (including financial implications)

6.1 **Resources and Financial**

6.1.1 The review of the Planning service structure must be completed within an existing budget envelope. This will be challenging as there is significant demand upon the service and an expectation that a number of new posts will be created from within the budget, such as Tier 4 roles and additional Planning Enforcement Officers. It is however important to recognise the overarching budget position of the Council and therefore the proposals that are developed for the Planning service should avoid creating additional budget pressures wherever possible.

6.1.2 The longer-term digitalisation and ICT transformation project will require financial investment. This will need to be assessed through market testing and the development of a business case to establish that the perceived benefits of the project are deliverable and will result in longer-term savings, making the project an invest to save proposal.

6.2 **Legal**

6.2.1 The Planning service has a number of statutory obligations that it must fulfil. A failure of the LPA to follow due process and make timely and sound planning decisions might not only lead to an appeal of a decision but may also result in Judicial Review.

6.3 **Risk**

6.3.1 Planning is a statutory function of the Council and must operate to performance levels set by government for the speed and quality of decision making. This is monitored through statutory returns. Failure of the LPA to achieve the necessary performance standards risks the Planning service being 'designated' and placed in special measures. Where this occurs, the LPA loses the power to determine all planning applications, as applicants can choose to have their applications determined by the Planning Inspectorate instead of the LPA.

6.3.2 Should the Council fail to operate an effective Planning service, there is not only a risk of reputational damage to the Authority, but also an increased risk of appeals against decisions and where the Council is judged to have acted unreasonably a further risk of cost awards.

6.4 **Consultation**

6.4.1 Consultation is a regular feature of the review of Planning services, including consultation with Members of the Shadow Authority regarding the proposed planning committee structure and Scheme of Delegation for planning that was put in place before the 1 April 2021. Consultation has recently been undertaken with the Council's Constitutional Working Group on the draft Planning Protocol and Planning Site Visit Protocol. Further consultation will also be required with staff, the HR service and trade unions in relation to proposals for the future structure of the Planning service.

6.5 **Climate Impact**

6.5.1 The provision of a high-quality Planning service can make a positive contribution towards climate/environmental impact through the development and introduction of climate/environmental planning policies and through ensuring that robust environmental and ecological assessments are made of planning proposals when they are submitted to the Council.

6.6 **Community Impact**

6.6.1 The Planning service impacts upon local communities through the planning policies it develops that influence how and where growth occurs across North Northamptonshire, as well as through the decisions it makes on planning applications that determine whether development proposals can be built, which include assessments of what impact a development might have on a local area.

7. **Background Papers**

7.1 No background papers