



Planning Improvement Peer Challenge

**Mole Valley District Council**

On site September 5 - 7 2018

Report November 2 2018



## 1.0 Executive Summary

1.1 National performance indicators show that the Planning Service (the Service) performs extremely well when it comes to speed and quality of decision making. This is good, but these measures only tell part of the story. Wider issues, such as customer engagement and collaborative working, are not covered in Government indicators and on these and other related matters the Service needs to significantly improve.

1.2 This report follows our visit to Mole Valley District Council (MVDC) and sets out the key steps that we feel the council and Service needs to consider, in order to deal successfully with the delivery, growth, Green Belt and other challenges that lie ahead.

1.3 Currently, MVDC is reacting to these challenges haphazardly, with no clear or collective approach. A shared understanding and strategy would bring MVDC's teams and services together, equipping them to deliver common goals and ambitions for the District, yet this is severely lacking. We saw on site that things are starting to change. The beginnings of a clear sense of leadership, purpose and direction are starting to grow, thanks to the newly-appointed Chief Executive's transformation programme that aims to achieve ambitions and overcome challenges along the way.

1.4 The Service has transitioned through significant changes, including capacity issues following the departure of experienced staff members. Councillors, managers and staff told us that the Enforcement Team has felt the brunt of the issues, where a lack of staff and poor performance management has damaged the reputation of the whole Service. An 'experience gap' now exists and MVDC is looking at ways to manage and close it now that a full-time development manager has recently been appointed.

1.6 The Service has been willing to open itself up for external review to drive significant and essential improvements. If the council and the Service are committed to meeting existing and new growth and development challenges, we feel that they must make changes and improvements to their focus, communication and prioritisation.

1.7 To drive this change, it is essential that all councillors are prepared, and allowed, to shape and steer the development agenda and champion the ambitions and challenges of Mole Valley. Everyone must take responsibility; across all political and officer levels, from the most senior political and managerial positions to ward councillors and case officers. Only then will MVDC see results.

1.8 There is a palpable tension in the community over managing the pressures of housing delivery through the proposed new Local Plan, while also protecting the Green Belt. There will be difficult trade-offs between competing agendas to come, and MVDC must continue to respond in a way that ensures that councillors and residents feel listened to.

1.9 Good joint work between councillors and officers on the Future Mole Valley Local Plan offers clear potential to set a clear long term spatial strategy for the District. Party groups must show courageous political leadership to steer long term community benefit over short term gain. Delivering the Local Plan in a way that secures and supports growth, protects the sensitive parts of the District and delivers on good customer engagement must drive service goals and ambitions, especially those of the Development Management service (DM).

1.10 Our conversations with partners and stakeholders highlighted areas that require specific attention. Communication between officers and customers, a lack of shared understanding between councillors and officers and the availability of officers were

common themes. We consider that tackling weaknesses in trust and confidence between councillors and officers that play out in place shaping strategies such as Transform Leatherhead and at planning application levels is vital. However, we did find several staff in almost every area who demonstrated a strong focus on 'quality', and this was evident in the site visits we undertook to some completed recent projects.

1.11 The Development Control Committee (DCC) must focus, undistracted, on its role as a strategic decision-making body. The delegation agreement and call-in procedure allow many small applications to be added to the committee agenda and we recommend that these are revised. We recommend reviewing the size of the DCC, which is currently quite large.

1.12 The peer challenge team's brief visit was enough for us to see the successes, challenges and opportunities. We have set out our recommendations below.

## 2.0 Recommendations

**R1** – Reset the Service’s objectives to align with existing and emerging corporate plan vision and values, and to be significantly more outward looking and visionary. Involve portfolio holders and the Cabinet in developing these to help to agree a common vision with priorities for the Service.

**R2** Clearly communicate the vision, values, objectives and a clear set of priorities for the planning service. This will avoid confusion over where resources should be focussed. Agree the priorities to meet the objectives and to set and manage expectations of customers and councillors. A ‘planning charter’ is a useful starting point.

**R3** – Explore ways to significantly improve communication between councillors and officers, including the better understanding of roles and challenges, to significantly improve collaboration and rebuild trust and confidence.

**R4** – Fast track the timing of the Regulation 18 submission, to avoid further delays in the Local Plan. If technical capacity to complete relevant studies is part of the log jam, resources must be found. We recommend MVDC examine using corporate bids under the ‘budget and resource planning’ initiative to provide additional short-term resources.

**R5** – Develop a stronger, more collaborative, approach to inter-departmental working on the Local Plan and on related ‘place shaping’ strategies. This would include more effective structures and a more ‘open’ inclusive culture.

**R6** - Review the Local Enforcement Plan and other supporting actions to include:

- meeting the specific needs of MVDC aligned with the new NPFF and agreed with councillors;
- managing expectations as to the role of planning enforcement which cannot function as a traditional ‘blue light service’;
- examining opportunities for the Planning Enforcement Team to be more strongly aligned and supported by the Development Management (DM) team;
- examining opportunities of additional capacity through prioritisation under the corporate budget and resource planning round; and
- creating a scoring system for prioritising and action plan for backlog using planning support staff to filter.

**R7** – Working with Planning Advisory Service (PAS) to examine service capacity and productivity to benchmark performance and look for ways to direct any ‘freed up’ resource on Service and corporate priorities.

**R8** – Examine opportunities to optimise housing delivery given the challenges set by the Government’s Housing Delivery Test (HDT).

**R9** - Create a clear plan of training and investment to develop the skills of officers and put some measures in place to support recruitment, retention and development. This could include:

- a career grade scheme;
- utilising the apprenticeship levy;
- update job descriptions so that roles are more flexible and can support other teams - for example DM taking a proactive approach to enforcement and planning policy and also including roles associated with delivery;
- a “buddy” / mentoring system linking less experienced officers with more experienced ones;
- sharing of knowledge and experience to build confidence in the less experienced staff and providing opportunities to deal with more complex applications;
- empowering planning officers by increasing powers of delegation and by allowing case officers to present their reports at the Development Control Committee;
- reviewing job adverts to make sure the work and development opportunities are emphasised; and
- benchmarking and aligning salaries with neighbouring authorities.

**R10** - Revise the delegation and call-in protocols and decision-making processes so that they reflect and support the role of the DCC as a strategic decision-making body focused on larger and more controversial applications leaving officers to consider smaller development proposals via delegated decisions. Call-in procedures need to ensure that DCC time is spent efficiently, so some more rigid rules around when and which councillors (e.g. only ward or adjacent ward) can call in applications, being specific about the planning grounds, and some kind of ‘screening’ role for the Chair is recommended before cases are allowed on the agenda.

**R11** - Create a local agent’s group. Forums represent good opportunities for officers and the Leader and Cabinet Member for Planning to demonstrate that they are listening. Maintaining a regular dialogue with customers will demonstrate active listening and provide them with a ‘voice,’ e.g. to discuss and react to proposed changes to the service, and to communicate and get feedback on key subjects such as policy, enforcement etc.

**R12** - Establish a means to monitor progress of implementation of the peer review led by a senior councillor with relevant input from the Scrutiny Committee including a set review point with options for external validation of progress.

**R13** - Circulate up to date organogram for the service to aid internal working and councillor knowledge of capacity in the council.

**R14** – Review the numbers of councillors on DCC to make decision making more efficient. As part of this examine whether Cabinet members should remain on DCC to allow the separation of roles in relation to strategic planning and decision making.

### 3.0 Background and Scope of the Peer Challenge

3.1 This report summarises the findings of a planning improvement peer challenge, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet the individual council's needs. They are designed to complement and add value to a council's performance and improvement. They help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

3.2 Mole Valley District Council (MVDC) is one of eleven district and borough councils in Surrey. A substantial majority of the district is designated as Metropolitan Green Belt and Surrey Hills Area of Outstanding Natural Beauty (AONB). MVDC decides over 1200 planning decisions every year (not including certificates of lawfulness and prior notifications). The Core Strategy predates the National Policy Planning Framework (NPPF), and in 2014 MVDC terminated work on the Housing & Travellers Sites Plan, a daughter document to the Core Strategy. It is now working on a new Local Plan and aims to have this adopted in 2020.

3.3 MVDC has 41 ward members and is led by a Conservative/Independent administration with Liberal Democrats forming the official opposition party. MVDC has one district-wide Development Control Committee that meets monthly and decides approximately eight per cent of all planning applications.

3.4 Our review arises from a Scrutiny subcommittee report and recommendation to Cabinet, requesting a peer review, alongside a series of recommendations concerning the planning enforcement service.

3.5 You asked us to focus on:

- Development Management Service including Enforcement, Planning Committee and Planning Policy.

3.6 Peers were:

- Cllr Adele Morris - Liberal Democrat, Southwark Council;
- Cllr Mike Haines - Independent, Teignbridge District Council;
- Cllr Stephen Parker - Conservative, Hart District Council;
- Brett Leahy - Chief Planner, Milton Keynes Council;
- Robert Hathaway - Peer Challenge Manager, LGA associate,

3.7 Where possible, PAS and the LGA support councils with the implementation of the recommendations as part of the council's improvement programme. A range of support is available from the LGA at <http://www.local.gov.uk> and is either free, subsidised or fully charged. It is recommended that MVDC discuss ongoing PAS support, including costs, with Stephen Barker, Improvement Manager, [Stephen.Barker@local.gov.uk](mailto:Stephen.Barker@local.gov.uk) and more corporate support with Mona Sehgal, Principal Adviser, [Mona.Sehgal@local.gov.uk](mailto:Mona.Sehgal@local.gov.uk).

3.8 As part of the peer challenge impact assessment and evaluation, PAS or the LGA will contact you in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

3.9 The team appreciated the welcome and hospitality provided by Mole Valley District Council and partners and the openness of their discussions. The team would like to thank everybody they met during the process for their time and contribution.

## **4.0 Development Management**

### **Capacity and Productivity**

4.1 We found the Development Management (DM) team to be committed and dedicated to their roles, with a clear passion for improving the quality of new development and resisting poor quality, especially in areas of high environmental value. The DM team has 8.4 FTE case officers at various levels including career grade officers, managed by a dedicated DM manager. The DM service is supported by a dedicated Planning Service Support team covering the whole Service. They deal with an average of 1,200 planning applications per year (not including certificates of lawful development and prior notifications).

4.2 We were asked to provide a view on the efficiencies of the DM service's operation. We noted that the Service had not benchmarked its efficiency against other similar councils. We undertook a basic comparison of productivity, comparing processing times against one of the peer team member's councils (Milton Keynes). This small comparison suggested that MVDC operated at good productivity for 'major' developments but that there were significant opportunities to increase output in applications such as 'others', where Milton Keynes deals with two thirds more per officer compared to Mole Valley District Council. While the type and number of applications in Milton Keynes will differ from those at Mole Valley, the determination of planning applications is a process of moving through a hierarchy of decisions. Therefore, we feel there may be significant opportunities to reduce 'waste' in the system, through a redesign encompassing automation, effective communication and self-service.

4.3 Many other councils' DM teams have modelled staff roles to suit the peaks and troughs of work, with an emphasis on, for example, training technical support staff or graduate planners to deal with permitted development or householder teams to aid quick turnaround times. We recommend that the DM service consider undertaking a Productivity Review, supported by the Planning Advisory Service (PAS) through the Local Government Association (LGA). This would examine and identify existing capacity and help ensure that resources are best directed to achieve efficiencies and the District's key priorities.

4.4 From our interviews with corporate/service managers, staff and portfolio holders, we did not sense that project management or performance management is embedded in the Service. Staff told us that there was a strong tendency for the day job to take over and managers are often pulled into day-to-day operational issues. While it is important for managers to mentor and support staff and deal with case reviews, this should not be at the expense of good performance management, examining and combating issues (such as peaks and troughs), managing capacity or focusing on priorities.

4.5 Councillors were very concerned that the householder pre-application service has been suspended due to a lack of capacity. Councillors and planning customers were also concerned about the consistency of pre-application advice and its follow-through into planning applications when officers left the Team. It is for the Service and MVDC, working with its portfolio holders and Cabinet, to set (or reset) its priorities, but we suggest that any 'freed up' capacity following a productivity review, is focused on creating an improved pre-

application service, with improved communication. This would also assist enforcement by realigning resource to enable the DM team to support the enforcement functions, for example by assessing the expediency to consider enforcement action.

### **Service Objectives and Links to Corporate Plan.**

4.6 Current DM service objectives could be more externally driven and ambitious. We see significant opportunities to reset both DM team and wider Planning Service objectives so that they better:

- fit the existing and emerging corporate strategy;
- fit the direction of the Local Plan;
- articulate priorities centred on the present and future needs of Mole Valley as a distinct 'place'; and
- address the expectations of national planning policy.

4.7 The DM team's existing 'principal roles' (the service objectives) are seen as deciding applications promptly, defending appeals and instigating enforcement action. The DM team performs very highly against government measures of speed and quality, with performance among the best in Surrey across all types of planning applications. Between October 2016 and September 2018, MVDC decided 95 per cent of major planning applications, 90 per cent of its minor applications and 96 per cent of other applications within its time limits. This compares very well against other councils in England and similar districts and boroughs in Surrey. In relation to the quality of decisions, as measured by decisions overturned at appeal, MVDC performs to a generally acceptable standard of two in every three appeals dismissed (66 per cent). We also noted that the Service target for overturned appeals is a more stretching 8 per cent whereas the Government threshold (10 per cent) for potential intervention is higher. This is a helpful performance buffer.

4.8 However, the DM team's objectives are too internally focussed, with a lack of emphasis on matters such as customer expectation, communication and quality of outcomes. We also found the objectives very traditional with a focus on development control rather than development management. To ensure a stronger customer focus, we suggest a more systematic engagement with customers through planning agents' forums and developers' forums, plus a review of the value of obtaining customer feedback. We also suggest that Service objectives are aligned with the emerging themes of the refreshed corporate strategy, such as 'putting people first' (customer centric), 'living within our means' and 'being open and accessible'. Lastly, we advise that a planning customer charter is designed to complement the authority's Customer Promise. This will help ensure that expectations and standards of customer service delivery are understood and adhered to.

4.9 It will also be very important for the DM team to shift towards a more enabling and delivery focused mind-set. This will support the delivery of a significantly higher number of houses delivered every year as part of the Local Plan and new housing delivery test (HDT). The new HDT requires annual position statements to be prepared to demonstrate how housing delivery is being supported by MVDC. Based on current figures, the district would need to see housing delivery of 1,112 homes in the years 2016-19 and 1,276 homes in 2017-20 to meet the housing delivery test. With average house building rates being approximately 200 homes per year (that is 600 homes over three years), delivery needs to double.



4.10 We also encourage MVDC to examine opportunities to optimise delivery, given the challenges set by the HDT. One example of a council focussed on delivery is Plymouth. They have embedded housing growth targets in its 'Plan for Homes' initiative (winner of RTPI Silver Jubilee Cup). District councils tackling similar issues include Ashford,

- developing a corporate action plan to support planned sustainable housing delivery and updating and promoting brownfield register and permission in principle;
- defaulting major housing consents to two years implementation;
- limiting pre-commencement conditions and being explicit with the stage in the development process when a condition needs to be discharged, for example. pre-construction phase, pre- occupation, pre-occupation of XX dwellings etc;
- helping developers find suitable registered housing providers by having housing delivery specialists embedded into the decision-making team;
- creating internal delivery teams and using an account manager type role for certain sites
- having a clear understanding of which sites are stalled and finding innovative, customer-centred solutions to unblock these stalled sites;
- working with developers/agents to think imaginatively and creatively about unimplemented consents, for example phasing to improve viability where necessary;
- creating in-house viability and compulsory purchase expertise either through the training of specific planning officers or employing RICS accredited officers;
- working with developers, Homes England, government departments, statutory undertakers. local enterprise partnerships to help unlock sites; and
- senior level political engagement with land owners and developers, holding strategic level meetings to throw political weight behind unblocking constraints especially in relation to joint public service collaboration.

Guildford and Rushcliffe. Examples of their interventions to stimulate delivery include:

4.11 To achieve this, many councils are reviewing their corporate and service objectives, capacity and performance management processes, to provide a clearer focus on delivery. This service shift would need clear corporate support.

4.12 There is a significant and apparent breakdown in trust and confidence both between non-planning portfolio holders and other councillors with officers in the DM team (including the Enforcement section). This is also extended to the Policy team but to a lesser degree

given recent changes regarding engagement of the local plan process. This has also fed into the other services and teams beyond the Service. Circumstances, rather than design, have caused this breakdown. While on the surface teams appeared aligned, underneath there are confidence and trust issues with no real shared understanding or connections to work together to achieve shared outcomes. For example, the Planning Enforcement Team backlog is not owned by the whole Service and this is apparent from the lack of action taken to resolve it. A period of inaction and instability has created significant risks legally and financially for MVDC. Resolving this will require a joined-up approach from planning, legal and financial Services. We recommend agreeing on a new shared vision and how to embed this into the Service's culture through leadership and performance management. We recommend this as a vital first step.,

## **Trust and Confidence**

4.13 We heard consistent messages that the lack of consistent management capacity in the DM and Planning Enforcement teams has weakened the service. Capacity is also a key issue in the enforcement service that is covered later in this document. It appeared to us that there was little consistency in management and performance management, with varying approaches to councillor communication and engagement.

4.14 We believe a significant breakdown in trust and confidence in the Service has resulted from a lack of an agreed and shared vision and a lack of communication between all parties. This has been exacerbated by a small number of well-publicised cases, such as the Royal Oak demolition at Leatherhead. We recognise that planning controversies arise everywhere from time-to-time, but at Mole Valley, it appears that a significant number of Cabinet members and councillors inherently believe that the DM service is broken and almost nothing it does can be right. This is far from the truth. Equally, some officers appear completely worn down by what they perceive as overt criticism of their professional skills. Accordingly, they adopt defensive behaviours and avoidance tactics in terms of communicating action to remove conflict and making sure issues stay out of the public eye. Examples we were told about included officer reports to DCC and potential housing and mixed-use schemes at Leatherhead. Whatever the reason, it is evident that collaboration and communication are poor and are preventing the DM service from thriving. There is a deep-seated cultural issue that must be tackled, and it is our view that this is necessary at a number of levels. This should be led at the senior leadership level, supported by the new DM manager, and involve planning portfolio holders with their Cabinet colleagues, members of DCC, all other councillors and key DM staff.

4.15 Areas we believe should be explored to begin improving trust and confidence between officers and councillors include:

- developing protocols/structures of the minimum and maximum expectations of input from both sides, with Cabinet Member and lead officer meetings/updates fortnightly (if not weekly);
- developing service standards and expectations for communications (e.g. query response times), with councillors working with and learning from the emerging communications working group initiated by the Chief Executive
- placing responsibility with officers and councillors to initiate meetings and think of new and modern ways to meet, accommodating councillors who are not in the office. Councillors should be made to feel that their attendance in the office, to meet with officers, is welcome. This will assist both sides in the performance of their respective roles

- introducing meet and greet sessions around a key theme – the recent appointment of the new head of DM provides a great opportunity. Make it fun – consider a ‘meet my new team’ event based on speed dating principles.
- examining opportunities for task and finish type groups that encourage councillors and officers to work together;
- reviewing opportunities for joint training on agreed themes (e.g. design, car parking, Local Plan);
- looking for opportunities for familiarisation of roles (e.g. walk a day (or half) in my shoes) so that officers and councillors can better appreciate each other’s roles and the tension and challenges they face;
- discuss with LGA opportunities for officer’s political awareness training;
- creating opportunities to celebrate success jointly; and
- seeking support from Service and Democratic Services to help councillors get the most out of the members’ intranet (members online service support - MOSS), including up to date staffing charts and relevant flow charts for decision making.

4.16 We fully recognise the concerns surrounding capacity, recruitment and retention expressed by everyone. While these are more acutely felt in London and the south-east, they are national issues and faced by all councils. It was encouraging to hear that MVDC is working to improve recruitment through a corporate micro employment site, modern approaches to resourcing and broader organisational development strategy. In an increasingly competitive market, it is crucial for MVDC to place HR and OD emphasis on its key corporate priorities.

4.17 The appointment of a new DM service lead, with experience in a high growth district and of the private sector, presents an unmissable opportunity for the DM service to reset its vision and service objectives and move towards outward-looking, focused customer service. Rebuilding internal trust and confidence in senior management will be an important focus, but an even greater challenge is likely to be improving joint working, trust and confidence between councillors and staff.

## **Customers**

4.18 Planning agents and developers have no structured means to formally communicate with the DM team, and there is no systematic way of capturing, and using, feedback. This severely limits the opportunity to learn from feedback in DM, a service that owing to work pressures already has limited time for learning opportunities. Nonetheless, in speaking to developers, they were positive about aspects of the DM service including:

- the Planning Support team and their speed of validation, they feel one of the best they deal with in the sub-region;
- general accessibility of case officers by phone and email; and
- willingness to renegotiate section 106 agreements.

4.19 However, developers expressed concerns about the need for:

- improved customer service and communication;
- commitment to professional judgement, rather than a perceived weakening of cases based on what councillors may decide; and
- agents’ forums, capturing improvement needs and sharing messages.

4.20 There was also a significant call for a stronger pre-application advice service that guarantees speed and consistent follow-through on advice. Developers feel that there is currently a lack of clarity over timescales and there are inconsistencies in the advice given (although only one or two examples were provided). We also heard that pre-application files and the later submitted applications were not matched up, as is standard practice, resulting in a lack of continuity of officer involvement.

4.21 From the developers' concerns about communication, we understand there is no customer charter in place to manage expectations and provide accountability. A customer charter is needed, especially in a paid-for service and especially given the emphasised importance on customers in the emerging Council Strategy.

## **5.0 Development Control Committee**

5.1 We found many strengths in how Mole Valley operates its Development Control Committee (DCC), but we think it can perform even better with some of our suggestions.

### **Webcasting**

5.2 Webcasting of DCC is a strength of MVDC. We watched recent DCC webcasts and found them very user-friendly being easy to locate and navigate. For example, moving between applications on the webcast to find a particular one was easy and we were impressed with the transparency of each speaker's names appearing on the screen. Visibility of the case officer's presentation images was also clear. MVDC has invested resources in webcasting, helping increase public accessibility and satisfaction. Given that the DCC is part of the shop window for how MVDC takes decisions in public (as opposed to a public meeting), this projects a good image, and we commend MVDC for developing webcasting to this level. Peer team members were keen for their councils to follow suit.

### **Officer Reports**

5.3 Councillors valued having planning reports well in advance of the DCC meeting. They welcome the longer than average time to read the reports and, if required, visit the proposed development sites in advance. The monthly report is published on the website eight working days before, allowing two full weekends between publication and the Committee evening meeting

5.4 While it appears this is accepted practice and works well for councillors on DCC, who say they require this time to fulfil their responsibilities, there are downsides. We were told that this puts pressure on the DM team and results in some applications not making it onto the agenda or extensive addenda items presented on the day of the DCC meeting. Given that the length of time that DCC members have to read reports and visit sites is longer than average it is important that MVDC ensures it has the correct balance in this area: especially when the length of time councillors have reports is longer than the statutory requirement

5.5 We were told that the Committee would occasionally agree to committee site visits, although members of DCC did not often request this. This helps limit costs and ensures only the most important sites are visited. We also recognise that site visits allow for officers to respond to questions on site which can benefit the quality of decision making and also save time at Committee.

5.6 At the DCC meeting, officer presentations were short and accompanied by visual presentations that were clear, even from the public gallery. Officer reports contained good visual representations of the proposed schemes. However, councillors were concerned about the quality assurance of officer reports, feeling that team leaders and managers could do more to ensure consistent quality checking. We did not have opportunity to check this out fully but possibly this is at least partly a product of the requirement for officers to produce the agenda 8 working days in advance. We also feel it is important for each report to consistently refer to all relevant policy details, for example, the five-year housing land supply figures and updates/changes in policy advice. PAS can provide examples of reports that include this information so that MVDC can appreciate the added value.

### **Call Over and Early Engagement Meetings**

5.7 The Chairman of the DCC works well with the Cabinet Member for Planning, who also sits on the Committee. The Chairman's briefing sessions work well, with DM managers briefing the vice chairman and opposition group leader on the planning reports. We note some confusion, among some DCC members and even other councillors, as to whether there was an open invitation to these meetings. We understand that this is not the case, but it would be helpful to clarify this with members and remind them of its purpose.

5.8 The Chairman indicated that he generally did not see the planning items coming before DCC until the publication of the Committee report. We recommend greater pre-committee engagement between DM service, Democratic Services and the Chairman to support improved communication and engagement before decision. This can help with management of items coming before DCC and is the system used at the peer officer's council at Milton Keynes. The need for prioritisation and better upstreaming will become more apparent as the need to decide on planning and reserved matters applications becomes more acute, as part of the HDT.

5.9 Similarly, MVDC must consider how it will promote effective councillor awareness of, and engagement in, early discussions (but not debate) on applications arising from strategic allocations in the Local Plan. This is to ensure that appropriately wide ranging discussions occur as to how a site will develop. We encourage MVDC to think about its internal place-shaping partners and set up protocols to work with developers and local communities. Again, this will help set and manage expectations and promote effective councillor engagement at an early stage.

### **Venue**

5.10 The venue for the DCC is accessible and welcoming. It allows for good public engagement and meetings take place in the evenings at 7 pm. The DCC meets in the main council chamber at Pippbrook, Dorking, and is close to public transportation, walking and cycling routes, and visitor car parking. Public speakers and attendees at the DCC are made welcome by Democratic Services officers, and public speaking items are scheduled at the front of the agenda. The Chair helpfully re-orders the schedule to bring forward items which those in the public gallery are attending to hear debated. When a large number of the public attends, adjacent committee rooms are used.

5.11 No widespread concerns were raised about the length of DCC meetings. The meeting we attended in September 2018 ended well before 9 pm, but we are aware of at least one meeting in 2018 that ended at 11.20 pm. The constitution allows for Chairman's discretion (in consultation with councillors) to go beyond 10.30pm but in the interests of quality

decision making and public engagement and attendance, we recommend that the DCC should only sit after 10.30 pm in the most exceptional of circumstances.

## **Structure**

5.12 We found the DCC meetings to be well structured and ordered, with adherence to protocols in line with MVDC's constitution and code of conduct. For example, councillor's questions to the officers on matters of fact were clearly separated from debates. Helpfully debate was almost always started, or precipitated, by a motion from members, which provided a clear steer for the debate.

5.13 Members of the DCC have a strong passion for their local areas and good knowledge of community concerns. We note a tendency for questions and debate to stray into non-planning areas (e.g. control of fires, materials on the highway, etc.) This took up time and was irrelevant to the planning decision. In both questioning and debating, it is important that councillors, in their passion for doing the best for the local communities, do not lose sight of their role while on DCC. Their role is to decide on each application in accord with the policies in the development plan unless material planning considerations dictate otherwise. To reinforce this, it might be useful for officers to assist by directing the councillor's attention to the relevant matters for decision. This method is used in Waverley and has helped councillors to separate technical areas of judgement.

5.14 We noticed that some questions asked at DCC could be asked in advance. The Chairman encourages advance questioning, and it is stated on the front of the Committee sheet. When we queried this, some members indicated that it was not always clear who the officer was or how best to contact them. Some councillors also felt that officers did not always come back to them or did not prioritise their queries. It appeared to us that part of this lack of collaborative joint working and communication relates to the trust and confidence issues that we referred to earlier under the DM Service section.

5.15 Democratic Services officers indicated that they would ensure councillors receive answers to their questions, where there were issues of uncertainty. However, we sense that DM officers could reach out to seek questions from councillors before DCC. We suggest a shared protocol process for accessing information on individual applications, in advance of DCC, that is in line with the communications protocols, discussed in the DM service earlier. Councillors also felt that they would prefer to see case officers present their own reports at DCC. This they felt would allow their questions to be answered more speedily and accurately. We recognise the balance that has to be struck here, especially given that the Chairman's callover meeting and the DCC meetings are held in the evening, but it is important for a number of reasons, including learning and development, that junior officers are exposed to the rigours of DCC to build political awareness and 'nous'.

## **Numbers of Councillors on DCC**

5.16 With a DCC consisting of nineteen members, nearly half of all councillors sit on the committee. We consider this to pose challenges to efficient decision making and in meeting councillor's learning and development needs for expert planning training. We shared this with the Chairman, portfolio holder and members on the Committee but they were comfortable with this number, arguing that it helped to represent the different communities and rural nature of the district.

5.17 However, we recommend that MVDC considers whether there are too many councillors on DCC. In other authorities we have often recommended numbers in the range of 9 -13 for their DCC. As part of this review we recommend that MVDC consider whether it would be more helpful if Cabinet members were not on DCC. This could help separate their roles and protect the integrity and leadership function of the Cabinet members. Reducing the numbers could tighten decision making and improve specialised training opportunities, while also allowing Cabinet members to focus on strategic planning allocations and delivery and the promotion of appropriate development and growth opportunities.

5.18 Some members of the Committee showed a good understanding of the strategic planning issues. However, some customers (including developers and agents) told us they felt DCC members acted parochially, rather than strategically, in their analysis of matters. They also referred to instances where councillors would not accept technical or professional advice, such as transportation and viability.

5.19 Given MVDC's acceptable rate in defending appeals this view is not substantiated. However, it is an issue to avoid and the Chairman, supported by the Legal Officer and the senior planning manager, must be alert to this. Having watched over six DCC meetings, we certainly see opportunities for the Legal Officer and Senior Planning Manager to more actively support the Chairman on the issue of reasons for refusal or where a decision could be viewed as unreasonable and lead to costs.

5.20 We noted that there were regular abstentions from DCC members, including the Chairman, which is not a common feature of other DC committees we have witnessed. We would suggest that DCC members who regularly abstain should receive support to understand their reason for doing so as it begs the question of their decision-making role on the Committee.

## **Learning and Development**

5.21 Councillors told us they were not always clear on policy and supplementary guidance and the weight to be attached to technical studies. They have a strong appetite for learning and development and feel they would benefit from more training than the two, two-hour sessions currently received. Part of our reason for discussing with MVDC the numbers of members on DCC, was to examine whether lower numbers would assist in more specialised training. For example, some councillors want more bespoke, participatory training to accommodate different learning styles. From our discussions, training areas that need to be implemented or revisited include the following (many of which can be delivered by PAS):

- new NPFF, local implications and conditions;
- taking robust and defensible decisions;
- development in the Green Belt;
- design;
- access, car parking and circulation;
- viability;
- affordable housing; and
- CIL, section 106 and local priorities.

## **Performance and Quality**

5.22 DCC deals with approximately eight per cent of planning applications (excluding prior notifications and certificates of lawfulness). In 2017/8 this equated to 92 applications across 12 DCC meetings a year, an average of 8 cases per committee. Some councils deal with more delegated decisions (98 per cent), but MVDC's speed of decision making significantly exceeds Government targets, making this a future issue that may become more important. The pressure on planning decisions will increase, alongside delivery, and a review of the current delegation system is necessary if DCC sees signs of becoming jammed with non-strategic, or very localised, applications.

5.23 As indicated earlier, the speed of decision making significantly exceeds Government targets. In 2017/18, MVDC successfully defended two out of every three appeals. While other councils in Surrey have a higher success rate, MVDC's culminating appeal success is sound. MVDC comes well below the Government's 10 per cent quality measure threshold for decision making, at 2.3 per cent. Between June 2015-17, it lost only one major appeal out of 43 major decisions. We recommend the relevant figure be reported to DCC monthly, or at frequent intervals, to help monitor and 'own' this figure. For the 2,283 non-major decisions over the same period, 40 out of 116 appeals were defended successfully. This 1.7 per cent quality of decision result is again well below the Government's threshold.

5.24 We noted that in the last three years, approximately one in every three major application was refused. We recognise that the number of major applications per year (around 20) is low and that the relatively high number of refusals may relate to the lack of a local plan with developers and land agents 'trying it on'. It would however be useful to monitor how many times MVDC is saying 'no' to development in the hope that this would decrease with greater certainty brought about by the emerging local plan.

## **6.0 Planning Policy**

### **Future Mole Valley Local Plan**

6.1 District-wide Local Plan policies are contained in the Mole Valley Local Plan (2000) and the Mole Valley Core Strategy (2009). Both predate even the first National Planning Policy Framework in 2012, which was updated this year (2018).

6.2 However, recent progress on the Future Mole Valley Local Plan demonstrates good, collaborative working between councillors and officers. We found significant corporate and service support for the Planning Policy Working Group. This is viewed as a successful model and 'space' for productive, joint work and an asset to obtaining political understanding and ownership of controversial issues (such as the overall number of houses and jobs, building in the countryside and site selection).

6.3 MVDC has gone through a sequential test of examining brownfield land opportunities. It is now examining a number of sites, in detail, for urban extensions and strategic allocations. It is also looking at the limited release of greenfield land, especially in locations where the strategic objectives and openness of designated land would not be adversely damaged.



## **Planning Policy Working Group**

6.4 It is clear that the Planning Policy Working Group (PPWG) is a useful working group, providing advice on planning policy to the Cabinet. Chaired by the Cabinet Member for Planning Policy, it has clear terms of reference, minutes and agendas. Councillors can influence agendas, enabling matters important to them to come forward. It was good to see that the PPWG was flexible and valued, demonstrated by the open invitation to all councillors.

6.5 This increased participation has been successful. The PPWG regularly attracts a good number of councillors and has doubled the number of meetings (to monthly) as it enters the phase of the 'preferred options' plan. We were told that stronger attendance across political groups was leading to increased ownership. Using PPWG helps prevent a politically divisive atmosphere by providing the time for expressing diverse political views.

6.6 Wider and deeper councillor engagement, through collaborative working with key officers, gives greater confidence to steering the Local Plan through, what doubtless will be, significant public consultation scrutiny. It will be important for the Cabinet and MVDC as a whole, to see site selection through and to demonstrate strong and effective community leadership in the interests of the whole District. Crucially, MVDC should work together, laying aside political differences for the future of the District. This will provide certainty for the council, public and developers and help avoid government intervention through the lack of an up to date modern plan that complies with the NPPF.

### **Timing of Local Plan**

6.7 Despite generally positive messages about the development of the Local Plan, we shared concerns about the need to avoid further delays to formal adoption. Delays this year resulted at least in part from an an election purdah, a change in political control and a change of portfolio holder. Based on current timescales, MVDC does not envisage reaching the Regulation 18 (preferred options consultation) stage until March 2019. This according to the Local Development Scheme (LDS) was due in late summer/early autumn 2018. We also suggest that timescales of the LDS are updated to reflect this and to aid transparency.

6.8 We strongly recommend bringing this stage forward, to avoid what we see as a potential danger of annual deferrals due to political uncertainty. At a senior leadership management level, and especially among the Cabinet, it will be important to show strong community leadership in adopting the Local Plan as soon as possible. To release additional technical capacity, we suggest that serious consideration is given to increasing the budget in a controlled and short-term fashion. While we recognise that spending is tight, we were told of potential bidding opportunities through the emerging 'Business & Budget Planning Programme', a new corporate initiative designed to focus on fewer, clearer priorities. Given the importance of the Local Plan to the future growth of the District, including development opportunities on MVDC's land, and opportunities to increase Community Infrastructure Levy (CIL), new homes bonus, council tax and section 106 finances, this appears to us a very high priority. Developers also told us that landowners and themselves require some certainty in the strategic planning policy area and the sooner this is provided, the better the opportunity for earlier starts on site.

6.9 In addition, further delays must be avoided to ensure that MVDC's five-year land supply figures are improved. Between 2018/23, Mole Valley can only demonstrate a five-year housing land supply of 1,246 dwellings against objectively assessed housing needs (OAHN) of 2,184 and a local housing need figure of 2,510. The District's housing land supply figure is 2.85 and 2.45 years respectively while the Government's required figure is 5 years. While a recent appeal inspector's report provides good recognition of the land supply challenges facing MVDC and allows some breathing space, it is better for MVDC to control growth and restraint through plan led policies, as opposed to speculative development.

## **Housing Delivery**

6.10 Mole Valley has generally delivered well against the housing and affordable housing targets set in the 2009 Core Strategy (an average of 188 dwellings including 47 affordable homes per year. Delivery of total net dwellings has increased from 164 in 2015/16 to 204 in 2016/17 and 384 in 2017/18 (an average of 214 per year over the last 5 years). However, under new methods of calculation discussed above (Objectively Assessed Housing Needs and Local Housing Need) and the Government's HDT, the number of dwellings to be delivered in the district will rise significantly to an OAHN figure of 391 per year and a LHN of 441 per year. We are pleased to see that the Planning Policy Team has a good grasp of the emerging challenges faced by the HDT, especially the possibility of failing the HDT in 2020. It is important for MVDC, at both a corporate and whole Service level, to gear up for ensuring faster delivery. We accept that the supply side housing figures, and therefore HDT percentages, could reduce as part of the Local Plan processes, but we recommend that MVDC review its corporate and service processes to enable faster housing delivery on the ground. To accelerate delivery, MVDC and partners must think differently, and examples of this include:

- clear SLT and Cabinet ownership and performance monitoring of HDT figure;
- developers' forums led by Leader or Cabinet Member for Planning to provide weight;
- site-based working groups;
- review of internal planning staff roles, focussing on delivery and follow-through on reserved matters and discharge of conditions applications; and
- exploring opportunities through the local economic partnership for stronger sub-regional working, helping unlock capacity and helping work with national or regional partners.

## **Transfer of Trust and Confidence to DM service**

6.11 Despite delays in the adoption of the new Future Mole Valley Local Plan, we were told of a generally positive mood and collaborative tone among councillors in progression. This contrasted sharply with the attitude of many councillors towards the DM service, and it will be important for some of the joint working practices and cultures developed in this relationship to replicate across the wider Service. Our recommendations for a stronger corporate and service-wide drive that prioritises completion and delivers growth should assist.

6.12 We recognise the different communication challenges involved for councillors dealing with longer-term planning policy, individual planning and enforcement decisions. However, it is important for corporate and service managers to take any lessons learnt from PPWG

and other policy work and use this to improve communication in the DM and enforcement area.

### **Promotion of Potential Strategic Sites in Local Plan**

6.13 We were asked to review the internal leadership on the promotion of sites through the local plan process. This appears to have arisen from a concern between certain councillors' seen as being 'judge and jury' and from Council departments who felt that they were best placed to promote the qualities of individual sites.

6.14 In similar situations, property or estates managers lead the promotion of sites and secure appropriate consultants and experts to back deliverability. Whatever MVDC decides locally, it is vital that councillors lead the discussion on Local Plan sites, but with robust and honest input from officers. There needs to be a co-ordinated approach between departments, especially on competing needs/aspirations. We suggest an imminent meeting with all Cabinet members, SLT and key officers.

6.15 In overall terms, our view is that MVDC should not be over timorous in this matter and, just like any other landowner, strongly promote sites through the candidate site selection process. We go further and say that to shore up the delivery credentials supporting the Local Plan, the promotion of sites on publicly owned land, backed with time-bound commitments and councillor support, is very important. In our experience, this offers good potential for the delivery element of the Local Plan at Examination stage, to be found sound.

### **Internal Strategic Joint Working**

6.16 We found the Planning Policy team to be a tight-knit group with good specialist knowledge and team dynamics. As we commented earlier, the team works well with councillors and has made generally good progress on the major evidence-based work, getting the Local Plan to its current stage.

6.17 Given the importance of the Local Plan in setting district-wide spatial objectives, it is important that departments, covering economic prosperity, strategic housing, property and public protection, be fully engaged and given opportunities to input and comment.

6.18 We were surprised to hear that some of the interdepartmental work on the Local Plan was not as collaborative and inclusive as some Cabinet Members and senior managers would like. For example, we were told it was difficult to feed the economic needs-based assessment data and economic development priorities into plan preparation. This frustrated the synergy between emerging planning policy and economic prosperity. While it appears relationships have improved, we were still told of instances where economic development officers were not as engaged as they could be, for example in policy discussions on responses to planning applications with a large economic impact. Given the need to ensure continued protection of employment land and to increase land availability to help maintain prosperity levels in line with corporate objectives, excellent internal collaborative working is required. There is clearly an important role for the Chief Executive and responsible Executive Heads of Service here as well as the relevant Cabinet Members. We were encouraged by the start made by the Chief Executive to improve budgetary and performance focus that could tighten project planning.

6.19 The environmental constraints on the District's countryside and the need to maximise opportunities for brownfield regeneration, make it important for MVDC to take full advantage of the opportunities available in Leatherhead. The Council-led 'Transform Leatherhead' initiative needs to adopt a whole place strategy, optimising density and capacity so to sit with the existing urban framework and public spaces. We were told of unresolved tensions relating to density, height, design and parking. Officers indicated that they could not find a clear and safe space to discuss and resolve issues openly which would avoid a comment from a DCC member put to us that "planners draw conclusions for themselves and expect us to rubber stamp."

6.20 This lack of collaborative working has the potential to lead to a 'tweaking', rather than 'transforming', of the town. It also appears that the whole issue of sustainable transport and parking in Leatherhead needs to be resolved. The Housing and Finance Institute Paper 'Are you Business Ready' June 14 2017, poses detailed questions to help MVDC optimise its housing delivery in this area. While it is for MVDC to decide, we were surprised to hear that there was a call for a high number of parking spaces per dwelling unit, in what is surely an accessible location. It is important for MVDC's Strategic Leadership Team, the Leader and Cabinet Members to ensure effective leadership, supported by high collaborative working internally, with external public sector partners, businesses and the public.

### **Neighbourhood Development Plans**

6.21 Work on supporting local communities and parishes to prepare and adopt Neighbourhood Development Plans (NDPS) has been positive. Astead, Bookham, Capel and Westcott benefit from NDPS that now form part of the Development Plan and are a material consideration in deciding planning applications. It was encouraging to note that planning policy staff are now more regularly meeting parishes to capture local aspirations for growth and constraint, whether through NPDS or directly into the Local Plan. However, it is fair to say that not all parishes we spoke to recognised the same level of good engagement.

6.22 We were told of public support for local housing opportunities at Ockley (in the more isolated south of the District) to regenerate community assets. Even though such housing numbers may be small in the overall context of the district-wide figures, it is important to continue supporting such initiatives, subject to agreeing on priorities for pushing on with delivering the Local Plan. We were told that the work of the Rural Housing Enabling officer was helpful in this and other areas of policy work.

6.23 However, concerns were expressed by councillors and residents' associations regarding their experience in the actual operation of the NDPs, specifically managing development through planning applications. This situation is not unique to Mole Valley, and MVDC's Planning Policy and Development Management Teams have explained the way the NDP fits into the Development Plan and hierarchy of policy decision making. Before local communities embark on preparing a Neighbourhood Development Plan we think it important to ensure the Planning Policy Team fully explains the limitations and benefits of neighbourhood plans to local communities (to prevent disenchantment). Face-to-face meetings should also support other forms of communication, ensuring that all parties have a clear understanding of the opportunities and limitations of NDPs. Given the concerns of some Cabinet Members, it is important that the Cabinet be fully aware of this issue.

## **Countryside and Built Environment Expertise**

6.24 The Service has a good focus on protecting the historic environment and the landscape quality of the area, especially given the high number of listed buildings, conservation areas and protected trees and landscapes. The contribution of environmental, historical and design specialists is vital in ensuring not only the quantity of housing and other built development but also the quality of placemaking. It is essential that as a consequence of increasing the delivery of housing, quality is not compromised.

## **7.0 Enforcement**

### **Performance and Capacity**

7.1 MVDC recognises that the enforcement service is improving but from a very low base. This is due to years of poor management, a lack of prioritisation and ineffective performance management. The reputation of the enforcement service, and by implication the Service, has suffered from poor communication with the public and little interaction with councillors. To improve trust and confidence within the whole Service, faster and deeper improvement must take place, alongside significantly improved communication and understanding.

7.2 Recognising the weaknesses of the Planning Enforcement Service, it was partially restructured, creating capacity for a dedicated team leader and another technical officer. The determination and expertise of the interim team leader increased the confidence of the team, and there are signs that a systemised and managed approach to handling caseloads is taking place and working. Administrative support from the Planning Support Service has also increased, allowing more time for detailed case reviews and on-site work.

7.3 However, while trying to create four full time equivalent roles, the Team Leader position remains unfilled (by a permanent employee) and a technical officer also remains unfilled. Recruitment and retention remain difficult in this area. Methods of recruitment must be examined, given the corporate importance of enforcement, as identified by senior managers and cabinet members. It was encouraging to hear that the new DM service roles are more generalist. This creates more opportunities to become involved in enforcement issues, increasing capacity. It also develops DM officers, allowing them to see the opportunities and challenges in areas of development management, for example, the imposition of conditions.

7.4 New enforcement cases are now being handled promptly, especially when deciding that it is not expedient to investigate alleged breaches further. The use of people records and case numbers is also improving customer communication. However, despite 197 cases of alleged breaches of planning control closed in 2017 during the same period 329 cases were received. There are clearly more complaints being received than being closed in a year. As of September 2018, there are 617 open cases waiting for further action or closure by the Planning Enforcement Team. An example of the inconsistent use of the case recording system is a currently open case that relates to a 1952 Enforcement Notice. It is anticipated that a large proportion of the backlog is made up of similar historic cases that need to be closed properly on the system having been resolved. A significant task ahead of the Planning Enforcement Team will be to ensure that both the number of complaints received does not exceed the number of complaints resolved, and the backlog is reduced to a figure more comparable with similar local authorities.

7.5 New enforcement cases are added to the member's intranet, MOSS, every month. This is a significant improvement in communication. We received mixed responses from councillors about their familiarity with MOSS, and we, therefore, believe it would be useful to offer help with making the most out of the system. This learning is also required for the DM service, some of who are unaware of information available on MOSS. We wonder if a non-tech friendly, informal style of support could work or the appointment of a MOSS champion to help spread the word.

## **Performance and Project Management**

7.6 Despite some limited improvements, we feel that major improvement in both project and performance management are required. This was highlighted as both a Service and corporate improvement priority.

7.7 Of urgent importance is the need to review the Local Enforcement Plan (LEP), to ensure that it accurately reflects the context and priorities of Mole Valley. The current LEP is from 2012 and repeats the national guidance at the time. We believe a new LEP can better reflect the needs within Mole Valley, especially considering the significant legacy issues and backlog. The new LEP should also:

- provide a clear framework for prioritisation;
- be clear to councillors and the public that enforcement is not a 'blue lights' service; and
- set clear priorities and timescales to support improved accountability;
- report on performance monthly.

7.8 It is vital that the review of the LEP includes far stronger engagement with the Cabinet Member for Planning, possibly as part of a broader councillor working group. It also needs to reflect the recent advice contained within the 2018 NPPF.

7.9 Actions and priorities in the new LEP must then be adequately resourced, and performance managed. In particular, the monitoring/reporting of cases needs to be improved. Tackling enforcement is a priority. Accordingly, it should be a KPI, reportable to the Strategic Leadership Team and Cabinet. As planning enforcement is so politically sensitive it would raise the profile of the service if there was greater connectivity between the Cabinet Member for Planning, the Cabinet and the Team Leader.

7.10 Creative solutions must be found to solve the deficit in staff numbers discussed earlier. Other councils use corporate enforcement and compliance teams, share services, and focus on growing their own. Understanding that capacity and focus are key issues, we again wonder whether the emerging 'budget and resource planning' corporate improvement initiative is not the place to test whether enforcement (perhaps allied with DM) are real priorities for MVDC. Could a project plan on the back of this review obtain corporate approval to ensure additional capacity in the form of, for example, time-limited additional legal support or expert enforcement support (possibly homeworkers) to examine whether taking enforcement action is in the public interest and so make a dent in either existing or historic cases.

## 8.0 Further Support

8.1 A range of support from the LGA and PAS is available at <http://www.local.gov.uk>. and via the PAS website <https://www.local.gov.uk/pas>. Costs may vary.

8.2 As indicated in paragraph 3.8 PAS or the LGA will contact you in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

8.3 For more information about corporate support or advice, please contact Mona Sehgal [Mona.Sehgal@local.gov.uk](mailto:Mona.Sehgal@local.gov.uk).

8.4 For more information about planning advice and support, please contact Stephen Barker [stephen.barker@local.gov.uk](mailto:stephen.barker@local.gov.uk)



**Local Government Association** Local Government House, Smith Square, London SW1P 3HZ

Telephone 0207 664 3000 Fax 0207 664 3030

Email [info@local.gov.uk](mailto:info@local.gov.uk)

[www.local.gov.uk](http://www.local.gov.uk)