



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Governance and Audit Committee

13 March 2024

Report of Councillor Phil Dilks
Portfolio Holder for Housing and
Planning

2024 Update on the Planning Review undertaken in 2021 and Action Plan

Report Author

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Purpose of Report

This report updates the Governance and Audit Committee on the actions undertaken following a 2021 review of the Planning Service.

Recommendation

It is recommended Governance and Audit Committee:

- 1. Agrees the action plan is now complete.**

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no direct financial implications arising from this report. Should any additional costs be required, this will be assessed and considered at the appropriate time in line with the service plan.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 Following external review, the resulting action plan has been completed. There are no significant legal or governance implications arising from this report.

Completed by: Mandy Braithwaite, Legal Executive

2. Background to the Report

- 2.1 The Corporate Plan (2024-27) sets out how the Council strives to be an effective council and in doing so will deliver trusted, high quality and value-for-money services that fulfil the needs and expectations of all South Kesteven residents.
- 2.2 Planning plays an important role in delivering many of the Council's ambitions set out in the Corporate Plan, including creating a sustainable South Kesteven, enabling economic development and ensuring all residents can access suitable housing for their needs and future generations.

- 2.3 A high performing and effective Council will, from time to time, review how its services are performing and look for better ways of providing a service when appropriate. The review of the planning service was commissioned in May 2020 and was carried out by external consultants. The Planning Service Review (see **background papers**) made 29 recommendations from which an internal project team created an Action Plan. The recommendations and associated actions focused on several areas, including (but not limited to):
- Embedding good practice in operational (officer) delivery of the service
 - Identifying areas where change to protocols and functioning of the Planning Committee are likely to be beneficial
 - Highlighting opportunities to invest in technology and communication to help improve the service.
- 2.4 In July 2021, the Action Plan was endorsed by the Governance and Audit Committee. An updated Action Plan was reported to this Committee in January 2022 and subsequently in March 2023. Links to these reports are detailed in the background papers at the end of this report.

3. Key Considerations

- 3.1 At the Governance and Audit Committee meeting in March 2023, the updated Action Plan set out the matters where further work was required before completion. The updated Action Plan (**Appendix A**) shows the updated position regarding these outstanding actions.
- 3.2 Since the last update, the remaining actions, except for the update of the enforcement policy, have been all been completed in full.

Action No. 13 Planning Committee Presentation Training

- 3.3 Since the last update and the restructure of the service, all vacant posts have been filled. All Officers are expected to present their own cases to planning committee and they are supported by Senior Officers in doing so. Training is provided on Committee presentations where it is required and monitored through the Council's appraisal process. The action can be marked as completed, although it is recognised, as with any training, there is an element of continued learning.

Action No. 18 Enforcement

- 3.4 The Peer Review highlighted weaknesses in the Council's post-decision processes.
- 3.5 It was previously reported the planning enforcement team had been expanded and a new Senior Enforcement Officer appointed. Since the Action Plan was previously reported to Committee, a report was presented to Planning Committee in May 2023

providing an overview of performance for the previous year. Annual updates will continue with the next report being scheduled for April/May 2024.

- 3.6 It was also recommended the Council's Development Management Enforcement Policy is reviewed. The current policy was published in 2017 and has been reviewed by Officers; it is considered up to date and fit for purpose. The policy provides guidance for members of the public about what breaches of planning control may include, how they can be reported and when we may take action. This also sets service standards for acknowledging initial queries (three working days) and carrying out the initial site visit (10 working days). The document sets out how cases are prioritised i.e. whether they are high or low priority.
- 3.7 The Levelling Up and Regeneration Act 2023 (LURA 2023) has introduced several key changes to planning enforcement. For example, there will be changes to the time limits for taking enforcement action, the power to serve a temporary stop notice for works to a listed building has been introduced and there are powers around commencement and completion notices. However, many of these changes require secondary legislation and guidance before they are brought into force. The Development Management Enforcement Policy will therefore be further updated once these new or varied enforcement tools take effect. For the purposes of the Action Plan, it is however recommended the action is completed.

Action No. 25 & 27 IT and technology

- 3.8 The Peer Review Team observed, whilst the Council had invested resources in IT and technological solutions, there may still be more which could be done to improve processes and efficiency within the service. Since the Peer Review, work has been ongoing to look at better use of IT and technology. There is a drive nationally to digitalise the planning system including the Local Plan process; this means the Council will need to continually respond and adapt to opportunities in technological advancements in the future.
- 3.9 Since the Peer Review, the planning service has expanded its use of IDOX Uniform which is the planning database currently used. This has included better use of a module that specifically records Tree Preservation Orders and allows the Council to better manage our processes and the data held.
- 3.10 The Council has also changed the way consultees and members of the public engage with and comment on planning applications through the use of Public Access. This means comments from the public are available on the website in real time, rather than being manually uploaded to the back office and only being released upon request due to the need to redact. For consultees, comments will be automatically uploaded to the website without any officer interventions. This has reduced the amount of Officer time required to carry out these simple administrative tasks. It also means it is easier and more transparent for the public and the Planning Committee to view any comments made on applications.

- 3.11 New software has recently been procured to support the Regulation 18 Local Plan Consultation, which will make it easier for those wishing to comment on the draft Plan, to do so. Additionally, it will mean Officers do not have to manually log and record comments against each of the policies which is extremely time consuming.

Action No. 26 Validation Process

- 3.12 The checking of planning applications to see whether the information required to validate them was previously carried out by Planning Officers, involving several handovers between Officers. The process of validation has been reviewed and has been successfully transferred to the Planning Support Team in relation to most applications, including the householder applications. For the larger and more complex applications, there is an ongoing element of Planning Officer involvement. As the Support Team gain experience, this Planning Officer support will decrease. However it is not unrealistic to expect a small degree of ongoing support in relation to technical points.

Action Nos. 15 & 16 Pre-Application Process & Design Pad

- 3.13 The Peer Review team raised concerns that there was a lack of clarity in the Council's pre-application processes and in particular identified confusion between strategic conversations by senior members of the administration/senior officers and the advice provided by the planning team. Additionally, there was a concern Councillors were too involved in the Councils' Design Pad service, as well as there being too many officers contributing. The recommended action was to review the pre-application advice service and to disband the Design Pad.
- 3.14 The respective roles of Officers and Councillors has been clarified and guidance provided during the annual training and in the Planning Protocols that are part of the constitution. Regular briefings are held between the portfolio holder for Planning, the Director of Growth and Culture and Assistant Director of Planning and Growth. This allows for appropriate updates to be provided about planning applications or significant pre-application requests.
- 3.15 Design Pad is a valued part of the application process and is particularly useful during pre-application discussions on larger sites. Councillors no longer attend, the number of Officers attending has been reduced to only the key Officers. The Peer Review Team were clearly uncomfortable with the format and as a result suggested the service be replaced by all Councillor briefings as appropriate. However, having reviewed the process it was decided Design Pad should continue in the format which it is now being used. This does not prevent all Councillor briefings being used as appropriate on larger strategic sites in addition to the officer led pre-application advice service.
- 3.16 In light of the above, both Actions have been completed.

Action No. 29 Establish Clear pathways for engagement with the Council at strategic level

- 3.17 This is linked to Actions 15 and 16. The Peer Review Team highlighted Members of the Planning Committee should not be meeting with developers and any strategic meetings should take place only with the Leader/Deputy Leader. Any meetings taking place strategically, do so only at this level i.e. with the Leader/Deputy Leader, with Officers usually being present during these meetings. A Planning Protocol for Councillors has been agreed and forms part of the Constitution. This provides guidance for Councillors about dealing with planning related matters including lobbying of Members of the Planning Committee. This also forms part of the annual Councillor training. This action is now completed.

4. Other Options Considered

- 4.1 The progress on the Action Plan is for noting and to seek agreement with the recommendation that all actions are now completed. The alternative would be for the Committee to request any further service updates, however this has been discounted because these updates are part of the business-as-usual process and service plans.

5. Reasons for the Recommendations

- 5.1 Delivering a good service means routine review and reflection about best practice; it is expected this approach forms part of the annual service planning process. Other actions, including those relating to training needs, will also be reviewed with Officers through the staff appraisal process. Action plans following a service review are intended to require specific actions that need addressing and are not intended to be ongoing indefinitely. For this reason, it is appropriate to mark all actions on the Action Plan as completed.

6. Background Papers

- 6.1 Governance and Audit report July 2021 - [Planning Service Review - Progress Report.pdf \(southkesteven.gov.uk\)](#)

<https://moderngov.southkesteven.gov.uk/documents/s30479/Planning%20Service%20Review%20-%20Progress%20Report.pdf>

- 6.2 Planning Service Review - [Annex 1 - South Kesteven Planning Review.pdf](#)

<https://moderngov.southkesteven.gov.uk/documents/s30480/Annex%201%20-%20South%20Kesteven%20Planning%20Review.pdf>

- 6.3 Governance and Audit report January 2022 - [Planning Service Review - Progress Report.pdf \(southkesteven.gov.uk\)](#)

<http://moderngov.southkesteven.gov.uk/documents/s32273/Planning%20Service%20Review%20-%20Progress%20Report.pdf>

- 6.4 Governance and Audit report March 2023 - [Planning Service Review - Progress Report \(southkesteven.gov.uk\)](#)

<https://moderngov.southkesteven.gov.uk/documents/s37168/Planning%20Service%20Review%20-%20Progress%20Report%20March%202023.pdf>

- 6.5 Planning Service Review - [Annex A - Planning Review Action Plan March 2023](#)

<https://moderngov.southkesteven.gov.uk/documents/s37169/Appendix%20A%20-%20Planning%20Service%20Action%20Plan.pdf>

7. Appendices

- 7.1 Appendix A – Planning Review Action Plan [updated March 2024]