

# Environment and Communities Committee

## Agenda

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<b>Date:</b>	<b>Monday, 31st October, 2022</b>
<b>Time:</b>	<b>2.30 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 12)

To approve as a correct record the minutes of the previous meeting held on 29 September 2022.

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For requests for further information

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#### 4. **Public Speaking/Open Session**

In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the [Constitution](#), a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting.

#### 5. **Local Planning Authority Review and Service** (Pages 13 - 90)

To consider an update on the progress made in connection with the Planning Services Deep Dive Review and to set out some of the challenges, opportunities and transformational changes needed to the service.

**Membership:** Councillors M Addison, Q Abel, S Akers Smith (Vice-Chair), M Benson, J Bratherton, J Buckley, L Crane, T Dean, A Farrall, L Gilbert, P Groves, C Leach, J Parry, S Pochin and M Warren (Chair)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Environment and Communities Committee** held on Thursday, 29th September, 2022 in the Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor M Warren (Chair)  
Councillor S Pochin (Vice-Chair)

Councillors Q Abel, M Benson, J Buckley, L Crane, T Dean, L Gilbert, P Groves, J Parry, A Critchley, S Hogben and J Clowes

**OFFICERS IN ATTENDANCE**

Paul Bayley- Director of Environment and Neighbourhood Services  
Helen Davies- Democratic Services  
Emma Fairhurst, Conservation and Design Officer  
Ralph Kemp- Head of Environmental Services

**25 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Joy Bratherton (Councillor Steven Hogben was substituting), Councillor Ashley Farrall (Councillor Anthony Critchley was substituting) and Councillor Charlotte Leach (Councillor Janet Clowes was substituting).

**26 DECLARATIONS OF INTEREST**

In the interests of Openness and Transparency, Councillor Mike Benson noted that he had received correspondence in respect of item six: Household Waste Recycling Centre Contract. The Chair noted all of the Committee had been sent similar correspondence from a number of residents on the same item and agreed that this would not affect the judgement of any Committee Members.

**27 MINUTES OF PREVIOUS MEETING**

RESOLVED: That the minutes of the 04 August 2022 meeting be received and noted as a correct and accurate record.

**28 PUBLIC SPEAKING/OPEN SESSION**

There were five individuals registered to speak on Agenda item 6: Household Waste and Recycling Contract:

- 1) Congleton Town Councillor Kay Wesley, Chair of the Community and Environment Committee of Congleton Town Council made the following points to the Committee:
- Congleton was one of the biggest service centres in Cheshire East and was twice as big as five of the seven towns currently provided with household waste and recycling centres in the new contract;
  - The development of 4,000 new homes around Congleton;
  - The perceived lack of consultation by residents of Congleton on the new Household Waste and Recycling Centre (HWRC) contract;
  - Consistent complaints from Congleton residents to the Town Council about the removal of the previous HWRC in Congleton; and
  - The number of elderly residents, low-income families and single parents in Congleton who do not have transport to travel to HWRCs in other towns.

Congleton Town Councillor Wesley asked the Committee to ensure the new contract included resident expectations, namely a HWR and Re-Use Centre in Congleton.

- 2) Chair of Brereton Parish Council, Parish Councillor Andy Lindsay asked the Committee if a process to establish a new recycling centre in Congleton could be found and made the following points to the Committee:
- The Eastern part of Brereton included the community of Brereton Heath which had doubled in size due to house building;
  - The Arclid recycling site closed in 2017, and since then signposted residents to the Congleton site, 8 minutes away, but now the nearest HWRC is 18-20 minutes away; and
  - There had been a 43% increase in fly-tipping in Congleton from the time the HWRC closed in September 2021.
- 3) Congleton Town Councillor Robert Douglas made the following points to the Committee:
- That in March the report on HWRCs to this Committee noted no implications for rural communities which he believed to be wrong advice;
  - The population of ten parishes represented by eight parish councils and Congleton Town Council equated to a population of 35,000 and set to increase significantly in the future;
  - The replacement site figure of £4million quoted by Cheshire East Council he believed was incorrect and more in-line with £2million (the cost of the new Town Council precept over the last two years) with annual finance costs of £125,000; and
  - The redirection of rubbish into the domestic grey bins;

- 4) Congleton Town Councillor Suzy Firkin addressed the Committee and made the following points:
- That Kent and Bristol were noted areas of good practice in the development of HWRCs;
  - The willingness of Congleton Town Council to be part of a network of waste reduction and recycling initiatives with Cheshire East Council, to date the only outcome had been a textile waste charity drop-point in Congleton, with a second point proposed but not yet active;
  - The only two Reuse-Centres being proposed were in Macclesfield and Crewe both areas with existing HWRCs; and
  - The disadvantage to rural residents or those with low car-usage as rural areas would not be considered an appropriate area for a potential pop-up service.

Congleton Town Councillor Firkin asked what reassurances the Committee could give that the needs of Congleton residents would be reconsidered for the future.

- 5) Lesley Turner a resident of Congleton made the following points to the Committee:
- She noted that the Waste and Resources Action Programme (WRAP) guidance on the frequency of HWRCs was one to every 150,000 inhabitants, 1 per every 50,000 households or a maximum drive-time of 20 minutes. The distance travelled should be 3-5 miles or 7-miles in rural areas and the vast majority of Congleton was outside this area;
  - the presentation the Committee considered in February 2022 only considered the drive-time;
  - she believed the additional travel-time had been under-estimated and noted the impacts to climate change plus the cost of fuel and time for the inhabitants of Congleton, and disproportionately affected those without a car such as the elderly and the disadvantaged;
  - she felt a pop-up centre would be an unreasonable substitute; and
  - that funding for a recycling centre could be found via a Community Infrastructure Levy (CIL) set at £200 per square metre as per the model in Oxford.

There was one individual registered to speak on Agenda item 7:  
Maintenance of Green Space.

- 6) Sandbach Town Councillor Nicola Cook, Councillor for the Elworth Ward made the following points:

- That the withdrawal of maintenance had affected six parcels of land within the Elworth Ward, causing significant distress to the residents;
- This land had been identified as amenity land;
- That Sandbach Town Councillor Cook believed the decision to withdraw maintenance had been taken by Cheshire East Council with no explanation to the residents; and
- The same residents identified other parcels of land in Sandbach owned by private individuals and investors yet these were still being maintained by Cheshire East Council. Since then 547 parcels of land have been identified in total.

Sandbach Town Councillor Cook spoke in favour to recommence the maintenance of green spaces in Elworth (as recommended in agenda item seven) and asked the committee to challenge the statement that the three plots of land which had been fenced could not be maintained as these green spaces were amenity land. Sandbach Town Councillor Cook did not believe these parcels of land should be fenced in as access had to be maintained and therefore maintenance should be restarted.

## 29 CONSERVATION AREA APPRAISALS AND MANAGEMENT PLANS

Emma Fairhurst, Conservation and Design Officer presented the report that sought approval to adopt Conservation Area Appraisals and Management Plans for Alderley Edge, Macclesfield Town Centre, and Ollerton School Lane. Each of the areas were part of a three-year work programme to review the conservation areas across Cheshire East.

The appraisals had been subject to public consultation for 4 weeks and were part of a three-year work programme to review the Council's Conservation Areas.

Alderley Edge had received the most response (over 20), with over half in support. There was no boundary change but confusion over the existing conservation area boundary had been identified.

Clarity was given to the Committee by the Conservation and Design Officer, that new conservation areas were being considered all the time. There was a query about Macclesfield Town Centre, and Ollerton School Lane Plans being paid for by Town and Parish Councils but that Alderley Edge had been completed in-house at Cheshire East. The Committee was advised that Alderley Edge had been on the risk for Heritage England for some time. Town and Parish Councils had provided resources to enable the completion of the plans despite there being no heritage no threat.

RESOLVED (Unanimously) That:

- a) the feedback from the public consultation be received and noted;

- b) the Ollerton School Lane Conservation Area Appraisal (including a boundary review) and Management Plan be adopted;
- c) the Macclesfield Town Centre Conservation Area Appraisal and Management Plan be adopted;
- d) the Alderley Edge Conservation Area Appraisal and Management Plan be adopted; and
- e) that authority be delegated to the Director of Environment and Neighbourhood Services, in consultation with the Chair, to take all necessary actions to serve the Article 4 Direction on the identified buildings in the Alderley Edge Conservation Area.

### 30 HOUSEHOLD WASTE RECYCLING CENTRE CONTRACT

Visiting Cheshire East Councillors Rob Moreton and Suzie Akers Smith attended the Committee and were given the discretion of the Chair to speak ahead of the presented report.

Councillor Moreton made the following points:

- Councillor Moreton believed that the former Conservative council sold the Congleton HWRC and signed a lease that expired in 2021;
- That no money was put into the budget for a new HWRC in Congleton, but that £4million was added to the capital addendum; and
- Councillor Moreton had spoken at the last Cabinet meeting for the council on this issue and was concerned about the impact of political block-voting;

Councillor Moreton asked the committee to recognise the importance of a HWRC for Congleton with an agreement to setup a working group to identify land and funding.

Councillor Akers Smith made the following points:

- The importance of a HWR and Re-Use Centre for Congleton;
- The perception that residents believe funding was received by Crewe, Wilmslow and Macclesfield with nothing being received by Congleton;
- The addition of at least 10,000 residents into Congleton and surrounding parishes over the next 10-years, making it the 3rd largest town in the borough after Crewe and Macclesfield.  
Councillor Akers Smith believed the additional revenue received by the Council in Council Tax would be enough to fund a HWR and Re-Use centre in Congleton ;
- The addition of at least 4250 new dwellings, with no plans for additional doctors, dentists or infrastructure to support those residents;

Councillor Akers Smith made a request to the Committee to create a cross-party working group including her, Councillor Moreton and other

borough councillors to look at land availability in and around Congleton and report back to the Committee with potential HWR and Re-Use sites.

Committee Member Councillor June Buckley read a statement on behalf of Cheshire East Councillor Denis Murphy who had moved the original Notice of Motion at Full Council on 15 December 2021. Most of the points raised by Councillor Murphy had been made by the public speakers, but also included:

- Councillor Murphy believed people were not travelling to HWRCs out of town but instead choosing to dispose of waste in the domestic grey bins;
- Concerns about an increase in fly-tipping specifically in rural areas where it could be unnoticed or unreported; and
- Councillor Murphy forcefully expressed his request that the Committee lobby for a local HWRC in easy reach for residents of Congleton, one of the largest towns in the borough with a growing population.

Ralph Kemp, Head of Environmental Services presented the report that provided an update to the Committee on the range of services that will be provided in the new HWRC contract from 1 April 2023. The Committee advised that the provision of the seven HWRCs across the borough plus core services would be affordable within the existing budget.

The Chair acknowledged that most of the public speakers had spoken exclusively on the Congleton HWRC but reminded the Committee that the report dealt with the procurement of the contract rather than the specifics of the Congleton Household Waste and Recycling Centre.

The item was opened up to the Committee for questions and clarity was given by the Head of Environmental Services who confirmed that any Working Group formed from this Committee could consider the points made by public speakers such as the Kent and Bristol models or CIL funding.

The Committee were given reassurance that the new contract had been designed in a way that sites could be added or removed during its lifetime and would therefore not preclude any changes to current ways of working or be open to penalty clauses.

During the debate the report recommendations were moved and seconded, but an amendment was proposed by Councillor Tony Dean to remove recommendation 3.4 and replace with:

“That the committee establish a Member Advisory Panel (MAP) to oversee the relevant senior officers finding a site for a future HWRC in Congleton and arranging for the necessary funding to be put into the Medium-Term Financial Strategy (MTFS) at the next annual review.”

The amendment was seconded by Councillor June Buckley and the Committee debated the amendment.

Councillor Janet Clowes proposed a friendly amendment to the one being debated:

“That the committee establish a Working Group to look at future household waste and recycling centre provision with particular attention to provision for Congleton and to further look at the scope and remit of what the group should be.”

The changes to the original amendment were accepted by Councillor Tony Dean and Councillor June Buckley.

RESOLVED (Unanimously): That

- a) the successful procurement to maintain the current seven Household Waste Recycling Centre sites through the new contract from 1st April 2023 be received and noted;
- b) that delegated authority be granted to the Head of Environmental Services to take all necessary actions to implement the new Household Waste Recycling Centre Services contract;
- c) that delegated authority be granted to the Head of Environmental Services to introduce the service enhancements under the new contract as and when they can be afforded within the available budget; and
- d) a Working Group be established by the Committee to look at future household waste and recycling centre provision with particular attention to provision for Congleton and to further look at the scope and remit of what the group should be.

### 31 MAINTENANCE OF GREEN SPACE

Paul Bayley, Director of Environment and Neighbourhood Services presented the report to the Committee.

The Committee was advised that in 2021, the council became aware of some parcels of amenity green space it maintains which were being marketed for sale on the open market.

Following a wider review, 547 parcels of land were identified as being maintained by but not in council ownership. Some of this land might simply not have been registered or there had been an agreement (e.g., closed cemetery).

The Committee was given the opportunity to ask questions, clarity was sought as to ensuring this did not happen again in light of new house builds across the borough.

The Committee was advised there were two options, either land was transferred, or the developer established a management company.

The Committee was advised that Environmental Services was trialling different ways of managing green space, including re-wilding to enhance the biodiversity.

RESOLVED (Unanimously) That:

- a) Within 12-months a review of those plots of land not in the ownership of the Council that it has historically maintained to identify options for future management and maintenance be approved; and
- b) the continued maintenance of those plots of land it has historically maintained until the review is completed unless the landowner withdraws permission for the Council to maintain it be approved.

### **32 REPORTING OF OFFICER DELEGATED DECISIONS**

RESOLVED:

That the officer decisions taken following a delegation from the Committee be received and noted.

### **33 STANDING ITEM: MEMBER ADVISORY PANEL: CHESHIRE EAST PLANNING PROCESS REVIEW**

Councillor Tony Dean, Chair of the Member Advisory Panel for Planning updated the Committee on progress to date. The Deep-Dive Planning report was now scheduled for a special committee date in October, delays had occurred due to the numbers of people who needed to be consulted.

The report has already seen effective change and the backlog of applications was reducing.

RESOLVED:

That the update be received and noted.

### **34 STANDING ITEM: MEMBERS ADVISORY PANEL: CHESHIRE EAST CEMETERIES STRATEGY REVIEW**

The Director of Environment and Neighbourhood Services updated the Committee on work to date. There was planned public engagement on the draft objectives agreed by the Panel. Effective communication was needed to ensure it was clear to the public that the land in Sandbach, has been accepted for cemeteries plus the address of any public concerns.

The MAP had a scheduled meeting for Monday.

RESOLVED:

That the update be received and noted.

**35 WORK PROGRAMME**

The Director of Environment and Neighbourhood Services advised the Committee that there had been some items added to the Work Programme since the last meeting, this included a change to publication, the mid-year performance was now scheduled for 2 February 2023.

The Committee noted concern of the mid-year review late Jan/Feb 2023 and the MTFS at the same time.

**RESOLVED:**

That the Work Programme be received and noted.

The meeting commenced at 10.30 am and concluded at 12.01 pm

Councillor M Warren (Chair)

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*Working for a brighter future together*

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	31 October 2022
<b>Report Title:</b>	Local Planning Authority Review and Service Transformation
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/20-22-23
<b>Ward(s) Affected:</b>	All wards

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### **1. Purpose of Report**

- 1.1** This report is to provide an update on the progress made in connection with the Planning Services Deep Dive Review and to set out some of the challenges, opportunities and transformational changes needed to the service.

### **2. Executive Summary**

- 2.1** A 'Deep Dive' review of the planning service was undertaken, led by the Executive Director of Place, to consider how the Local Planning Authority (LPA) is performing in the context of its statutory and regulatory obligations, and to understand how the Planning Service is delivering against the vision and objectives of the Council's Local Plan Strategy 2010-2030, and the Corporate Plan 2021-2025.
- 2.2** The review was needed because of an increase of undetermined planning applications which had resulted in a backlog and consequent delays in decision making. This has resulted in an increase in complaints about the service. The LPA Review and Service Transformation Report can be found at Appendix 1 to this report, which details service improvements needed to reduce the backlog more quickly, and actions necessary to modernise the service. It also identifies those service areas which still need to be subject of a more detailed review as part of a modernisation plan.

**2.3** The teams face many challenges. To deliver a quality planning service it is necessary to make some changes so that it is able to better respond to the various demands placed on it. A restructure is proposed, including a review of staffing resources and structures, to enable the service to develop, grow and flourish.

**3. Recommendations**

- 3.1.** That the findings and recommendations of the Local Planning Authority Review and Service Transformation report be endorsed (Appendix 1).
- 3.2.** To note and endorse the establishment of a Transformation Board to oversee the Modernisation Plan which is to be chaired by the Executive Director of Place.
- 3.3.** That Members note and endorse the range of measures already implemented as part of the review, particularly in relation to reducing the backlog of planning applications.
- 3.4.** That a Member / Officer group is established to explore the process of S106 planning obligations - as part of the Modernisation Plan.

**4. Reasons for Recommendations**

- 4.1** To ensure Elected Members are sighted on the challenges and measures needed to reduce the planning application backlog and the improvements required to transform and modernise the Planning Service.
- 4.2** To ensure Elected Members are aware that the Executive Director has identified some additional areas of the Planning Services which need further operational review, the governance being put in place to manage and monitor implementation of the improvements, and proposals to improve monitoring and reporting of local performance and risks. One of the areas recommended for further review is S106; group leaders will be approached to nominate two Members each, to participate in a Member / Officer working group.

**5. Other Options Considered**

**5.1.** As an alternative, an external independent review of the service was considered. This was not progressed since the Executive Director of Place is a Chartered Town Planner with extensive experience of undertaking service reviews. Also, the Executive Director was new in post and therefore able to bring an objective and fresh approach to the review.

Option	Impact	Risk
Independent external review	A full external review would assess the issues	Delays in commissioning the

	however it could take some time to secure and appoint an appropriate external provider to do the review resulting in delays and potential additional cost.	review could result in more issues and complaints for the service leading to reputational harm for the Council. Any alterations to the scope of the review would require further appointment and would result in more delay.
Objective and independent to-the-Service internal review led by Executive Director of Place	Would deliver earlier understanding of issues and solutions, would be agile to adapt to new circumstances and emerging issues. This also allows improvement measures to be implemented in parallel with the review.	Resources from elsewhere in the Council may be stretched due to other priorities, resulting in possible delays to completing the review.

## 6. Background

- 6.1** When the Executive Director of Place, commenced in post in October 2021, the Chief Executive Officer raised concerns about the planning application backlog and asked that a review of the service be undertaken. Subsequently, at the Council's Environment and Communities Committee on 11<sup>th</sup> November 2021, and following concerns having been raised about the Service by Elected Members, the Committee discussed the need for an objective review and agreed that, given the Executive Director's professional background, and since she was new to the organisation, she should undertake the review. The Committee also agreed that a Member Advisory Panel should be set up to help inform the review.
- 6.2** As a result, a Deep Dive was commissioned in January 2022, to review the Planning Service to ensure Cheshire East Council's (CEC's) Local Planning Authority (LPA) is fit for the purpose of fulfilling its statutory and regulatory obligations while also delivering the vision and objectives of the Council's Local Plan Strategy 2010 - 2030 and Corporate Plan 2021 - 2025.
- 6.3** It is important to stress that this review is not an inspection. It is improvement-focused and designed to complement and add value to the council's performance and improvement plans.
- 6.4** The review was needed because of an increase of undetermined planning applications, which had resulted in a backlog and delays in decision making. An increase in customer and Elected Member complaints about delays and service delivery were, and still are, a real concern. In order to

better understand and address these issues and concerns and deliver the quality services that are expected and desired, it has been necessary to review resources, working practices and reasons for complaints.

- 6.5** The Deep Dive review was initially to focus on the planning application caseload and recommend actions to reduce the backlog, which has accumulated from a significant increase in applications received by the LPA from around June 2020. However, it soon became apparent that there are several interdependencies contributing to workload issues and the scope of the review needed to be broadened. The Deep Dive focussed primarily on the Development Management (DM) functions, but it does also touch on other parts of the Planning Service. The Executive Director has identified some additional areas of the Planning Services which need further operational review, which will be undertaken as part of a Modernisation Plan (Appendix 2).
- 6.6** The approach taken for the Deep Dive is similar to that of other recognised bodies who undertake LA reviews. The process provided challenge and support from a team of officers from separate operational areas outside of the service, to give objective views of the service and its challenges. The reason this approach was chosen is because Members requested an objective review of the service and because it is a robust process, which focuses on specific issues or service areas, based on information provided by service managers, team leaders, individual staff and stakeholders. This approach was also important in order to minimise disruption to those staff managing and working within the Service, given the obvious difficulties managing current workloads within existing resources.
- 6.7** Engaging Officers, Elected Members and customers in the process has been essential to help understand practices, processes and issues. The Deep Dive team worked collectively and individually to gather and analyse information. The Executive Director considered all the information made available to her during the Deep Dive and has developed the recommendations that are presented in this report.
- 6.8** The process has involved initial feedback via a presentation to the Deep Dive Team by the Executive Director Place, to take soundings on draft findings and recommendations of the Deep Dive review. In addition, feedback was given in two staff sessions to the planning service by the Service Director, to cover the high-level findings and recommendations and to take questions from staff. This is now being followed by detailed written feedback contained in the appended report.
- 6.9** A number of significant issues had been impacting on the Service for some time. Increasing workloads, an aged and inefficient IT system in urgent need of modernising and replacement, loss of staff from the Service and

vacant posts across all teams. There is a national shortage in technical professions making recruitment, managing and delivering the service much more challenging. The DM service is operating at around 80% capacity due to vacancies.

- 6.10** The COVID-19 pandemic impacted on the delivery of services, which together with a spike in applications being submitted, resulted in backlogs of applications that built over time. It is important to note however, there have been service challenges for some considerable time. COVID-19 safe working practices, recruitment challenges, problematic IT systems and workload volumes have exacerbated an already fragile service. Leaders and managers have worked hard to adapt to new challenges in the service, which were compounded by the pandemic. This situation would have been very difficult to manage, and leaders and managers should be given credit for their efforts to continue to deliver the service in such difficult circumstances. Staff within the teams also worked hard to adjust to the changes needed and to continue to deliver through this period.
- 6.11** Many findings and recommendations from the review which were considered urgent, have been undertaken while this report has been drafted and finalised. This twin tracking has developed out of necessity to make urgent progress and changes, particularly in relation to the backlog of planning applications.

## **7. Planning in Cheshire East**

- 7.1.** An efficient and highly performing Planning Service, with strong leadership is essential for a number of reasons. Firstly, the Planning Service is key to meeting the needs of the residents and businesses of the borough. Secondly, Cheshire East Council (CEC) is the 8<sup>th</sup> largest and busiest LPA in the country, receiving over 100 planning applications every week. These range in scale, scope and complexity from householder extensions to new major residential developments. It seeks to secure improved design and quality of development through sometimes difficult and protracted negotiations with applicants and agents.
- 7.2.** Planning applications form only one element of the DM workload – the Service is much more wide-ranging, including pre-planning advice, determining whether development requires formal consent, appeals and investigations into alleged breaches of planning control. The volumes and complexity of work should not be underestimated.
- 7.3.** The LPA is key to delivering the corporate priorities set out in the Council's Local Plan. This plan is about developing Cheshire East to maintain its reputation as the best place to live in the north-west, whilst providing for younger generations so they can live and work in the area they grew up in. It is about the future, job availability, excellent educational standards and a

great quality of life. It is instrumental in setting out the borough's five-year housing land supply and protects the residents of Cheshire East against unwanted, unsustainable and unplanned developments.

- 7.4.** During the Local Plan Inquiry, the Inspector acknowledged that this is one of the most complex and consulted-upon planning documents he had seen in his more than 20 years' experience. There were 13 rounds of consultation, and the council received a total of more than 60,000 comments to arrive at the finalised Local Plan Strategy. This represents an unprecedented level of interest in a council consultation process. The LPA has also made excellent progress with Neighbourhood Plans and ecology, urban design and heritage work which all contribute to Place Shaping.
- 7.5.** Planning applications submitted to Cheshire East Council (CEC) for consideration must be assessed, as a starting point, in accordance with the approved development plans for the area – including Neighbourhood Plans. This gives a sense of the level of complexity for planning application decisions in Cheshire East.
- 7.6.** The LPA is also key to delivering the Corporate Plan, which promotes transparent decision making, through being an open and enabling organisation, and a thriving and sustainable place. It states it will develop services of the council through regular communication and engagement with all residents
- 7.7.** The LPA is outward facing; having many customers with different expectations and needs. It includes complex legislation and guidance and relies on input from a variety of consultees and other bodies, including the public who might be impacted by the proposals - to inform its professional planning assessment and decision making. The challenges associated with leading and managing these services should not be underestimated.

## **8. Findings of the Review**

- 8.1** The findings from the Deep Dive review are detailed in the report, at Appendix 1 with proposed recommendations to tackle the backlog of planning applications and further actions needed to transform and modernise the Service. The following seven key themes have emerged:
1. Capacity, workload and recruitment;
  2. Culture and leadership;
  3. Processes and use of technology;
  4. Customer experience;
  5. Policy and governance;
  6. Members; and
  7. Managing the transformation.

## **8.2.1 Capacity, workload and recruitment**

- 8.2.1.1** In order to understand the backlog, it is useful to first appreciate the planning application process – that it is prescribed in legislation and national guidance. Planning applications are submitted to the LPA for consideration and determination. There are various stages to all applications such as registration, validation (to check the application has the necessary information), consultations (with a wide range of internal and external consultees), and professional assessment of the application and decision making. There are many legislative processes that apply throughout these stages which are complex but have been simplified here.
- 8.2.1.2** The government also sets out guidance for the length of time to determine applications – these guidelines anticipate that not all applications will be determined within these timescales since some applications are more complex, some will require amendments or legal agreements, e.g., which mean that some decisions take longer than the governments statutory timescales. As a result of this, all LPAs will have some applications ‘on hand’ that exceed the government targets for decision making. Due to reasons set out earlier in the report relating to issues such as the COVID-19 pandemic, increasing workloads and vacant posts, the applications ‘on hand’ in Cheshire East have increased to an extent that numbers involved and longer timescales for decisions mean that a back-log resulted. Once this situation occurs it is very challenging to remove the backlog without additional resources.
- 8.2.1.3** The backlog is made up of various planning applications including predominantly householder applications and other minor / small scale applications. In July 2022, 26% of applications in the backlog were for householder applications, 40% were for smaller scale application types including discharge of conditions, advertisements and prior approvals. 15% were for non-major residential applications.
- 8.2.1.4** Due to high Planning Officer workloads, it was decided, during the early stage of the COVID-19 national lockdown, to delay allocating new smaller scale applications to an officer upon receipt. This was a crucial decision by management to try to manage workflow into the service, but also importantly to protect Planning Officers from excessively high application caseloads. Major and larger minor applications are still allocated to officers upon validation.
- 8.2.1.5** Table 1 provides a simple overview of the applications on hand and the backlog, looking at three different months over a fourteen-month period. Progress is being made in that timescales for allocation to officers from the backlog are now less, and the number in the backlog overall is also slowly reducing. For context, in July 2021 there was a total planning application

caseload of 2,723 in the service, of which 1110 were not allocated to an officer and therefore in the backlog. The oldest applications in the backlog at that time were 17 weeks old. By December 2021, there was a total planning application caseload of 2,792, of which 982 were not allocated to an officer and therefore in the backlog. The oldest applications in the backlog in December 2021 were 17 weeks old. By September 2022 the total application caseload was 2,504 of which 620 were not allocated to an officer. The oldest applications in the backlog had reduced to 13 weeks. Application numbers in the backlog have fluctuated – having reduced every month over the period July 2021 - September 2022 except for the months of December 2021, May 2022, and August 2022.

**Table 1. Planning Application Caseload Information**

	<b>July 21</b>	<b>December 21</b>	<b>September 22</b>
<b>Total Planning Application Caseload</b>	2,723	2,792	2,504
<b>Total Unallocated to Planning Officer 'Backlog'</b>	1,110	982	620
<b>Oldest Unallocated Applications in 'Backlog' (weeks)</b>	17	17	13

- 8.2.1.6** It was estimated during the Deep Dive review, that if recent levels of new applications continue, staff levels remained as they were and no further interventions were made, it would take approximately two years to remove the backlog. This is clearly not acceptable and has influenced the review and the various measures being progressed to help managers' tackle the problem more effectively.
- 8.2.1.7** Progress on the backlog remains very sensitive to changes such as increasing application numbers in some months and when staff take leave; this results in a reduction in applications determined. The combination of changes already in place, along with the wide-ranging series of other measures underway and planned within the service will all contribute to reducing and removing the backlog to more usual levels of 'on hand' applications. Staff capacity through ongoing recruitment to permanent posts, continued use of temporary agency staff and the temporary extension of the Capita contract will be key moving forward in order to maintain progress.
- 8.2.1.8** One of the largest assets of the Service is the staff. The review has found that staff are talented, enthusiastic, and are committed to CEC. Many are keen to develop their skills and knowledge. Staff are working hard, however the review heard that some are working beyond their contractual hours. An analysis of the extent of this will need to be undertaken as this could contribute to staff retention issues if not managed. Like many councils,

CEC's LPA has found it difficult to attract and retain staff. Pay grades are not aligned with other LPAs of similar size and complexity in England, and this needs to be reviewed as part of any restructure, in the context of corporate pay and grading.

- 8.2.1.9** Staffing structure changes in recent years have also reduced capacity in the leadership of the service and additional skills and capacity are needed at all levels to ensure it can manage the complex and vast workload and is a modern, responsive and exemplar LPA. Progress is being made to fill vacant posts; however, some vacancies still remain across all of the service areas. It is important to note that the Service delivers many quality outputs – including work already mentioned on Planning Policy and Environmental Planning, but also in DM, where, for example Officers provide excellent support and planning advice to the three Planning Committees that consider applications every month. However, despite much good work done by the Service the shadow of the backlog and complaints is impacting on the teams as they try to manage caseloads.
- 8.2.1.10** There needs to be a consistent approach to PDRs across all the teams, and training plans developed to support personal development. Following the recruitment campaign, initiated by the Deep Dive, there has been recent promotion of Officers in the service as well as new appointments – ongoing training and development will be important for all staff, especially those in new posts and those validating applications. In addition, there are series of measures that can be taken forward to help with staff retention and development – including a structured approach to training, encompassing mentoring, coaching and the creation of graduate and apprentice posts. This will ensure our teams have appropriate training and development to meet the Council's transformation agenda for the Planning Service.
- 8.2.1.11** The Service is currently supported by private sector agency staff from Capita to add temporary capacity as a result of vacancies and increased workloads. The Capita contract provides a reliable resource via a contract – removing some of the challenges of using various agency staff from different agencies who can leave on very short notice. The same staff team are used via Capita bringing consistency; our managers' and staff have also invested time to train these contractors so that they achieve the necessary standard of work, are able to use our systems effectively and achieve the necessary outputs. This has proved to be time well spent as the service from Capita remains consistent and reliable thereby helping us to tackle the backlog. When compared to the use of agency staff the costs are competitive and demonstrate value for money.
- 8.2.1.12** The use of Capita and agency staff is not sustainable in the long term and the Planning Service must be re-structured and sufficiently resourced to deliver the excellent, efficient, flexible and responsive planning functions

that our customers expect. Whilst some additional resource has been added to the service there is still a need for more capacity to help reduce the backlog of applications and to support the implementation of the new IT system. The service managers also continue to look for additional capacity and resource through student placements, arrangements with the private sector or retired planners who might be interested in short-term contracts.

**8.2.1.13** As a result of the Deep Dive, a new recruitment campaign was launched to showcase some of the benefits of working for CEC and includes content from a number of Officers in the Service. This is an innovative approach to recruiting new staff and will be continued moving forward.

**8.2.1.14** There will be a detailed assessment of the current Planning Service's staffing structure with a view to progressing a new structure that is fit for purpose, reflects the workloads – including its complexities and volume, and includes opportunities for staff development. It is important to ensure the service has the necessary skills and capacity at the right levels and in the right places in the structure. Work to develop a new structure will be progressed in the coming months and it is anticipated that this will take around 6 months to complete.

**8.2.1.15** All the measures recommended in the LPA Review and Service Transformation Report will help to reduce the application backlog, but it is expected that this will still take some time to achieve usual levels of applications on hand. It will be important to keep customers updated on any delays proactively and throughout their submission process.

## **8.2.2 Culture and Leadership**

**8.2.2.1** The review includes a large number of wide-ranging recommendations aimed to modernise and improve the service. For LPAs to deliver large scale transformation at pace, they need to have:

- An open-minded approach to change
- A culture shift towards customer engagement across all teams
- Better utilisation of existing resources and additional staff
- Strong leadership of the service
- Ambition, drive and motivation

**8.2.2.2** It is also important that leadership teams within LPAs can support staff as they navigate the balance between not always being able to give customers the outcome they want, while delivering a good level of customer service. At Cheshire East, as 'an open and enabling organisation', the service should be supported to ensure it 'listens, learns and responds to residents and staff, promoting opportunities for a two-way conversation' to meet the Corporate Plan objectives.

## 8.2.2 Processes and use of technology

8.2.2.1 The review has identified a number of areas that would benefit from revised processes and approaches to improve service delivery, transform and modernise the Planning Service. As a result of the Deep Dive review many further changes have already been implemented or are in the process of being delivered in the Service. These include:

- Keep the Capita contract under review - the Capita contract has determined almost 1,500 applications to-date. September 2022 saw a further extension for 500 more applications. The decision by management to appoint Capita has been significant as it has helped back-fill some vacant posts and reduce the planning application backlog more quickly.
- Revised and streamlined processes to speed up application determination. These include introduction of a new site visit protocol and use of photographic and electronic information in lieu of site visits in specified circumstances.
- Updated correspondence and website information to inform customers about high workloads and better manage expectations regarding decision making timescales.
- Employment of a temporary Planning Service Review Lead to help the teams implement recommendations set out in this report and to lead on the review of the other part of the service. This resource, working with the teams, will help to transform and modernise the Service.
- Innovative recruitment campaign highlighting the Borough and opportunities in the Service. This has resulted in a series of interviews and number of appointments, including some promotion within the teams, demonstrating our commitment to 'growing our own'. Some vacancies still remain.
- Ongoing work to plan for and manage the introduction of the new IT system, reviewing workflow and system processes across the service. This will require ongoing Planning Officer resource in the coming months.
- Detailed analysis of key parts of the Service – working with officers within the planning and support teams and starting with the validation of planning applications – to understand issues in more detail and to undertake a series of actions to make necessary changes, unblock problems and implement improvements through a Validation Action Plan.
- A two-day fast-track of planning decisions from 6 - 7 September 2022, working as a team all Officers focussed on application decision making as

an exclusive priority in a structured session focussing on decision making of a high number of applications. This resulted in 200 decisions being made on applications across the 2 days. This fast-track approach will be repeated at regular intervals – this is expected to be every 4 - 6 weeks on an alternating North-South basis so may not include all of the Planning Officers at one time, unlike this September session. This will allow access to the service to remain for customers during the ongoing fast-track sessions which is an important requirement.

- Additional temporary resource brought in to put up site notices – this allows Planning Officers more time to focus on other workloads and not have to undertake this task themselves.
- Reviewing key documents to improve workflow and more efficient processes - work has started to update standard planning conditions and will be undertaken on local validation checklists. These are large pieces of work which, once complete, will make a real difference to Officers and customers.
- Recruitment of temporary agency officers to supplement senior planner posts has also been attempted. This is needed to add capacity to the teams, cover longer term vacancies in the establishment, as well as recently vacant posts which have arisen because of internal promotion. It is also necessary to provide support while officers will be focussing on work to bring in the new IT system.
- Enquiries have been made with external planners' networks and retired planners to try to secure temporary experienced resource.
- Regular monitoring of planning application performance against the backlog, including reporting to Chief Executive and Executive Director of Place levels.
- Reviewed the Ringway Jacobs contract – to provide additional specialist flood risk and drainage advice to the service.

**8.2.3.2** These changes are being monitored to understand their impacts. The extent of change and scale of actions needed across the service is wide ranging – many actions will overlap and be dependent upon other factors. Many issues go beyond the planning service and will need corporate support and input to resolve. These measures should make more noticeable impacts in reducing the backlog in the coming months.

**8.2.3.3** When the review commenced, the planning teams were already preparing for the implementation of the new IT system – this has unfortunately been delayed, meaning benefits of the new system are also delayed. However, it

will deliver more benefits and efficiencies once it is fully operational early 2023. The combination of all these measures contributes towards tackling the backlog while retaining resources on other applications and key areas of work in the Service. It is considered necessary to understand the delays in the IT Systems Project better, assess the risks associated with these delays, and review governance for the project. This will be undertaken as an urgent action, as part of the Modernisation Action Plan.

#### **8.2.4 Customer Experience**

- 8.2.4.1** A resident survey has shown that only 20% of customers are happy with the service. Only 19% were satisfied with how CEC deals with planning generally. 53% of individuals who had commented on an application were also dissatisfied with the service. The key overall high-level findings from the analysis completed is that Customer Service Team predominantly deals with customer chasing and escalations caused by problems in the wider system. Calls answered by the Contact Centre between April 2018 - December 2021 were three times larger than submitted applications.
- 8.2.4.2** The current role of customer services is predominantly to pass work on to the Service or pass it back to the customer to do something. At present it is difficult for them to truly resolve enquiries for the customer or add real value. There are no real measures within the system that help the Service understand performance, problems, or demand from a customer perspective. There needs to be a focus on making changes that result in applications being received “right first time”, understanding the cause of rework and the cost and lost hours caused because of these issues.
- 8.2.4.3** The system isn't aligned to respond to the different needs of two of the customer groups (one-time applicants and multiple users, agents). The implementation of the new IT system should be aligned to support any changes proposed as a result of this learning. More can be done to work with agents, and it is recommended that a Cheshire East Planning Partnership is established to improve the quality of submissions and explore how the planning portal can be used more effectively.
- 8.2.4.4** Whilst customer satisfaction might be influenced in some part by whether the individual was successful in gaining planning approval or objecting to a neighbour's application – there is clearly room for improvement in overall levels of customer satisfaction.
- 8.2.4.5** Much more can be done to keep the customer informed, not only on planning applications, but also when dealing with alleged breaches of planning control. However, the volume of correspondence which passes through the DM service is substantial and the service is not currently structured and resourced sufficiently to manage these volumes. This in turn results in 'customer chasing' and complaints. Elected Members have also provided evidence of this to the review team. There are a series of

recommendations in the LPA Review and Service Transformation report which will improve customer engagement. Furthermore, it is recommended that there is a one point of contact within the service for Elected Members. When undertaking the restructure of the service, these will be factored in to make sure the structure and resources support these recommendations, having regard to corporate processes regarding restructures and pay and grading.

### **8.2.5 Policy and governance**

**8.2.5.1** Despite the delays processing applications, the LPA is not currently underperforming against the Government's three key performance indicators for timely and quality decision making. However, this is largely due to the extensive use of 'extension of time' (EOT) agreed between the applicant and LPA, as well as CEC having the correct level of delegation to officers, and a robust committee 'call in' procedure.

**8.2.5.2** These statutory performance measures do not, however, show the whole picture. Frustrations over the LPA's application process timescales has been noted by the Deep Dive Team. For minor applications there is currently a 13-week lag from when applications are validated to when they are allocated to a Planning Officer. A lack of engagement and feedback on applications and enforcement complaints is a further concern. Indeed, there is evidence of customers contacting the service multiple times by email and telephone without a response. The review therefore recommends that additional local performance indicators are introduced to monitor validation timescales, extension of time (EOT), applications over 26 weeks old, enforcement complaints received / closed and customer satisfaction. These should have CEC Corporate Leadership Team and Elected Member oversight.

### **8.2.6 Members**

**8.2.6.1** There will be opportunities for training for Elected Members in planning matters. This has been a desire expressed via the Member Advisory Panel and will be taken forward as part of the Modernisation Plan.

**8.2.6.2** The Constitution requires members of Planning Committee to be trained in planning matters. This is a mandatory requirement for Planning Committee members and is necessary to manage risks of legal challenge when making planning decisions.

**8.2.6.3** Planning Committee meetings are long in duration at CEC, whilst this does demonstrate Member's interest in the planning process and desire to make good decisions, they do take a heavy toll on resources. It is considered that more work could be done to review the format and develop training sessions around some of the key policy principles. As part of continuous improvement and learning observing other LPA Planning Committees of

comparable size and complexity could help with this. It is also considered necessary for training for Members on the Councillors Planning Code of Conduct, as set out in the CEC Constitution; Chapter 4 part 4, in relation to planning matters, to provide clarity on procedural and legal requirements as part of a wider training programme.

**8.2.6.4** It is considered that Members need to be engaged more throughout the planning process. The ability to do this is being restricted by the volume of work and staff capacity. The Service will develop a protocol for this and the Executive Director will be mindful of this capacity need when undertaking the restructure of the Service.

## **9.1.7 Managing the Transformation**

**9.1.7.1** Due to the extent and scale of changes proposed it is clear that some improvements to service delivery can be implemented faster than others, whilst some changes may take longer to embed, and impacts be realised - especially if they are dependent upon other factors such as implementation of the new IT system and updates to processes that sit beyond the Planning Service.

**9.1.7.2** The recommendations detailed in the LPA Review and Service Transformation Report will inform the content of a detailed Modernisation Plan for the Service. Progress against the Modernisation Plan will be monitored regularly and reported to the Environment and Communities Committee. In addition, a new Planning Services Transformation Board is being established to oversee progress against the Modernisation Plan. It will be chaired by the Executive Director of Place. The exact composition of the Board is currently being developed.

**9.1.7.3** Next steps of the review will include working with management and wider teams on a deeper operational assessment of the other parts of the Planning Service not yet reviewed in detail – including the various associated functions of enforcement, land charges, CIL, Section 106 processes, TPOs, appeals and Building Control. We will continue to update and add to the Modernisation Plan as these other areas are assessed so that the full scale of improvements and actions are captured, progressed and reported in a structured way.

## **10 Consultation and Engagement**

**10.1** During the Deep Dive there have been over 200 comments and suggestions made by staff, 35 Elected Member comments through the Advisory Panel and over 40 case issues highlighted by Elected Members, MPs, Officers and members of the public. Numerous documents have been reviewed and various web content analysed by the Deep Dive Team. There have been more than 25 Deep Dive meetings and additional

sessions with individuals and teams from the service. These included a session for all planning staff and an all-managers' session.

- 10.2** In July 2022 there were two detailed staff briefing sessions to update the teams on progress with the initial stage of the review, including details of high-level findings and recommendations. Trade Unions have been kept informed of progress and attended these two staff briefing sessions.
- 10.3** The Modernisation Action Plan will be accompanied by a Communications Plan to ensure elected members, staff, customers and stakeholders are kept updated about progress.
- 10.4** The proposed restructure will involve consultation stages as set out in corporate policies and procedures.

## **11 Implications**

### **11.1 Legal**

- 11.1.1** The determination of planning applications is a statutory process and delivery of the Service is set against prescribed requirements in terms of time limits and process (such as consultation and challenge).
- 11.1.2** The legal team will support the service with the planned modernisation process – including but not limited to advising on areas such as staffing and employment models, contract procurement and review and Member engagement and participating in the modernisation process as one of the teams involved in delivery of the service to customers.

### **11.2 Finance**

- 11.2.1** Financial planning takes place as part of the usual CEC financial processes. Budget provision has been made for the new IT system and to support additional resources in the short term. Costs associated with all temporary appointments are funded from existing Planning budgets.
- 11.2.2** As part of the 2022 - 2023 MTFS, a one-off budget of £500,000 was approved to support the planning review. It will be necessary to utilise the funding over more than one financial year and appropriate arrangements will be made at year end to facilitate this. Any additional financial pressures that arise will be reported through the MTFS process in future years.

### **11.3 Policy**

- 11.3.1** The Service contributes to the delivery of the Corporate Plan and Local plan as referenced in the report.

**11.4 Equality**

**11.4.1** An Equality Impact Assessment will be undertaken to support the full-Service review and Modernisation Action Plan

**11.5 Human Resources**

**11.5.1** Human Resources (HR) have been involved in the review and will be involved in the staffing restructure referred to in this report, as well as recruitment, retention and workforce development. Initial discussions have been held with Trade Unions regarding the intention to restructure the Service. This dialogue and consultation will continue as this work commences and is progressed.

**11.6 Risk Management**

**11.6.1** For the reasons set out in this report it is important to have an efficient and effective Planning Service. There are risks to service delivery that have been set out in the report if performance, when measured against Government standards, falls below required levels.

**11.6.2** There are also reputational risks associated with the planning application backlog and complaints generated resulting from this.

**11.7 Rural Communities**

**11.7.1** The planning system helps protect the Green Belt from inappropriate development and helps facilitate business growth in rural areas, including some actions detailed in the Rural Action Plan.

**11.8 Children and Young People / Cared for Children**

**11.8.1** There are no implications for children and young people / cared for children arising from this report.

**11.9 Public Health**

**11.9.1** There are no implications for public health arising from this report.

**11.10 Climate Change**

**11.11** The various functions of the Planning Service, through the application of policy, help to achieve our environmental sustainability agenda, reduce carbon consumption and provide opportunities for healthy lifestyles.

<b>Access to Information</b>	
Contact Officer:	Jane Gowing Jane.gowing@cheshireeast.gov.uk
Appendices:	1. Local Planning Authority Review and Service Transformation Report 2. Draft Modernisation Action Plan
Background Papers:	



**DRAFT MODERNISATION ACTION PLAN**

Ref No.	Action		Status
			Complete ✓✓✓ Partially Complete ✓✓ In Preparation ✓ To be commenced
<b>Capacity, Workload, and Recruitment</b>			
1	Review staff roles, the staff structure, and pay grades.	Consider hours of working, apprenticeship and graduate roles when reviewing the staffing structure and use the Apprenticeship Levy to support the costs of part-time Degree and Post Graduate qualifications. To align with the council's Equality, Diversity, and Inclusion Strategy 2021 - 25 and other corporate policies regarding pay and grading processes.	✓
2	Support career progression.	Look for opportunities to develop career graded roles to support progression. Establish and fill apprenticeship and graduate roles across planning and ensure all eligible staff have their PDRs annually to support objective setting and their continued professional development.	✓
3	Develop and grow staff; establish a Built Environment Talent Academy.	Formalise systems for support, personal development, mentoring, training, coaching, shadowing, and progression of qualifications to further develop staff for the benefit of the service and wider Department. Aligning with the Council's Workforce Strategy 2021- 2025 and establish a formal programme of work shadowing, mentoring, and coaching at all levels of the service.	
4	Learning sessions facilitated by specialist staff - specialist subjects.	Arranged once the DM backlog has been reduced.	
5	Consider introducing a lead Planning Transformation, Customer Engagement and Performance role.	As part of the future structure, in accordance with the corporate approach to restructuring and consultation. Develop and maintain a customer engagement focus which delivers the Council's Customer Charter, manages a new 'Single Point of Contact' function for Elected Members, analyses, and reports on performance, oversees planning systems, oversees recruitment to ensure consistency and enables DM staff to concentrate on planning applications. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading processes.	
6	Recruitment.	Work with communications and HR teams to draft an exciting advert template for all recruitment, co-ordinate staff recruitment campaigns, and ensure a Communications Strategy is developed to support this.	✓✓
7	Short-term capacity needs.	Continue to utilise Capita to help accelerate the reduction in the planning application backlog Supporting the DM function.	✓✓✓
8	Appoint 2 x 0.5 FTE fixed-term officers to erect site notices.	These posts to be in place until the backlog is reduced.	✓✓✓
9	Review the Ringway Jacobs contract - to provide additional specialist flood risk and drainage advice to the service.	To provide additional specialist flood risk and drainage advice to the service.	✓✓✓
10	Establish new Team Leader Major Projects role and Principal Planner Major Projects role.	This is in response to the anticipated increase in major business expansions and major projects. Eg. HS2, having regard to corporate policies regarding pay and grading processes.	✓✓
11	Use alternative recruitment frameworks when posts can't be filled via Comensura.	This is when posts can't be filled via Comensura because the appropriate skills and experience is not available.	✓
12	Review the business needs of the service in the context of the corporate approach hybrid working.		
12.1	Consider how and where is best to create an environment of on-the-job training and learning.		
12.2	Think about how and where is best to support colleagues with tricky or challenging conversations with applicants, agents, and objectors.		
12.3	Consider how to get a 'happy medium' between home / office working in the interests of the business needs and the customer.		
12.4	Be consistent across comparable teams.		
13	Join in with corporate team conversation toolkits at team meeting level.		
14	Adopt a proactive enforcement monitoring and compliance approach:		
14.1	Recruit to the vacant Enforcement and Compliance Officer role with immediate effect.		✓✓
14.2	Dedicate the borough-wide compliance role to proactive monitoring of approved plans and planning conditions and prioritise residential developments.		
14.3	Issue a press release promoting the Enforcement and Compliance role.	and proactive approach being taken by CEC once staff member in post.	
14.4	Ward Councillors and residents to be updated in writing throughout residential development construction.		
15	Write to major housebuilders operating in the borough to advise that development conditions and approved plans will be proactively monitored in future.		
16	Improve the relationship with all housebuilders operating in the brough, working with them to resolve local issues.		
17	Improve the image of the Service internally and externally by:		
17.1	Celebrating individual and team successes.	For example, enter the RTP's Awards for Planning Excellence. The Local Plan Strategy is one example worthy of celebrating the outstanding work of the team.	
17.2	Developing a Communications Plan for the Planning Service.		

Ref No.	Action		Status
			Complete ✓✓✓ Partially Complete ✓✓ In Preparation ✓ To be commenced
17.3	Further promote the work of the planning enforcement team and use media to raise awareness of what the team can and cannot enforce.	By illustrating successes with compliance and prosecutions through media releases.	
17.4	· Using job adverts as a promotional tool to showcase the borough as an attractive place to live visit and work. Promote its Zero carbon ambitions, highlight its ambitious projects such as HS2 and Crewe, showcase its place shaping and urban design credentials and its work with major employers such as Bentley.	Promote its Zero Carbon ambitions, highlight its ambitious projects such as HS2 and Crewe, showcase its Place Shaping and Urban Design credentials and its work with major employers, such as Bentley.	✓✓✓
17.5	· Highlight how the planning service helps facilitate economic, health and sustainability benefits for residents, businesses, and visitors.	By Actively promoting its planning decisions.	
18	Utilise staff connections with the Royal Town Planning Institute (RTPI) and LGA.	Promote CEC's planning successes once the backlog has been reduced.	
19	Consider establishing, through the restructure, a 'Planning Transformation, Customer Engagement and Performance' team.	The team lead to work closely with the Customer Contact Centre to improve customer satisfaction at 'first point of contact'. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading.	
<b>Culture and Leadership</b>			
20	Ensure strong leadership and vision for the planning services.	To deliver the Corporate Plan and Customer Charter and drive service transformation at pace.	
21	The Service Director and Head of Planning to take ownership and accountability.	For delivering the modernisation plan and implementing continuous improvement and learning.	
22	Business Continuity Risks - identify and address potential problems early and escalate risks.	So that DMT and CLT to have oversight of business continuity issues, and the service has senior level buy-in to risks, mitigations, and solutions.	
23	Risk Registers - ensure business continuity risks feature in the service, directorate, and corporate risk registers as appropriate.		✓✓
24	Customer Focus - ensure a culture of customer-focused service delivery.	Designing processes to help improve the customer experience of CEC's planning services.	✓✓
25	In support of a one council approach - Elected Members and officers should work together to resolve service problems.		
26	Embrace and welcome a culture of collaborative learning and working:		
26.1	· Work with other in-house council teams, such as Communications officers, Democratic Services, Regeneration, and the Legal Team:	To help deliver and underpin changes as a result of this review.	✓
26.2	· Maximise networking opportunities with other council planning teams.	Including those known for innovation and those large complex LPA's similar to CEC.	
26.3	· Set up a Cheshire & Warrington Chief Planner's Forum in consultation with subregional colleagues.	In consultation with subregional colleagues.	
26.4	· Learn from LGA Peer Challenges and independent reviews of other LPA's.		
26.5	· Observe and learn from other Councils' online planning committee meetings.		
26.6	· Review the government's digitalisation agenda.	Seek out opportunities for service improvement, such as digitalisation of local land searches.	
26.7	· Identify additional Brighter Futures Champions from the service.	The Champions to be involved in implementing the Modernisation Plan.	✓
26.8	· Consider the role of champions in the transformation board and modernisation plan.		
26.9	· Identify another LPA which has introduced the same IT System as that currently being implemented at CEC.	Seek to buddy up with the other LPA for learning purposes and ascertain whether there could be a secondment opportunity from that LPA.	✓✓
27	Adopt a 'one-team' approach across the planning services to resolving challenges.		
28	The service to work with the RTPI Women's Network to support a culture of inclusivity and diversity.		
<b>Process and use of Technology</b>			
29	Establish a triage system.	To set up and manage the DM mailbox, to triage written enquiries and issue standard letters on behalf of the DM service throughout the process.	
30	Managing enforcement complaints - introduce a process for keeping ward Members and complainants up to date regarding alleged breaches of planning control.	Post holders to work closely with DM officers' and the Customer Contact Centre.	
31	GDPR Compliance - immediately review and update procedures and processes to ensure compliance.	To include exploring more efficient ways of checking / redacting documents.	✓✓
32	IT Systems Project - review governance, risks, capacity, and managerial responsibility for the IT Systems project as a matter of urgency.		✓✓
33	Preparing decision reports - update the list of standard planning conditions to help with more efficient decision making.		✓✓
34	Improve the quality of planning submissions - establish and review protocols.	To include the validation checklist.	✓
35	Signing off planning decisions - review and implement an improved planning application sign off procedure.	To ensure consistency amongst officers and teams.	
36	Member involvement in the planning process.	Ensure a clearly laid out planning application process is established for involving elected Members and that this is widely communicated.	
37	Improve links between planning and the contact centre.	Ensure both have access to relevant information so that telephone queries are resolved at first point of contact.	

Ref No.	Action		Status
			Complete ✓✓✓ Partially Complete ✓✓ In Preparation ✓ To be commenced
38	Reduce the number of site visits - appoint one FTE officer for a fixed-term to secure photographic and video information for DM and other specialist officers.	To speed up application processing and until the planning application backlog is resolved.	✓✓✓
39	Re-introduce a full pre-planning application service - including use of Planning Performance Agreements (PPA) once the backlog of applications has been cleared.		
40	Quality of decisions - undertake an analysis of why appeals have been allowed by the Planning Inspectorate and learn from these decisions – both officers and elected Members.		
41	Avoid duplication across multiple services - reiterate to applicants and agents that contact should not be made with consultees, and they should wait until the application is allocated to a planning officer.		
42	Establish a robust performance management process to Monitor, measure, and report:		✓✓
42.1	The number of Extensions of Time's applied verses number of decisions in that period (broken down by application type).		
42.2	The percentage of applications dealt with under delegated powers to officers.		
42.3	Number of appeals made to the Secretary of State percentage allowed by Planning Inspectors (including percentages where committee decision was made contrary to officer recommendation).		
42.4	The number of enforcement complaints received, investigated, and found to be non-compliant.		
42.5	Customer satisfaction data (Brighter Futures Customer Experience Project Manager to help identify performance measures).		
42.6	Number of applications determined invalid upon receipt by the planning support team.		
42.7	Number of applications determined invalid upon receipt by the planning officer.		
42.8	Applications over 26 weeks.		
42.9	All S106 decisions and spend on a quarterly basis.		
43	Develop and publish a list of accredited agents to drive up quality of planning application submissions.		
44	Pilot a 'fast track' validation service so it is ready to launch once the planning backlog has been reduced.		
45	Monitor performance of planning applications validations.	To ensure quality as well as timely validations.	✓
46	Encourage staff who validate applications to seek advice and support from DM officers and specialist staff.	To ensure consultation requests are administered correctly.	✓✓
47	Improve links between planning support, DM, and environmental planning teams.	To help address validation quality and capacity issues and provide potential career pathways – from administrative, technical, and professional roles.	✓✓
48	Provide training including shadowing planning officers, urban design and conservation staff for staff validating planning applications.		✓
<b>Customer Experience</b>			
49	Establish and maintain a clear, transparent, customer focus which effectively manages customer complaints.	Customer services to undertake a pilot project with the planning service to improve responses to complaints, to include Local Government Ombudsman training.	
50	Reduce the number of doorways into the service by actively promoting the use of the DM planning enquiry mailbox.	Signpost all customers to the mailbox.	
51	Update site notices and neighbour notification letters so that customers are directed to the mailbox only.	Provide details of the website in these communications and update planning webpages so that they explain the role of officers and that of local ward Councillors. Provide a hyperlink to ward member contact details.	✓
52	Establish a Cheshire East Planning Partnership (Stakeholder Forum).	To include Planning Agents.	
53	Design an interactive 'Day in the Life of an Application' tool.	Once adopted, a similar tool can be designed for enforcements cases. The Cheshire East Planning Partnership to help with its development.	
54	Work with corporate communications to update the website and planning application acknowledgement letters to better explain the backlog issues.		✓✓
55	Re-introduce a planning help desk service.	Improve self-service options and communications.	
56	Review the messages and information provided to customers post validation and pre planning officer allocation.	Ensure contact with customers is maintained regularly.	
57	Ensure all staff receive the corporate customer care training.	Improve all content and digital forms to be more customer focused.	
58	Proactively seek customer feedback via a dedicated mailbox.	Use signposting from the Planning webpages.	
59	Work with the Contact Centre to review the potential for using webchat.		
60	Establish a 'one point of contact' for Ward Councillor, Parish and Town Council and MP enquiries.		
61	Ensure clear and consistent protocols across the DM service for consulting on amended plans.		✓✓✓
<b>Policy and Governance</b>			

Ref No.	Action		Status
			Complete ✓✓✓ Partially Complete ✓✓ In Preparation ✓ To be commenced
62	Review the timescales for elected member 'Call In' and align with neighbour consultation timescales as far as practically possible.		
63	Ensure Members are aware of the way central government monitor the quality of decisions and the consequences to the council if the numbers exceed the parameters acceptable to central government.		
64	Provide training for members on the Councillors Planning Code of Conduct as set out in CEC Constitution Chapter 4 Part 4.	Provide clarity on 'pre-determination' and pre applications, for example.	✓
65	Review the enforcement policy together, via joint Officer / Member group.	Ensure there is understanding amongst Councillors, parish, and town council's that planning enforcement action is discretionary and, in most cases, it is not an 'illegal' act when there are breaches of planning.	
66	Officers and Members work together to establish a common understanding of the Local Plan Strategy and the government's future planning reforms.		
67	Committee Chairs and officers to review the planning committee protocols together.	Learn from others by comparing how other council planning committee's work.	
67	Establish a clearly laid out planning application process for engaging with committee Members, ward Councillors, Parish, and Town councils.	This to be published on the council's website.	
69	Establish a Member / Officer group to take forward a more detailed review of issues relating to process of S106 planning obligations.		
<b>Members</b>			
70	Improve training for Members, Parish, and Town Councils.	Ensure up-to-date training for elected Members. This will also help to ensure there is a clearer understanding of what is achievable by officers and the timescales involved dealing with complex matters, such as major development and planning enforcement.	
71	Enforce mandatory planning training for Councillors who determine planning applications.		
72	Planning Committee Members to observe other council planning committees.	Especially those of comparable size and complexity as CEC.	
73	Seek feedback from Councillors, Parish and Town Councils on the format, frequency, and content of the planning newsletters.		
74	Establish new and refresher training programme for Councillors including the following topics, to be facilitated by external providers where necessary and to include case studies:		✓
74.1	· Principles of planning law, material considerations, planning conditions, legal agreements, probity in planning, pre-applications, lobbying, bias, pre-determination and pre-disposition, understanding of different roles and decisions (eg. Council as landowner and project sponsor V that of the LPA).		
74.2	· Key policies of the Local Plan Strategy, explaining what they relate to.		
74.3	· Development Management – follow the journey of a planning application, planning enforcement.		
74.4	· Encourage peer networking opportunities for Members, such as through the LGA.		
75	Improve the effectiveness of planning committees as decision-making forums, this could be helped by:		
75.1	· Workshops and mentoring to improve Councillors' understanding of their role in the planning process.		
75.2	· Officers to engage Members in the decision process earlier, including at pre application stage to help alignment with the Corporate Plan and Local Plan Strategy.		
75.3	· Officers and Planning Committee Chairs to review committee proceedings with officers and Planning Committee Chairs to minimise duplication and time and make better use of staff resources.		
<b>Managing the Transformation</b>			
76	Develop the Modernisation Plan.		✓✓
77	Establish a Planning Service Transformation Board.	Chaired by the Executive Director Place.	
78	Temporary Planning Services Review Lead to continue to support the modernisation process reporting directly to the Executive Director of Place.	Reporting directly to the Executive Director of Place.	✓✓✓



# Cheshire East Council - Local Planning Authority Review and Service Transformation Report

September 2022



## Foreword

*Since I started my role at Cheshire East Council, I have been working to better understand the scale and breadth of challenges that the Local Planning Authority has.*

*Cheshire East is a diverse borough and has many interesting opportunities from a regeneration and planning perspective. It continues to be an extremely popular place to live, with outstanding schools, low unemployment, and some of the best countryside in England. And that means more work for the Council's Planning Service, as house building continues apace.*

*From a professional perspective, there are also opportunities to be involved in significant developments, some of which are already in progress, and others that will evolve over the coming years.*

*With these local challenges, it is also important to consider the national context that is impacting planning services like ours – especially recruitment and retention. As part of my role, I have had to consider how the Local Planning Authority was performing in the context of its statutory and regulatory obligations and understand how the service is delivering against the vision and objectives of the Council's Local Plan Strategy 2010 - 2030 and the Corporate Plan 2021 - 2025.*

*During the review there have been over 200 comments and suggestions made by staff, 35 Elected Member comments through the Advisory Panel and over 40 cases of concern highlighted by Elected Members, MPs, staff, and Members of the public.*

*There have been over 25 meetings and sessions held with staff as well as a Brighter Future Transformation Programme Customer Experience workshop, and a validation workshop.*

*Hundreds of documents have been reviewed and web pages analysed by the Deep Dive Team. I would like to take this opportunity to thank Members of the Deep Dive Team, who have supported this review in parallel with undertaking their own roles. I would also like to thank staff in our Planning Services, the Members Advisory Panel, Elected Members, customers and partners for their assistance, input, and suggestions.*

*As a result of this review, a series of service improvements have been implemented with further changes proposed as part of a comprehensive service review. We are now at the start of the transformation and modernisation journey for the service and with a fantastic opportunity to develop and grow our service to become a nationally recognised, exemplar Local Planning Authority – by continuing to challenge ourselves and delivering the scale of change recommended from this review.*

Jayne Traverse – Executive Director of Place

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# 1. Context, background, and purpose

## 1.1 Introduction

When the Executive Director of Place, commenced in post during October 2021, the Chief Executive Officer raised concerns about the backlog of planning applications and asked that a review of the service be undertaken. Subsequently, at the council's Environment and Communities Committee on 11<sup>th</sup> November 2021, and following concerns having been raised about the Service by Elected Members, the Committee discussed the need for an objective review and agreed that given the Executive Director's professional background and since she was new to the organisation, she should undertake the review. The Committee also agreed that a Member Advisory Panel should be set up to help inform the review.

As a result, a Deep Dive was commissioned in January 2022, to review the Planning Service to ensure Cheshire East Council's (CEC's) Local Planning Authority<sup>1</sup> (LPA) is fit for the purpose of fulfilling its statutory and regulatory obligations while also delivering the vision and objectives of the Council's Local Plan Strategy 2010 - 2030 and Corporate Plan 2021 - 2025.

It is important to stress that this review is not an inspection. It is improvement-focused and designed to complement and add value to the Council's performance and improvement plans.

The review is not designed to provide an in-depth or technical assessment but enabled Members of the Deep Dive Team to draw on their experience and knowledge and reflect on the information presented to them by stakeholders, Elected Members, managers, and staff within the service and what they observed in the Deep Dive. The Deep Dive Team worked collectively and individually to gather and analyse information. The Executive Director considered all the information made available to her during the Deep Dive and has developed the recommendations that are presented in this report.

This report is a summary of the Deep Dive Team's findings. Naturally, the review represents a snapshot in time and will inevitably include aspects of delivery and service that the Council is already addressing and progressing.

All information collected is on a non-attributable basis.

## 1.2 Corporate Context – Cheshire East Council

CEC is a unitary authority, having the powers of a non-metropolitan county and district council combined. The council was first Elected on 1 May 2008, a year before coming into its powers on 1 April 2009. Since the local election in May 2019, no party holds overall control. On 22 May 2019, the newly Elected council met for the first time and elected a new leader, deputy leader and cabinet.

The new administration has a mandate to fulfil its election pledges and Corporate Plan vision of 'An open, fairer, greener Cheshire East'. There are three strategic priorities. If operating effectively, the planning system should help deliver all the council's Corporate Plan priorities.

- **An open and enabling organisation;**
- **A council that empowers and cares about people; and**
- **A thriving and Sustainable Place.**

---

<sup>1</sup> LPA is defined by the National Planning Policy Framework (NPPF) as 'the public authority whose duty it is to carry out specific planning functions for a particular area'. LPA is referred to in the context of all the planning functions but not Building Control / Land Charges / Street Naming. When we say planning services, we mean the LPA functions and Building Control / Land Charges / Street Naming.

CEC's Corporate Plan clearly demonstrates that the customer is at the heart of decision making. The Planning Service is crucial in shaping and protecting the future of the borough.

## 1.3 Committee System of Decision Making

In May 2021 the council made the historic change to operate a committee system for decision making. The Council had operated under cabinet system since it was formed in 2009. Now decisions previously made by the cabinet are made by service committees, each responsible for a different area of the Council's services. Each new service committee has 13 Members. These Members collectively make decisions. The political make-up of each committee reflects the political make-up of the council. Members debate and vote on decisions, so the decisions are made collectively by the cross-party Membership. The system was implemented following a legally binding decision in November 2020 and cannot be changed for five years. It was developed with design principles in mind, ensuring that decision making would be easy to access and held in public, with timely and efficient decision making.

Committees can agree to set up Elected Member Panels to consider and review a particular topic, reporting findings back to the Committee. The Committee responsible for planning policy decisions is the Environment and Communities Committee. The Environment and Communities Committee agreed to set up a Member Advisory Panel to provide input to the Executive Director's review in November 2021.

In addition to Service Committees there are also three regulatory planning committees:

- Northern Planning Committee;
- Southern Planning Committee; and
- Strategic Planning Board.

## 2. Local Planning Authority - Context

One of the council's roles is to ensure it has a LPA that is fit for the purpose of serving current and future generations by preparing a timely and sound Local Plan in accordance with its obligations, making defensible planning decisions, and helping realise its Corporate Plan vision and objectives.

The LPA is the local government body responsible for determining and enforcing planning applications. In Cheshire East, this responsibility sits within CEC.

### 2.1 Planning Service

The services are led by the Director for Environment and Communities and Head of Planning. The following services are under the responsibility of the Head of Planning:

- Planning and Enforcement (Development Management);
- Building control, IT Systems, planning and building control support services, local land charges and street naming;
- Development Plans;
- Neighbourhood Planning;
- Environmental Planning (forestry, landscape, arboriculture, conservation, nature conservation, urban design); and
- Planning policy and Community Infrastructure Levy (CIL).

## **2.2 Local Plan**

Cheshire East's Local Plan Strategy 2010 - 2030 was adopted 27 July 2017. This strategy is the first part of the new Local Plan and supports jobs-led growth. It states 'This plan is about developing Cheshire East to maintain its reputation as the best place to live in the north-west, whilst providing for younger generations so they can live and work in the area they grew up in. It is about the future, job availability, excellent educational standards, and a great quality of life. This plan, coupled with the five-year housing land supply, is also about protecting the residents of Cheshire East against unwanted, unsustainable, and unplanned developments.

The Inspector acknowledged that this is one of the most complex and consulted-upon planning documents he had seen in his more than 20 years' experience. There were 13 rounds of consultation, and the Council received a total of more than 60,000 comments to arrive at the finalised Local Plan Strategy. This represents an unprecedented level of interest in a Council consultation process.

Following on from the Local Plan Strategy is the 'Site Allocations and Development Policies Document' (SADPD) and the 'Minerals and Waste Development Plan Document'. These will form the second and third parts of the Council's Local Plan.

In late 2020, the council made significant amendments to the previously published version of the SADPD, removing several Green Belt sites that had previously been earmarked for development.

The Independent Planning Inspector's final report has now been received, which concludes that the plan can now be adopted with the Inspector's modifications. This will be considered at Full Council in December 2022.

## **2.3 Neighbourhood Plans**

Neighbourhood Planning remains an important tool and central part of the planning system. Whilst the wider planning reforms being proposed 'Planning for the Future' remain under consideration, new funding commitments and pilot programmes are being launched across the country to support neighbourhood planning – so it seems clear that neighbourhood plans will remain a central part of government policy in whatever reforms are made to the planning system.

There are 36 neighbourhood development plans (NDPs) in Cheshire East, which have been formally made and now form part of the Development Plan for CEC. There are a further four going through the NDP Consultation Regulation process and 10 other areas that are active and at the formal stage of 'designated neighbourhood area' status. This demonstrates the strength of community interest in local place shaping in Cheshire East.

Residents are kept informed and updated on the local plan making process, including a well maintained and regularly updated website. Support is openly provided to those communities wanting support with Neighbourhood Planning.

## **2.4 Housing Land Supply**

The Council's five-year housing supply figure remains at a robust level of 6.3 years with 2,376 net completions during the 2020 - 2021 monitoring year.

## **2.5 Heritage, Conservation, and Environment**

The LPA has a strong emphasis on protecting the borough's heritage and conservation value and has successfully embedded urban design principles realising better quality developments the last few years. Through the hard work of management and the Environmental Planning staff, developers now understand the quality required for Cheshire East – particularly for larger

developments. There is an emphasis on 'Place Shaping', and this can be improved further by more formalised 'Matrix' style team working from project inception for Council-led regeneration and development.

The ecologists within the environmental planning team and planners have consistently sought to secure mitigations on, and off-site and biodiversity net gain is well engrained within the service.

As well as the backlog of planning applications, there is also a significant backlog of Tree Preservation Order (TPO) designation requests. Increased workload and recruitment and retention issues are exacerbating this problem. The team is prioritising planning application consultations over requests for new TPOs currently. The review team has heard how some of this work could be streamlined to improve efficiency and this will be taken forward as part of the Modernisation Plan, working with management and staff.

## **2.6 Planning Obligations**

The review team has noted concerns about planning obligations (S106 and CIL) but has not conducted a full review at this stage. Two audits will be undertaken during 2022 - 2023, one on S106 and a second on CIL. It is recommended that a Member / Officer group is established to consider the processes associated with S106 planning obligations.

## **2.7 Building Regulations**

The review team has been advised there is no back-log of Building Regulations applications, although the service manager is experiencing challenges regarding recruitment and retention of staff and new regulatory burdens which have resource implications. The Building Control Service has not been subject to detailed review at this time, this will follow as part of the Modernisation Action Plan.

## **2.8 Development Management**

The Development Management (DM) service is a vital part of the Council's LPA role through which it implements planning policy and enables quality outcomes for sustainable development. It provides pre-planning application advice to Members of the public, businesses, developers, and agents, registers planning applications, considers planning applications for compliance with the policies set out in the National Planning Policy Framework, the adopted Local Plan and relevant policy documents. It makes decisions under the officers' delegated authority and as appropriate makes recommendations to Planning Committees for decisions. It negotiates CIL and Section 106 planning obligation agreements with developers and enforces against breaches of planning, conditions, obligations, and planning law in general. It also deals with a large number of appeals every year.

The service is supported at corporate level, for example, through democratic services and legal services.

The DM Teams are led by the Planning and Enforcement Manager and five team leaders. The Planning and Enforcement Manager reports to the Head of Planning.

The LPA is ranked the 8<sup>th</sup> largest and busiest service in England, using data such as application numbers, appeals determined, staff and income to determine this status. The challenges of managing the service with such high volumes of work, in a complex and highly regulated environment should not be underestimated.

The team continues to approve significant strategic developments in accordance with development plan policies to ensure they are sensitive to their surroundings as well as sustainable. Sites include mixed use development at Basford, Leighton, Royal Arcade, Crewe,

and employment sites in Middlewich. Good progress is also being made to bring forward both residential and employment sites in North Congleton.

The LPA has made excellent progress in plan making and has executed some exemplary urban design and heritage work to achieve improved 'Place Shaping' and sustainability ambitions. However, despite this, the LPA is perceived by customers and Elected Members to be an underperforming service. This view emanates from the number and range of complaints received and escalated about the DM functions, poor engagement with customers, the significant backlog of planning applications accumulated since the UK COVID-19 lock-down and concerns about planning enforcement. It is important to bear in mind though, that the DM function is not a separate entity in its own right. Moreover, its services and performance rely upon a number of other functions to support it -planning support / validation, planning policy in their interpretation of plan making and policies, legal and democratic services, as well as internal and external consultees. The challenges associated with leading and managing the services at any time, let alone during a pandemic should not be underestimated.

## **2.9 Finance**

Financial planning takes place as part of the usual Council financial processes. Budget provision has been made for the new IT system and to support additional resources in the short term. Costs associated with all temporary appointments are funded from existing Planning budgets.

As part of the 2022 - 2023 MTFS a one-off budget of £500,000 was approved to support the planning review. It will be necessary to utilise the funding over more than one financial year and appropriate arrangements will be made at year end to facilitate this. Any additional financial pressures that arise will be reported through the MTFS process in future years.

Service managers are continually monitoring any financial pressures and the Deep Dive Team recommend a full, value for money benchmarking exercise to be undertaken as part of the Modernisation Action Plan. The Levelling Up white paper mentions an increase in planning fees, which will help mitigate some of this but there are currently no timescales for bringing this in. We will need to monitor this and consider as part of future budget setting and the staffing restructure work.

## **3. The 'Deep Dive' Approach**

The 'Deep Dive' approach that was adopted is similar to that of other recognised bodies who undertake LA reviews. It provides challenge and support from a team of officers from separate operational areas outside of the service to give objective views of the service and its challenges. This report represents the detailed written feedback of the review. The process engages staff from the Service to help inform the work of the review team. It focused on specific issues or service areas, based on information provided by service managers, team leaders, individual staff, Elected Members, and stakeholders.

The reason this approach was chosen is because Members requested an objective review of the service and because it allows focus on specific issues or service areas. Engaging officers, Elected Members and customers in the review has been essential to help understand practices, processes, and issues. A further reason for adopting this approach to the review, was to minimise disruption to those managers and staff working within the service, given the ongoing difficulties managing current workload within existing resources.

The review team was assembled in January 2022. The Executive Director leading the Deep Dive is a Chartered Town Planner. Individual team Members have been commissioned for their skills and experience, including customer care, systems analysis, benchmarking data,

performance management, internal and external communications, IT systems and business support.

A virtual assurance and support team has also been established from internal resources to give support in terms of finance, legal, performance, project management and human resources.

The Member Advisory Panel was set up in January 2022, with Elected Member representatives chosen from Membership of the Environment and Communities Committee.

The Customer Experience Project which forms a key strand within the corporate Brighter Future Transformation Programme had commenced its work with the Planning Service prior to the Deep Dive being initiated. This work has been subsumed within the Deep Dive work, ensuring the customer experience is integral to the review of the service.

The Deep Dive Review has involved a high-level assessment of the planning services, with a particular focus on the planning application back log and related work. In parallel, whilst undertaking the review, service managers and staff have started to implement some of the more urgent recommendations from the review which relate to the backlog.

The process has involved initial feedback via a presentation to the Deep Dive Team by the Executive Director Place, to take soundings on draft findings and recommendations of the Deep Dive review. In addition, feedback was given in two staff sessions to the planning service by the Service Director, to cover the high-level findings and recommendations and to take questions from staff. This is now being followed by detailed written feedback contained in this report.

To set some context for the Deep Dive Review, a number of significant issues had been impacting on the service for some time. These included:

- Increasing workloads;
- An aged and inefficient IT system in urgent need of modernising and replacement; and
- Loss of staff from the service and vacant posts across all teams, with a national shortage in technical professions making recruitment much more challenging. This means the DM service in particular, is operating at around 80% capacity due to vacancies. The challenges associated with leading and managing the service in these conditions should not be underestimated.

Then, in 2020, the global COVID-19 pandemic impacted on ways of operating and delivering the Planning Service which resulted in backlogs of applications that built over time. It is important to note that the current issues are not solely as a result of the COVID-19 pandemic, but the issues listed above have been service challenges for some considerable time. Despite best efforts by managers and staff, COVID-19 safe working practices, recruitment challenges and workload volumes have increasingly impacted upon an already fragile service. An increase in customer and Elected Member complaints about delays and service delivery were, and still are, a real concern. In order to respond to these issues and deliver the quality services that are expected and desired it will be necessary to implement the recommendations from the Deep Dive and to restructure the service as part of the Modernisation Plan.

### 3.1 Review Process

#### 3.1.1 Gathering and Analysing Information

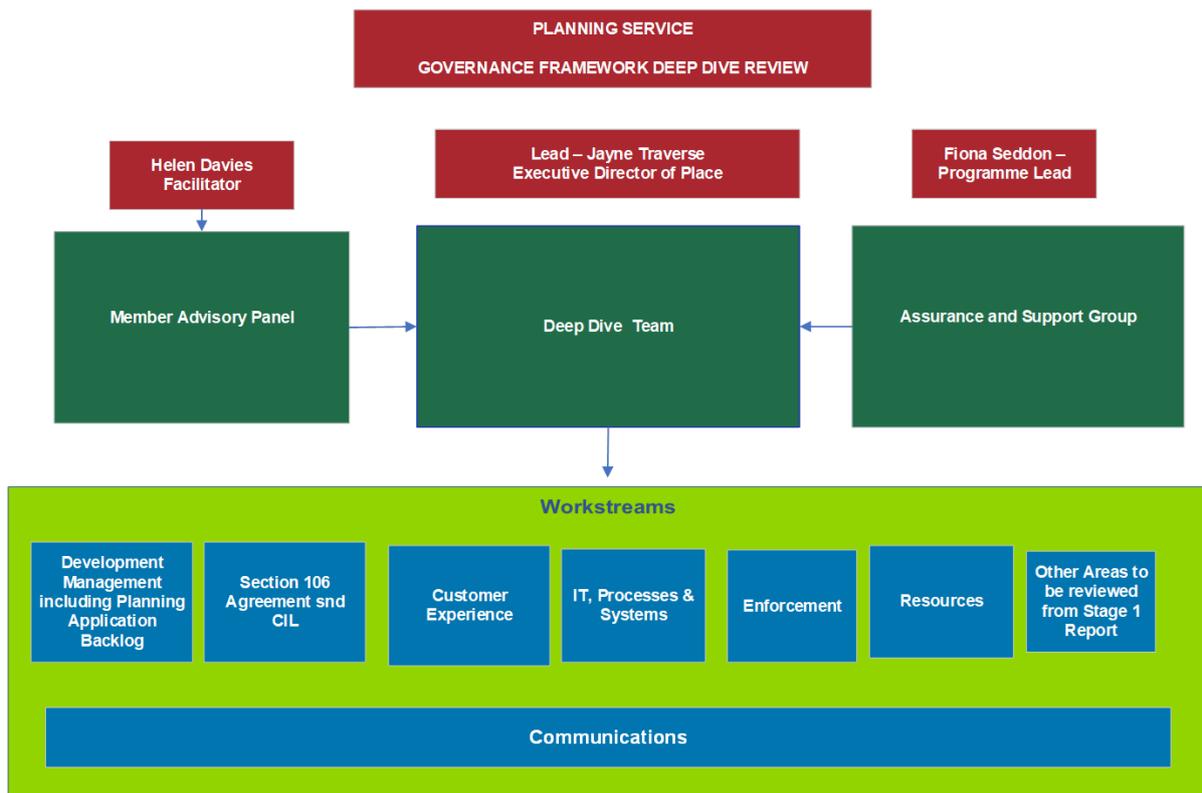
The Deep Dive review included building on the short-term solutions, identifying what was already working well, and carrying out engagement with individual staff, teams, Members, and customers to help focus on the areas for immediate attention within the Service.

Pilots and case studies were undertaken to help recognise areas for further improvements. In July there were two detailed management and staff briefing sessions to update the teams on progress and present high-level findings and recommendations. Trade Unions have been kept informed of progress and attended these briefing sessions.

#### 3.1.2 Governance Arrangements

The diagram below shows the governance arrangements and team structure for the Deep Dive Review:

Figure 1. Governance Framework Deep Dive Review



## 4. Information Gathering

Information to inform the Deep Dive review was gathered via the following methods:

- Elected Member feedback via Member Advisory Panel;
- Correspondence from Elected Members' applicants and planning agents received by the Chief Executive Officer and Executive Director of Place;
- 1-2-1 meetings with the Chief Executive Officer and Executive Director of Place;
- 1-2-1 meetings with the Executive Director of Place and Director of Environmental and Neighbourhood Services;
- 1-2-1 meeting with the Executive Director of Place and Head of Planning;
- 1-2-1 meeting with Development Management & Enforcement Manager
- All Planning Service staff Deep Dive session;
- Planning Service Managers session;
- Group and Individual feedback through the Executive Director Place staff 'drop in' sessions;
- Emails from individual Members of staff feeding back ideas and comments;
- Deep Dive Team interviews with planning staff;
- Documentation requested from the planning services, support services and HR;
- Observation of Planning Committee proceedings and review of meeting transcripts and minutes;
- Information and data from other council LPAs;
- Independent reviews undertaken on other LPAs, such as LGA Peer Challenges; and
- Planning Service Customer Experience Programme A) Customer Journey B) Demand and Performance Report

## 5. Summary Findings

### 5.1 Customer Experience Service Review

The Planning Service and customer experience programme commissioned a piece of work under the Brighter Future Transformation Programme to help understand the impact of current service-related problems on the customer and to identify the best places to act to create improvements. This work was concluded in 2021.

The report provides a view of current customer demand within the Planning Service to help better understand the volume and nature of this where possible, as well as outcomes and performance for the customer. Information has been used to understand:

- Type, volume, and outcomes of customer demand and where this is placed;
- Create a current view of demand and performance identifying areas for potential improvement; and
- Assess the ease by which customers can access this information and the value it provides to the service in understanding demand, performance, and areas for improvement.

Analysis focused on gaining a better perception of the following areas to better understand demand, outcomes, and current performance:

- Case type and volumes received;
- Cases completed within the agreed decision date;
- Case outcomes;
- Time for Planning Support to validate the application;
- Time to make a decision;
- Time to call back (escalation);
- Calls answered, escalated, logged on CRM;
- Complaints received, type and outcomes;
- Number of cases resulting in notification of an interested party;
- Data from April 2018 - December 2021 shows that; calls answered by the contact centre were three times larger than submitted applications;
- The highest volume application types are householder and full planning with these two combined accounting for 53% of applications;
- The service receives an average of 159 household applications a month and 89 full planning applications a month;
- It is estimated that 85% of applications are submitted through the planning portal which would equate to 5,133 / 6,039 for 2010 - 2021 (10% email and 5% post);
- There were 17,577 first time unique applications (e.g., householder applications) that triggered 4,063 follow on applications e.g., discharge of conditions;
- Applications received between Dec-19 and Dec-21 have resulted in 55,861 letters to affected parties and a further 14,442 letters to affected parties when initial plans have been resubmitted;
- 36,631 comments being made by affected parties (and reviewed);
- Sending 49,118 emails to services that need to be consulted (internal and external statutory consultees);
- The service has an average of 1,600 calls answered a month and predictably will be between 1,278 and 1,928 calls a month whilst receiving an average of 495 submitted applications a month; and
- For the period analysed the service had 68,530 calls answered and received 17,577 first time applications (21,701 applications including follow on applications) making call centre traffic over three times larger than applications. This does not account for other contact being made direct to the officers or comments on specific applications.

Planning Officers identified four key customer groups who “really matter” as part of workshops designed to focus on purpose and what’s important from a customer perspective. These four groups are:

- Applicants;
- Agents (acting on behalf of the applicant);
- Interested parties; and
- Developers.

Customer contact analysis involved listening to 115 calls which related to 80 unique callers with dates being sampled across 2021. Key learning from this exercise is as follows:

- Customer chasing is high, creating a lot of unnecessary work and resource to support this with potentially 5,290 calls being about applications (of which there were 6,039 applications in 2020 - 2021) and has a direct impact on the service experienced by applicants;
- Escalation data shows an average of 34 being raised each month however calls chasing reflect a much higher volume;
- Calls not logged on CRM (low volume chasing) have significantly increased and whilst we measure this, we cannot pinpoint this activity to specific customers or cases;
- None of these contact types would be considered resolved from a customer perspective but are for internal performance management of Customer Service;
- Current recording means the majority of work categorised as resolved actually generates further activity for both the customer and the back office and actual number of 'pass ons' to the back office are hidden;
- There were a significant number of dead calls experienced from the sample which should be investigated as this represented 10% of the sample;
- Customer demand is not logged in a customer focussed way making it difficult to embed the above learning on an ongoing basis; and
- Enforcement concerns are often passed to the customer to submit but rarely result in enforcement action.

The analysis also focused on case outcomes for customers using the outcomes available from decisions made in the IT system, application extension data (EOTs) and case end to end times. Householder and full planning applications are the highest volume demands. Customers are likely to have to agree an extension on the statutory deadline (EOTs) to make a decision on these (55% full planning and 43% householder have EOTs). Of the householder and full planning applications that have EOTs the service will meet the deadline for 90% of these

The majority of householder and full planning applications are not decided within the arbitrary statutory legislative target dates. 43% of householder and 55% of full planning applications have an EOT agreed that typically will take the applicant outside the governments statutory target deadlines. 134 of the extended household and full planning applications over the period used ran outside of the extension date (2%). Internal performance is worse where no extension is agreed with 22% of all applications missing the statutory target date, with the following percentage failures for specific application types – 10% (421) householder, 29% (548) discharger of conditions, 52% (898) work to TPO trees, 16% (266) full planning.

***Note, data on decisions for applications in 2021 - 2022 is not typical due to the current backlog of applications and further analysis should be undertaken once there is no longer a backlog.***

- Establishing a way to measure the quality of submissions and the amount of officer and customer rework would be a good way to understand issues at both validation and assessment stages.
- There is a consistent 80:20 split between submissions by agents and those submitted by individuals across the past four financial years. Whilst individuals choosing to submit an application without the help of an agent only accounts for 20% of demand, 41% of these submissions are not received "right first time" by Planning Support creating poor service and additional work for CEC (1,958 of 4,822). This suggests that this group of customers

need more help to ensure they submit valid applications to create better service and efficiencies for CEC.

Applications not received 'right first time' creates an average additional delay of 11 days however predictably it is between 0 and 18 days. This doesn't account for further delays once allocated and assessed for policy, legislative and other compliance by a Planning Officer. Applicants submitting applications themselves are likely to extend the decision date by 18 days due to rework created by poor submissions. Key learning from this analysis is as follows:

- 80% of applications are submitted on behalf of the applicant so this is a key customer group that determines the outcomes for both the customer and CEC Planning Service;
- Of all applications that were received "right first time" 81% of them were submitted by an agent meaning the customer should have a reduced time in receiving a decision if using an agent; and
- The report gives CEC an indication of high-volume customers (agents) and the quality of applications they submit and the variation within the quality of agent submissions. This could act as a guide to develop and publish a list of accredited agents to drive up quality of planning application submissions (learning from Cornwall Council).

Complaints data is a good indication of service experience, identifying what matters to customers and how many people respond when delivering this has failed. DM received the 7<sup>th</sup> highest volume of complaints across all council services for the last financial year and accounted for 5% of all cases. Key learning is as follows:

- The data suggests the service often fail to meet internal service level agreements (SLAs);
- Analysis of the data shows that Stage 1 complaints (that end at stage 1) take an average of 50 days to close but can typically take between 0 and 177 days to close;
- Stage 3 customers have an average wait time of 111 days, but it is typically between 35 and 188 days;
- Not clear what the outcome is for the customer or what they want to gain as part of going through this process;
- There are some common customer service themes and problems reported by both applicants and affected parties however the complaints are rarely upheld suggesting that investigating a complaint is about "did the officer follow process" rather than "did we deliver the service that matters to the customer";
- Unclear how the current data is used to drive learning and improvement or whether it is aligned to achieve this; and
- The service does not measure the length of time the customer is in the complaints system, what they want to achieve and whether they achieve it. There is significant effort involved by both CEC and the customer, but it is not clear for what gain or what the purpose is of the complaints system from a customer perspective.

With regards to the complaints process, analysis showed that customers often reported multiple failings as part of their experience of the planning service. Analysis of the available data that could be categorised showed that around 36% of complainants were applicants and 49% were affected parties.

80% of applicants complained about one or more of the following issues:

- Poor communication including not receiving call backs, having to escalate a failure to get someone to call you back and a lack of engagement;
- Taking too long to have an application allocated to an officer;

- Taking too long to make a decision; and / or
- Number of officers involved and not spotting issues earlier that delay the process.

100% of affected parties reported one or more of the following issues:

- Unhappy with the decision;
- Delayed notification affected their ability to respond;
- Not publicising an application;
- Not consulting them;
- Don't believe CEC have followed the policy, process or guidelines when making a decision;
- Not considered their comments; and / or
- Have been misguided by the information presented to inform the decision.

The key overall high-level findings from the analysis completed is that Customer Service Team predominantly deals with customer chasing and escalations caused by problems in the wider system. There needs to be a focus on making changes that result in applications being received "right first time", understanding the cause of rework and the cost and lost hours caused because of these issues. The system is not aligned to respond to the different needs of two of the customer groups (one-time applicants and multiple users, agents).

Validation of a "complete application" from a customer perspective is split across two teams. Firstly, validation is undertaken by the Support Team. Secondly, once applications are validated, they are passed to planning officers to assess and determine. At this point planning officers undertake a further check of the submission to make sure all necessary consultees have been notified and all publicity is correct. On occasion this may result in the need for additional consultations to be undertaken, which can delay the process. The validation process has improved since the Deep Dive Review commenced and this is now taking only a few working days to complete in most circumstances. Closer alignment between the Support Team and planning officers will help to improve "right first time" validation.

The implementation of the new IT system should be aligned to support any changes proposed as a result of this learning. Inaccurate information in the GIS or mistakes when checking applications can lead to delays in starting consultations and delays to the customer for a decision to be made.

## 5.1.1 Findings

From the above baseline, achieving the Corporate Plan priorities of 'an open and enabling organisation' and a council that 'empowers and cares about people', will require significant transformative change.

The Customer Experience report makes the following suggestions for future redesign work to address some of the problems identified:

- Reintroduce a pre-planning application process / duty service for some customer groups and related application types;
- Consider options to work with agents who do not submit applications right first time and/or to promote those who do;
- Review the messages and information provided to customers post-validation and pre-planning officer allocation;

- Review the support provided by the contact centre and the access they have to relevant information;
- Review the performance measures used by the service and ensure these include customer focussed measures; and
- Continue to improve content and digital forms to be more customer focussed.

## 5.2 Member Advisory Panel

The Member Advisory Panel has been a useful forum to help inform the review. The panel discussed whether to develop a standardised Member survey but discounted this in lieu of a less standardised approach to encourage more general and open feedback. Member feedback has been received from all political groups and has been anonymised by the team as requested by the panel.

### 5.2.1 Findings

The below list captures the main issues and concerns highlighted by the Members, including one suggestion made at Environment and Communities Committee. Some of the examples put forward will be used as case studies to help inform appropriate staff and Member training:

- Unacceptable delays;
- Backlog of applications needs prioritising;
- Evidence that communication with the customer can be significantly improved – there is a need to keep the customer informed throughout the process;
- A need for more officers;
- A single point of contact is needed;
- Timescale for Members to ‘call in’ an application should be fixed and align with that of the statutory neighbour notification timeframe;
- More Elected Member involvement in the process;
- Planning committee meetings too frequent and too long – reading of statements needs reviewing;
- Consider reducing the number of Planning Committees;
- Improve the process and consistency of report writing including relevant specialist reports, to accompany planning committee reports, for example flooding / drainage;
- Strengthen enforcement;
- Training for Councillors – development management, call in period, enforcement, Local Plan, policies, for example;
- Training for other parties for example town and parish councils;
- Planning Portal not always up to date;
- Need to understand the rules regarding consultees;
- Confusion around the why and when ‘re-opening’ of consultation on larger and high-profile applications;
- Stronger guidance on what constitutes eligible ‘planning related’ reasons for making an objection;
- Communications to help customers and the general public improve their understanding about the planning process; and
- Better understanding of date triggers for example, clarity of dates for submitting items.

Officers and Councillors need to have a common understanding of legislative and other strategic changes, as well as a clearer understanding of the different roles the council performs, for example, the difference between that as landowner or promotor and that of the LPA's regulatory function. The review team suggest that having combined Officer - Councillor workshops, based on joint training, will help to ensure this common understanding and could also help to support the relationships between Officers and Councillors (see recommendations). It is also recommended that training on the Councillors Planning Code of Conduct for dealing with planning matters would be beneficial as part of a wider Members training programme, as set out in CEC Constitution Chapter 4, part 4.

### **5.3 Planning Backlog**

In order to understand the backlog, it is useful to first appreciate some of the planning application process – that is prescribed in legislation and national guidance. Planning applications are submitted to the LPA for consideration and determination. There are various stages to all applications such as registration, validation (to check the application has the necessary information), consultations (with a wide range of internal and external consultees), professional assessment of the application, and decision making. The challenges associated with leading and managing such complex services should not be underestimated.

There are many legislative processes that apply throughout these stages – which have been simplified here. The government also sets out guidance for the length of time to determine applications. These guidelines anticipate that not all applications will be determined within these timescales since some applications are more complex and some will require amendments or legal agreements. This means that some decisions take longer than the government statutory timescales. As a result of this, all LPAs will have some applications 'on hand' that exceed the government targets for decision making. This is a normal part of the planning process. Due to reasons set out earlier in the report relating to issues such as the COVID-19 pandemic, increasing workloads and vacant posts, the applications 'on hand' in Cheshire East have increased to an extent that numbers involved and longer timescales for decisions mean that a backlog resulted.

The backlog is made up of various planning applications including predominantly householder applications and other minor / small scale applications. Due to high planning officer workloads, it was decided during the early stage of the COVID-19 national lockdown to hold back those new applications being received in these householder and minor categories. Management made this crucial decision in order to try to manage workflow into the service, but also, importantly to protect Planning Officers from excessively high application caseloads such that workloads could adversely affect staff creating worry and stress and potentially resulting in sickness. Major and larger minor applications are still allocated to officers upon validation.

General benchmarking information suggests appropriate planning application caseloads for officers with applications of mid-range complexity should be in the region of 50-60 applications at any one time. At Cheshire East the comparable caseloads for officers are higher than these recommended levels, but this could be because we have included discharge of conditions in these figures. It's important here to recognise that there has been a concerted effort by the leadership and managers to control and manage staff caseloads.

It was estimated during the Deep Dive review, that if recent levels of new applications continue, staff levels remain as a present and no further interventions were made it would take approximately two years to remove the backlog. Whilst it is recognised that managers and staff are working hard to manage the workload, this is clearly not acceptable and as a result various measures are recommended, some of which are already being progressed to tackle the problems and reduce the backlog more quickly.

### 5.3.1 Findings

The Council has granted more planning permissions during the pandemic than any other local planning authority in the North-West. This unprecedented volume of planning applications, and the resultant back log, continues to be a challenge.

The table below provides an overview of the applications and backlog looking back over the past few years. Progress is being made in that timescales for allocation and decision have been improving. Application numbers in the backlog have fluctuated and remain sensitive to changes such as increasing application numbers in some months and Officer's taking leave. It demonstrates that the LPA had received 6,351 applications pre pandemic, (during the period 2018 - 2019), which is slightly higher than during the pandemic. Productivity and workloads were also significantly higher in 2018 – 2019 than during the pandemic.

**Figure 2. Yearly planning applications received / determined**

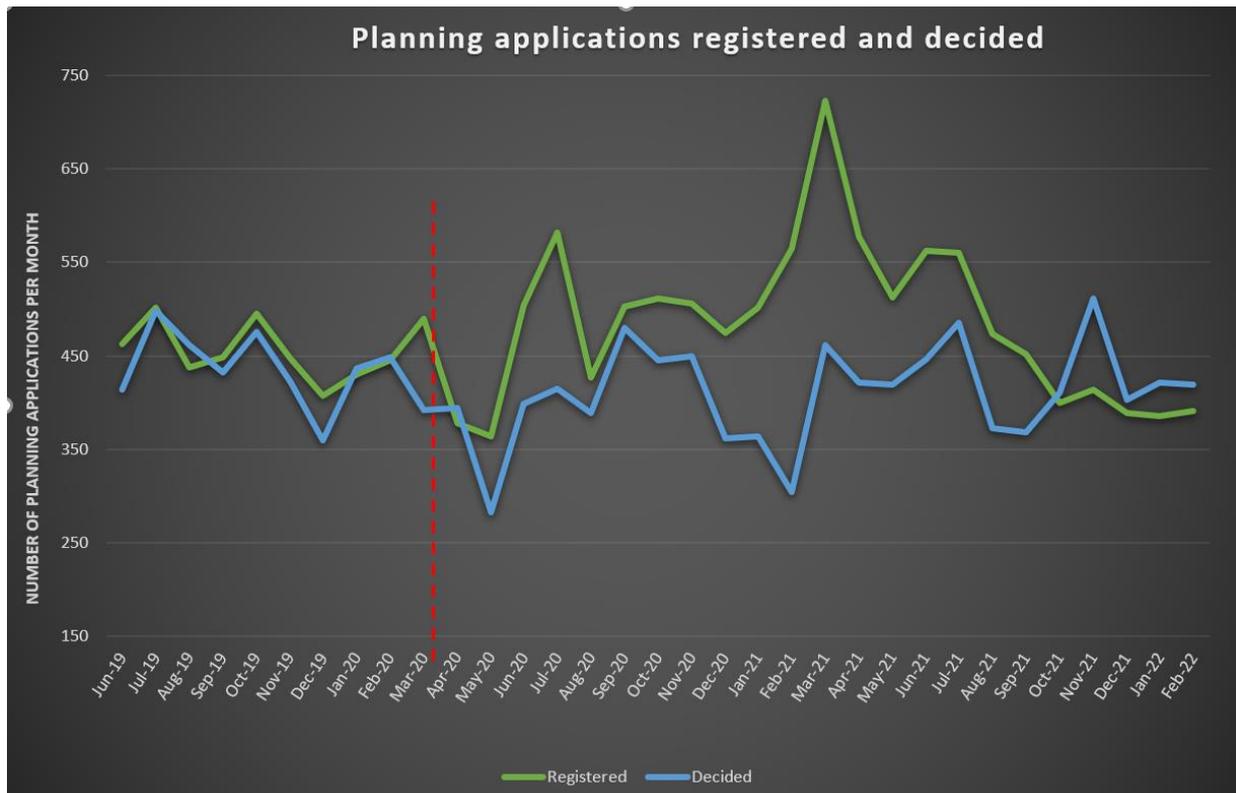
Year	Planning Applications Number Received	Planning Applications Numbers Determined
2018/2019	6,351	6,231
2019/2020	5,705	5,384
2020/2021	6,258	4,910
2021/2022	5,990	5,742

The timing of the spikes in applications received post-pandemic is evident from the chart below (**Figure 3**). As is productivity loss, which appears to coincide with the periods the government instigated full lockdowns and also Christmas when staff are on leave.

There are a number of factors which will have affected productivity during the pandemic including:

- A move from office to home working and IT challenges;
- The need to set up virtual planning committees (which had never been done before); and
- Pressures on staff who were balancing work/home schooling; covid sickness; and the need to self-isolate.

Productivity has gone up for 2021 - 2022 and at the start of 2022 - 2023 due largely to additional resource from Capita and around November 2021- there was a fast-track day which resulted in more applications being determined.



**Figure 3. Applications Received and Determined pre / post pandemic**

The challenges associated with leading and managing these services throughout the pandemic should not be underestimated. Managers put a number of measures in place to try and alleviate the workload through the pandemic and government lockdowns and manage spikes in applications, namely:

- Continue to validate applications upon receipt;
- Initiate all internal and external statutory consultations at the point of validation;
- Upload consultation responses to the planning portal, putting them into the public domain at the time of receipt. This is often weeks / months before the application is allocated to a Planning Officer;
- Issue neighbour notification letters at the point of validation. However, this means that that the statutory 21-day consultation period has expired by the time the application is allocated to a Planning Officer. Therefore, this does not provide opportunity for residents to discuss with the Planning Case Officer, within the timescale specified for them to comment;
- Utilised the support of staff in other planning teams to erect site notices for a short period. However, this means that that the statutory 21-day consultation period has expired by the time the application is allocated to a Planning Officer. As above, this does not provide opportunity for residents to discuss with the Planning Case Officer, within the timescale specified for them to comment;
- Minor applications held in the system not allocated to a planning officer in order to manage their live casework. (Currently 13-week backlog);
- Advertised a number of vacant posts across the services, including DM roles. However, this saw limited success and did not always reach the target audience;
- Suspended the Planning Help Desk;
- Suspended the Agents Forum;

- Suspended pre-application advice, other than for major developments;
- Commissioned Capita to provide additional DM resources, with a view to clearing the backlog within approximately 9 months;
- Set up virtual planning committees;
- Increased use of extension of time; and
- Fast Track Event.

Whilst the above actions undertaken by management will have helped manage the workload and loss of productivity, the review observed that the service did not suspend site visits for straightforward and minor planning applications throughout the pandemic, which could have otherwise been determined from other material supplied by applicants, such as photographic and video footage. It is considered that this decision will have impacted productivity and significantly contributed to the backlog. However, at the time these decisions were made it was not possible to foresee how the pandemic was to evolve and how long it was to last.

The government also sets out guidance for the length of time to determine applications – these guidelines anticipate that not all applications will be determined within these timescales since some applications are more complex, some will require amendments or legal agreements for example – Which mean that some decisions take longer than the governments statutory timescales.

As a result of this all LPAs will have some applications ‘on hand’ that exceed the government targets for decision making. This is a normal part of the planning process. Due to reasons set out earlier in the report relating to issues such as the COVID-19 pandemic, increasing workloads and vacant posts, the applications ‘on hand’ in Cheshire East have increased to an extent that numbers involved and longer timescales for decisions mean that a backlog resulted. Once this situation occurs it is very challenging to remove the backlog without additional resources.

It is estimated that between March 2020 and March 2022 approximately 600 additional applications could have been processed using digital technology in lieu of site visits. As of end September 2022, there were 620 unallocated applications.

The COVID-19 lockdown understandably impacted productivity, with the service processing 75 less applications than received per month on average, further contributing to a backlog of applications. The householder statutory target of 56 days (8 weeks) averaged 72 days pre-COVID-19 and 102 days post-COVID-19. Full application processing times between 2018 - 2022 slightly increased from 109 – 118 days. During the year ending March 2022 there were 2,881 non-major apps determined of which only 47 were within the statutory 8 weeks.

The planning service is large and multi-dimensional with competing and complex priorities for the teams to deliver. Considering the various challenges that the service was already experiencing prior to the pandemic; the combination of large numbers of vacant posts and capacity issues, increased workloads, problematic IT systems, it is clear that leaders and managers in the service were faced with unprecedented challenges when the pandemic and lockdowns hit and created significant additional issues that needed to be addressed. Leaders and managers had to balance many factors including how to progress approximately 100 new applications per week, protecting green belt and historic assets whilst meeting central government targets, progressing appeals and enforcement complaints, setting up virtual planning committees and other meetings to keep the service going when not all staff and councillors initially had necessary IT kit. This situation would have been very difficult to manage, and leaders and managers should be given credit for their efforts to continue to deliver the service in such difficult circumstances. Staff within the teams also worked really hard to adjust to the changes needed and to continue to deliver through this period.

## 5.4 LPA Performance

### The Government's Statutory Performance Measures:

The LPA is not currently underperforming against the Government's three Key Performance Indicators for timely and quality of decision making and the quality of development outcomes.

However, this is largely due to the extensive use of 'extension of time' (EOT) agreed between the applicant and LPA, CEC having the correct level of delegation to officers, and a robust committee 'call in' procedure.

A local planning authority can be designated if it is under performing. This is only if:

*"The Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications"*.

The performance of local planning authorities in determining major and non-major development is assessed separately, meaning that an authority could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance:

- The speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and
- The quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

Therefore, the performance of local planning authorities will be assessed separately against:

- The speed of determining applications for major development;
- The quality of decisions made by the authority on applications for major development;
- The speed of determining applications for non-major development; and
- The quality of decisions made by the authority on applications for non-major development.

When an authority is 'designated' as underperforming, applicants have the option of submitting applications for major and non-major developments (and connected applications) directly to the Planning Inspectorate for determination, who act on behalf of the Secretary of State.

Delays determining planning applications can increase costs for developers, reduce developers' confidence to invest in sites and provide greater uncertainty for communities. LPA's have responsibility to determine applications on time.

Where a planning application takes longer than the statutory period to decide, and an EOT has not been agreed with the applicant, the Government policy is that the decision would be made within 26 weeks at most in order to comply with the government's 'planning guarantee'.

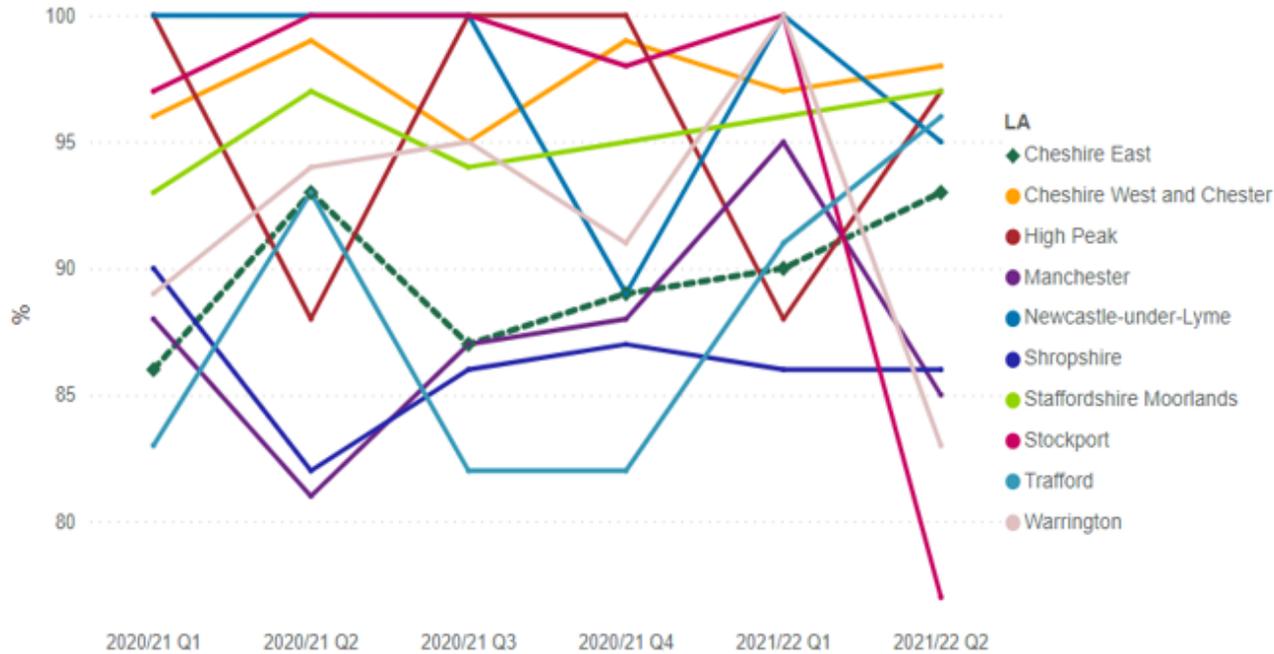
In the interest of local democracy, it is therefore essential that planning application and appeal performance are regularly monitored and reported, and that Corporate Leadership Team (CLT) and Elected Members understand the triggers for 'designation'. Also, that they are regularly sighted on the performance data. Statutory performance is reported biannually by the service through the Environment and Communities Committee, but this does not include quality of decisions data (proportion of applications that are subsequently overturned at appeal following the Council's decision). Furthermore, performance isn't proactively monitored and there is no regular Directorate Management Team (DMT), CLT or Senior Member oversight. This would be beneficial and is critical to minimise the risk of the LPA being 'designated' as underperforming in the future. The need to increase awareness of this and the consequences of an LPA's poor performance and decision making will also need to feature in future performance monitoring, reporting, and training programmes.

### **5.4.1 How does Cheshire East Council compare to neighbouring LPAs?**

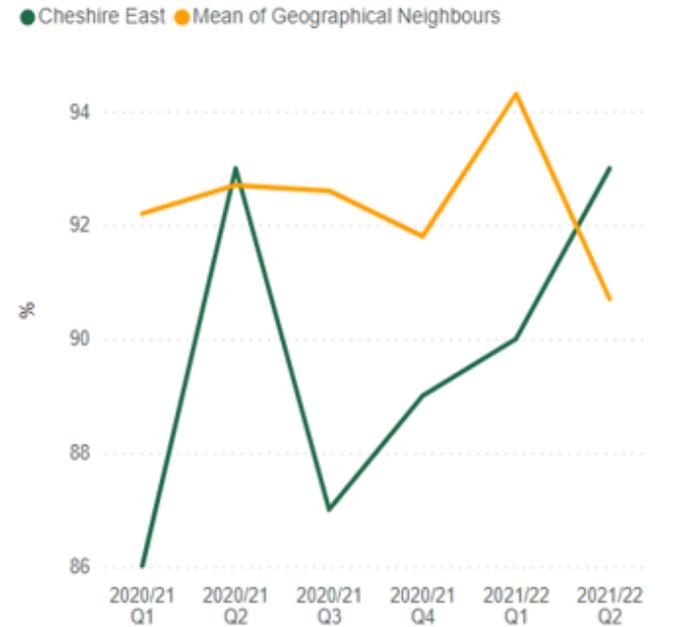
The following illustrate how CE LPA compares against neighbouring Planning Services (Source LGA). This demonstrates CEC is performing behind most of the LAs compared with for minor developments, which are the ones principally held up in the backlog at CEC. For major development, performance is in the upper quartile in comparison to some other LPAs. Further data is available from [Data and reports | LG Inform \(local.gov.uk\)](#)

**Figure 4. Percentage of planning applications processed within 8 weeks or with Extension of Time – minor applications**

% Planning applications processed within agreed time - CE & Geographical neighbours



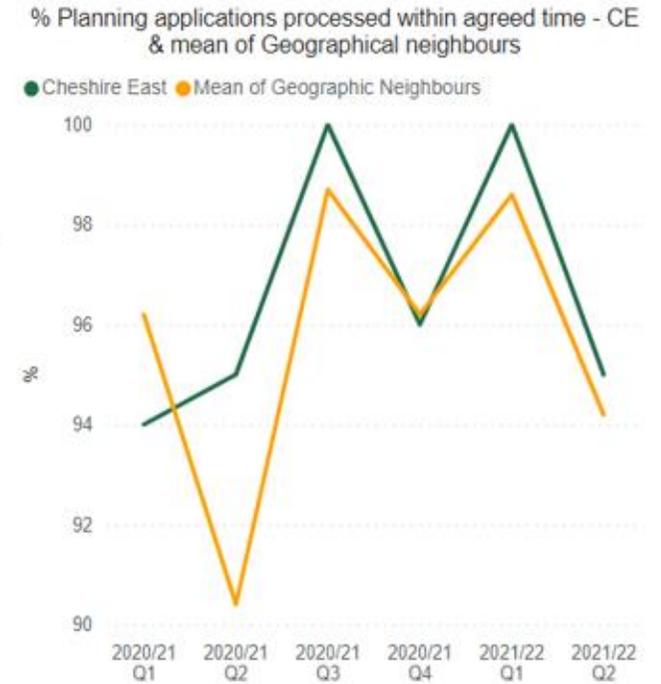
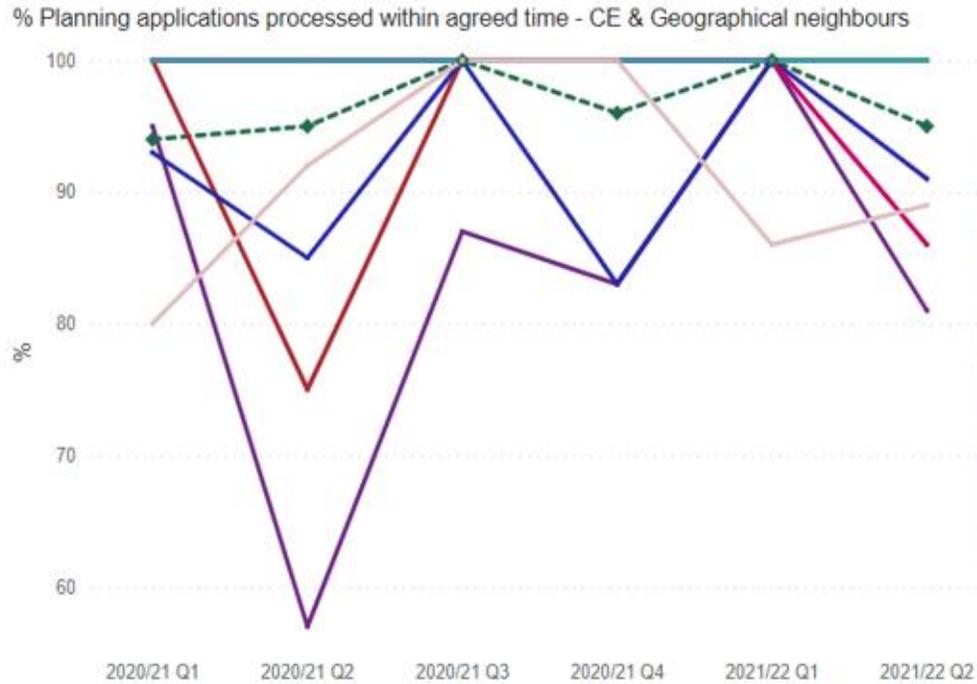
% Planning applications processed within agreed time - CE & mean of Geographical neighbours



LA	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4	2021/22 Q1	2021/22 Q2
Cheshire East	86	93	87	89	90	93
Cheshire West and Chester	96	99	95	99	97	98
High Peak	100	88	100	100	88	97
Manchester	88	81	87	88	95	85
Newcastle-under-Lyme	100	100	100	89	100	95
Shropshire	90	82	86	87	86	86
Staffordshire Moorlands	93	97	94	95	96	97
Stockport	97	100	100	98	100	77
Trafford	83	93	82	82	91	96
Warrington	89	94	95	91	100	83

Source: Local Government Association  
 VfM standard metric report | Value for Money Profiles (local.gov.uk)

**Figure 5. Percentage of planning applications processed within 13 weeks or with Extension of Time – major applications**



LA	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4	2021/22 Q1	2021/22 Q2
Cheshire East	94	95	100	96	100	95
Cheshire West and Chester	100	100	100	100	100	100
High Peak	100	75	100	100	100	100
Manchester	95	57	87	83	100	81
Newcastle-under-Lyme	100	100	100	100	100	100
Shropshire	93	85	100	83	100	91
Staffordshire Moorlands	100	100	100	100	100	100
Stockport	100	100	100	100	100	86
Trafford	100	100	100	100	100	100
Warrington	80	92	100	100	86	89

Source: Local Government Association  
[VFM standard metric report | Value for Money Profiles \(local.gov.uk\)](#)

### **Local Performance Indicators**

Frustrations over the LPA's application process timescales has been noted by the review. For minor applications there is a 13-week lag from when applications are validated to when they are allocated to a Planning Officer. If an application requires amendment this creates further delay to decision making, but this can be a positive way for the LPA to secure quality development schemes. A balanced approach regarding the process of amendments will be needed which accommodates opportunity for improving development proposals whilst maintaining reasonable decision timescales.

The review heard that the backlog is also creating additional enforcement complaints, as some applicants frustrated with the delays, are commencing development before receiving consent.

A lack of engagement and feedback on applications and enforcement complaints is a further concern. There are opportunities for the service to improve customer information and contact – this will be addressed as part of the Modernisation Action Plan.

It is therefore recommended that additional local performance indicators are introduced to monitor validation, 'extension of time', applications over 26 weeks old, enforcement complaints and customer satisfaction. These should have CLT and Elected Member oversight.

### **Benchmarking of Fees and Value for Money (VFM)**

CEC last undertook a full benchmarking exercise many years ago using the Planning Advisory Service (PAS) model at the time. It was part of a benchmarking club with other councils' during 2011. It is recommended that a further exercise is undertaken as an action of the review.

## **6. Key Themes Emerging**

The following themes have emerged during the review work:

1. Capacity, workload, and recruitment;
2. Culture and leadership;
3. Processes and use of technology;
4. Customer experience;
5. Policy and governance;
6. Members; and
7. Managing the transformation.

## **7. Themes and Recommendations**

### **7.1 Capacity, Workload, and Recruitment – Overview**

#### **7.1.1 The Team**

Team Members are talented, enthusiastic, with an evidenced willingness from many to develop their skills and knowledge while being committed to CEC. Staff are working hard, however some are working beyond their contractual hours and this needs to be monitored and managed to ensure they have a healthy work / life balance and to help retain staff.

There is a notable gender imbalance at management and leadership levels across the service at several levels, from service manager, head of service and director levels and further analysis by age and gender is recommended as an action as part of the review and having regard to the CEC's Equality, Diversity and Inclusion Strategy 2021-25.

### **7.1.2 Workload**

In October 2021, the oldest application unallocated to a planning officer was 25 weeks. Since the introduction of the Capita contract around September 2021, the application backlog has reduced, and the number of applications being determined is now greater than the number being received. However, whilst this is an improving picture, these substantial delays have, and continue to cause significant reputational damage to the LPA and Council.

It is acknowledged that other LPAs in England are also experiencing difficulties with increased workload and staff recruitment issues. There have also been considerable challenges to keep services running during the pandemic and management and staff are to be commended for their commitment during these unprecedented times.

Some decisions made throughout the pandemic have created a domino effect in terms of workload pressures across a number of the planning teams, including Environmental Planning and a multiplier effect in terms of complaints. Had a number of small service adaptations been made during early stages of the pandemic the backlog and complaints situation could have been considerably improved. These could have included;

- A risk management approach to officer site visits throughout the pandemic;
- Moved staff around the service more to help process applications;
- Introduction of other temporary roles to undertake tasks which do not require a planning qualification; and
- Additional temporary roles to proactively manage engagement with customers.

The Capita contract is now almost fully delivered and a temporary extension of this, together with other recommendations in this report, will help to reduce the backlog more quickly. As a result of the Deep Dive, many of these suggested actions for reducing the backlog are now being put in place by managers and staff.

It is important to acknowledge that the Deep Dive Team had the benefit of hindsight when evaluating the service and credit must be given to managers and leaders in the service for the actions they took to keep the service operating during this unprecedented time.

The transformational change sought by the CLT and Elected Members, will require service ownership of the changes that are needed.

### **7.1.3 Planning Enforcement**

Councillors, Parish Councils and Town Councils have expressed concerns about enforcement, particularly the time it takes to seek resolution. The challenges associated with leading and managing enforcement services and the staff time needed to deal with cases should not be underestimated. Investigating alleged breaches of planning control can take some considerable time to resolve and Officers often find that landowners and developers prolong the process by promising solutions which do not materialise or submit a planning application to try and secure a retrospective consent which results in a long and protracted process.

Councillors can sometimes become frustrated with this, but the LPA must allow the applicant the opportunity to apply for permission. If the development is subsequently refused, the applicant has the right of appeal. Again, this prolongs the process.

It is evident from complaints received about the Planning Service that complainants and Ward Members are not always aware of the restrictions that officers are under with regards to legal constraints and timescales for dealing with enforcement matters.

However, more can be done to communicate this, manage expectations and keep Councillors and complainants up to-date. Processes need to be reviewed to ensure this happens and

training offered to Elected Members, Parish Councils and Town Councils on enforcement matters.

The review has identified there is currently a backlog of planning enforcement complaints. Data for the last 3 years is as follows:

2019 - 2020	1,062 cases opened	1,023 cases closed
2020 - 2021	1,091 cases opened	593 cases closed
2021 - 2022	1,033 cases opened	777 cases closed

Between 1 April 2019 and 31 March 2020, 1,048 new enforcement cases were opened by the LPA. Of all reported breaches, 59% did not equate to a breach of planning control and measures in the Modernisation Plan are aimed to help reduce this. This is a significant drain on resources and the planning enforcement policy and procedures need to be reviewed to identify how this can be reduced to focus resource on non-compliance and serious offences. Some enforcement cases and associated prosecutions are complex and can involve significant resources involving more than one Member of the DM / enforcement team and legal.

Whilst the above are valuable in terms of providing a measure of the volume and scale of alleged planning contraventions and the percentage of those cases where there was an actual breach, the information provided to the review team is dated and based on pre- pandemic information, which does not capture the pressure on the Service during the pandemic. The review team has received some updated baseline figures, but this does evidence the need to improve performance monitoring and reporting.

The updated figures provided to the review team, state that during the period 01/01/2021 – 30/09/2021 the total number of new cases submitted to the LPA for investigation was 874:

- 139 of these were alleged non-compliance with planning conditions;
- 200 alleged unauthorised material change of use;
- The largest proportion of complaints was alleged unauthorised operational development at 453;
- The number of cases closed in this period was 448;
- 21 enforcement notices were issued;
- 1 prosecution; and
- 1 committal proceedings.

During the last year, 11 Enforcement Notices, 12 planning Contravention Notices, two Breach of Condition Notices and one Temporary Stop Notice have been issued. There have also been six enforcement related appeals registered with the Planning Inspectorate.

This workload demonstrates the significant demand on resources and that enquiries received are almost double those closed. It is recommended the enforcement policy and prioritisation process is reviewed as part of the Modernisation Action Plan.

Planning enforcement cases can be complex and take considerable time to conclude. A notable recent success is a case in Mobberley for the unlawful change of use of land for residential caravans resulted in a dismissed appeal in March 2022. The unauthorised works began some two years earlier and involved numerous officers from the planning and legal services in court proceedings, alongside the handling of a planning application and serving an

Enforcement Notice. This is a good example of collaborative working across the council but also of the LPA working with the local community. It also highlights the impact a large enforcement case can have on resources, especially given the number of cases opened by the team each year. The enforcement team are promoting successful prosecutions where appropriate and it is recommended that this is continued.

LPAs can benefit from proactive monitoring of approved plans and planning conditions, especially when new residential sites generate significant complaints during construction, often from the objectors. A dedicated resource to proactively monitor residential sites for compliance and to keep Ward Members and neighbours updated would help reduce these. It would be useful to benchmark the impact of this role.

It is recommended that this part of the service is looked at in more detail as part of the Modernisation Plan.

#### **7.1.4 Recruitment and Retention**

Like many Councils, the LPA has found it difficult to attract and retain staff. This is due to a seemingly national shortage of experienced planning officers, building inspectors and other specialist roles which support development management such as landscape officers and arboriculturist. Managers in the service are continuing to try to recruit further temporary resource to support the service but the challenges associated with leading and managing these services under such difficult circumstances should not be underestimated.

#### **7.1.5 Pay and Reward**

Pay grades are out of kilter with other LPAs of similar size and complexity in England, and recruitment is still proving difficult.

The review found evidence of staff being offered significant salary increases to work for the private sector. The review recommends that a full restructure is needed to ensure that the service is adequately resourced, is fit for purpose, is able to develop and grow to better respond to service demands and is flexible to adapt to future needs. This will include a full pay and grading review which has regard to corporate processes.

The approach to defining job roles and advertising vacancies could be improved – building on the recent recruitment campaign. In addition, whilst the Council operates a contract with Comensura to recruit temporary staff this has proven to not meet the service needs and to be resource intense for managers with often little or no results. This results in frustration for officers. Significant officer time is taken up on recruitment activities – including follow up activity to complete HR related processes. In the recent recruitment campaigns the team manager has often gone above and beyond to progress recruitment processes and to secure new appointments for the service.

It is important for us to externally benchmark the salaries of other LPAs and the private sector against our CEC LPA structure to better understand the difficulties that may be underpinning our recruitment efforts and staff retention. This will also need to be considered alongside an assessment of need for more capacity in the service. This will be picked up as part of the restructure and will include any recommended new posts, which will also have regard to corporate pay and grading considerations.

#### **7.1.6 Career Progression and Development**

The review team has heard how many staff are keen to advance their careers – either by progressing to higher ranks professionally or management and leadership positions. There is also a desire to broaden skills through dual DM / specialist roles or by being part of matrix teams across the wider Place Directorate.

Some team Members feel their skills sometimes go unnoticed and could be better utilised by the LPA and wider Place Directorate. Some feel caring commitments and inability to work full-

time hours is impacting on their career progression. The LPA could further review whether there are opportunities for more flexible ways of working to promote career progression. Comparisons with other LPAs or central government departments may help to identify ways to make this work, particularly those roles with management and supervisory responsibilities, which CEC's LPA has traditionally considered to be more suited to full-time working. This would help support career progression and help with staff retention and recruitment.

The service has a strong and positive track record of developing internal talent; for example, several officers have been promoted to more senior positions and there is a graduate trainee in the environmental planning team. This work could be enhanced upon further to also support career progression, from administrative and technical roles to professional, management and leadership positions.

There is scope to include more apprenticeship and graduate roles across the planning service. The creation of a Cheshire East Built Environment Talent Academy could provide the framework for these. It would sit wider than the planning service and enable roles to be rotated across the directorate for certain disciplines.

Following the recruitment campaign there has been recent promotion of officers in the service as well as new appointments – ongoing training and development will be important for all staff, especially people in new posts.

There is evidence of staff undertaking continuous professional development (CPD) and prior to the pandemic, some delivered learning sessions in their specialist subjects for colleagues. There is a willingness to commence these again and extend them to Elected Members and Parish Councils when workload pressures permit.

The undertaking of 'Personal Development Reviews' (PDRs) is not consistent across the service and should be undertaken for all eligible employees. As part of the service transformation and its modernisation plan, the service will progress a staff training and development plan. This plan will look to align to staff PDRs.

The review team has also heard that more can be done to support on the job learning, for example, through shadowing other officers and formal mentoring and coaching programmes. This should be rolled out across all planning and building control services, including the planning support and validation staff. Officers should be encouraged to expand their experience while they work and encourage learning from other councils. Training plans will highlight these opportunities across the service.

It is acknowledged by some that on-the-job learning has been limited by home working since the onset of the pandemic. Working from home remotely has been the primary default for most teams, team managers need to discuss with their teams what hybrid working means in the context of the customer, learning and sharing and peer support. Whilst service managers will need to consider how hybrid and flexible working works in respect of individual business needs, a fair and consistent approach must be applied across comparable teams and services whilst having regard to relevant corporate policies.

The planning team should increase in person meetings, such as regular team meetings, meetings with Councillors, meetings between DM and planning support and other planning teams, training, supervision, and informal conversations between Officers and Councillors.

## **7.1.7 Capacity, Workload, and Recruitment – Recommendations**

- 1. Review staff roles, the staff structure, and pay grades** - consider hours of working, apprenticeship and graduate roles when reviewing the staffing structure and use the Apprenticeship Levy to support the costs of part-time degree and post graduate

qualifications. To align with the Council's Equality, Diversity, and Inclusion Strategy 2021 - 2025 and other corporate policies regarding pay and grading processes.

- 2 **Support career progression** - look for opportunities to develop career graded roles to support progression. Establish and fill apprenticeship and graduate roles across planning and ensure all eligible staff have their PDRs annually to support objective setting and their continued professional development.
- 3 **Develop and grow staff; Establish a Built Environment Talent Academy** - to formalise systems for support, personal development, mentoring, training, coaching, shadowing, and progression of qualifications to further develop staff for the benefit of the service and wider department. Aligning with the Council's Workforce Strategy 2021- 2025 and establish a formal programme of work shadowing, mentoring, and coaching at all levels of the service.
- 4 **Learning sessions facilitated by specialist staff** once the DM backlog has been reduced.
5. **Consider introducing a lead Planning Transformation, Customer Engagement and Performance role** as part of the future structure, in accordance with the corporate approach to restructuring and consultation. Develop and maintain a customer engagement focus which delivers the Council's Customer Charter, manages a new 'Single Point of Contact' function for Elected Members, analyses, and reports on performance, oversees planning systems, oversees recruitment to ensure consistency and enables DM staff to concentrate on planning applications. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading processes.
6. **Recruitment** - work with communications and HR teams to draft an exciting advert template for all recruitment, co-ordinate staff recruitment campaigns, and ensure a Communications Strategy is developed to support this.
7. **Short-term capacity needs** – continue to utilise Capita to help accelerate the reduction in the planning application backlog **supporting the DM function**
8. **Appoint 2 x 0.5 FTE fixed-term officers to erect site notices** until the backlog is reduced.
9. **Review the Ringway Jacobs contract** - to provide additional specialist flood risk and drainage advice to the service.
10. **Establish new Team Leader Major Projects role and Principal Planner Major Projects role** to respond to the anticipated increase in major business expansions and major projects, for example HS2, having regard to corporate policies regarding pay and grading processes.
11. **Use alternative recruitment frameworks** when posts can't be filled via Comensura because the appropriate skills and experience is not available.
12. **Review the business needs of the service in the context of the corporate approach to hybrid working:**
  - 12.1 **Consider how and where is best to create an environment of on-the-job training and learning.**
  - 12.2 **Think about how and where is best to support colleagues** with tricky or challenging conversations with applicants, agents, and objectors.
  - 12.3 **Consider how to get a 'happy medium'** between home / office working in the interests of the business needs and the customer.
  - 12.4 **Be consistent across comparable teams.**
13. **Join in with corporate team conversation toolkits** at team meeting level
14. **Adopt a proactive enforcement monitoring and compliance approach:**
  - 14.1 **Recruit to the vacant enforcement and compliance officer role** with immediate effect.

- 14.2 Dedicate the borough-wide compliance role** for proactive monitoring of approved plans and planning conditions and prioritise residential developments.
- 14.3 Issue a press release promoting the enforcement and compliance role** and proactive approach being taken by CEC once staff Member in post.
- 14.4 Ward councillors and residents to be updated in writing throughout residential development construction.**
- 15. Write to major housebuilders operating in the borough** to advise that development conditions and approved plans will be proactively monitored in future.
- 16. Improve the relationship with all housebuilders operating in the borough,** working with them to resolve local issues.
- 17. Improve the image of the Service internally and externally by:**
  - 17.1 Celebrating individual and team successes,** for example enter the RTPI's Awards for Planning Excellence. The Local Plan Strategy is one example worthy of celebrating the outstanding work of the team.
  - 17.2 Developing a Communications Plan** for the Planning Service
  - 17.3 Further promote the work of the planning enforcement team and use media to raise awareness of what the team can and cannot enforce** by illustrating successes with compliance and prosecutions through media releases.
  - 17.4 Using job adverts as a promotional tool** to showcase the borough as an attractive place to live visit and work. Promote its Zero Carbon ambitions, highlight its ambitious projects such as HS2 and Crewe, showcase its Place Shaping and Urban Design credentials and its work with major employers, such as Bentley.
  - 17.5 Highlight how the Planning Service helps facilitate economic, health and sustainability benefits for residents, businesses, and visitors** by actively promoting its planning decisions.
- 18. Utilise staff connections with the Royal Town Planning Institute (RTPI) and LGA** to promote CEC's planning successes once the backlog has been reduced.
- 19. Consider establishing, through the restructure, a 'Planning Transformation, Customer Engagement and Performance' team.** The team lead to work closely with the Customer Contact Centre to improve customer satisfaction at 'first point of contact'. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading.

## **7.2 Culture and Leadership – Overview**

### **7.2.1 Culture and Leadership – Overview**

The council's workplace vision is to make Cheshire East a welcoming place, where equality, freedom and fairness and opportunity are open to all. The organisation wants everyone to feel valued, to celebrate diversity and to understand people's different needs and aspirations. The council's five core values are:

- We are flexible
- We innovate
- We take responsibility
- We deliver the service that customers need
- We use effective teamwork

The review includes wide-ranging recommendations aimed to modernise and improve the service. Planning needs strong strategic oversight and leadership, to ensure that it is fulfilling its Corporate Plan objectives and delivering on the organisations five core values.

### **7.2.2 Cultural Legacy**

The DM team appears to be viewed as primarily a regulatory team, rather than one that can contribute positively to the delivery of the Corporate Plan and place making. DM largely works in subsets of north and south teams and the review team heard staff refer to their previous district councils, despite CEC coming into its powers some thirteen years ago.

There appears to be a different culture and ethos across different parts of the service. There are opportunities as part of a modernisation plan to foster and develop a 'one team approach' to resolve issues and solutions across teams and the service.

### **7.2.2 Trust, Confidence, and Innovation**

The review team heard that staff don't always feel they are trusted, and their professional judgement isn't always valued by some Councillors. When residents or businesses do not get communication from planning, or the service they want, they complain to Councillors. These situations can lead to frustration for everyone involved. More joint working between Officers and Members should help build trust, help Members better understand the legal complexities and constraints of the planning system and help officers to better understand the role of Councillors.

It was felt that a risk-averse culture was a contributory factor in respect of decisions made exacerbating the backlog. A culture of managing and mitigating risks will need to be supported and developed to bring about future transformational change. Many LPAs have appropriate risk management and mitigations identified to deliver innovation and transformation. It is suggested that management and senior level officers are trained and better supported to enable the service to adopt new and creative ways of working within the parameters of any identified risks.

There have been a plethora of innovative solutions ideas for best practice highlighted by staff during the review. Management teams should be supported to create a positive idea sharing culture / environment so innovation and ideas from all levels of the service are encouraged. This will help the service meet the workplace vision aims of wanting everyone to feel valued.

The council has a Brighter Futures Transformation Programme (BFTP) and staff from across the organisation have volunteered to be staff champions. There is representation from the planning service, but it would be beneficial to enlist more from across the teams. It is recommended that leadership and managers actively encourage participation in this programme. This will also help to represent the voices of the planning service in corporate policy or document development and, better support the embedding of policy or organisation culture events into the service.

### **7.2.3 Sub-regional Working**

There is currently no formal Planning Officers' forum across Cheshire and Warrington, unlike most other subregions. Furthermore, CEC does not formally network with those other LPAs of similar size and complexity in England. Some staff are engaged with the Royal Town Planning Institute and positive suggestions have been provided to the review team based on those connections. There is some ad hoc engagement with the LGA. Managers and teams should be encouraged and supported to seek out best practice and learning from other councils. In addition, a sub-regional group for planning which meets regularly would serve the LPA well.

### **7.2.4 Officer / Member Relationships**

Councillors and Officers are not always coming across as a cohesive team that is working together to deliver an effective and efficient planning service. Trust and relationships need to

be strengthened. The review team recommend that CEC takes up the opportunities for learning together, for example, establishing a common understanding of the Local Plan Strategy and the future planning reforms. This should help break-down any perceived barriers and support a culture of learning and improvement. Members and Officers should work together to deliver the best service for its customers, residents, and partners. Some Members feel disengaged from the process and raise difficulties engaging with Officers. One point of contact should be established within the LPA for councillors, parish councils and town councils.

To build a more collaborative and collegiate organisational culture, Councillor-Officer dialogue around how the planning service operates, is to be encouraged. Alongside improving relationships between Officers and Councillors by working together, having informal meetings and long-term visioning sessions; develop officers to expand their experience while they work and encourage learning from other councils

### **7.2.5 Leadership**

The review team heard how Cheshire East is diverse and complex in planning terms and this was attributed for some of the LPA's workload problems. When conducting wider benchmarking, it was considered that Cheshire East shares many of the complexities of other urban/rural LPA areas such as those with Green Belt conservation and significant heritage assets.

For LPAs to deliver large scale transformation at pace, they need to have:

- An open-minded approach to change
- A culture shift towards customer engagement across all teams
- Better utilisation of existing resources and additional staff
- Strong leadership of the service
- Ambition, drive, and motivation

It is also important that leadership teams within LPAs can support staff as they navigate the balance between not always being able to give customers the outcome they want, while delivering a good level of customer service. At Cheshire East, as 'an open and enabling organisation', the service should be supported to ensure it 'listens, learns and responds to residents and staff, promoting opportunities for a two-way conversation' to meet the Corporate Plan objectives.

It is considered that the following are essential ingredients to deliver transformation and modernisation:

- Strategic leadership, long-term vision, ambition, and desire for significant transformation change;
- Understanding of who the customer is and recognition of where engagement with customers could be improved across the service; and
- Backlog solutions that are delivered with urgency to deal with the volumes of applications on hand.

### **7.2.6 Culture and Leadership – Recommendations**

**20. Ensure strong leadership and vision** for the planning services, to deliver the Corporate Plan and Customer Charter and drive service transformation at pace.

- 21. The Service Director and Head of Planning to take ownership and accountability** for delivering the modernisation plan and implementing continuous improvement and learning.
- 22. Business Continuity Risks** - identify and address potential problems early and escalate risks so that DMT and CLT has oversight of business continuity issues, and the service has senior level buy-in to risks, mitigations, and solutions.
- 23. Risk Registers** - ensure business continuity risks feature in the service, directorate, and corporate risk registers as appropriate.
- 24. Customer Focus** - ensure a culture of customer-focused service delivery, designing processes to help improve the customer experience of CEC's planning services.
- 25. In support of a one council approach** - Elected members and officers should work together to resolve service problems.
- 26. Embrace and welcome a culture of collaborative learning and working:**
  - 26.1 Work with other in-house council teams**, such as communications officers, Democratic Services, Regeneration, and the Legal Team to help deliver and underpin changes as a result of this review.
  - 26.2 Maximise networking opportunities** with other council planning teams, including those known for innovation and those large complex LPA's similar to CEC.
  - 26.3 Set up a Cheshire & Warrington Chief Planners Forum**, in consultation with subregional colleagues.
  - 26.4 Learn from LGA Peer Challenges** and independent reviews of other LPA's.
  - 26.5 Observe and learn from other councils' online planning committee meetings.**
  - 26.6 Review the governments digitalisation agenda** and seek out opportunities for service improvement, such as digitalisation of local land searches.
  - 26.7 Identify additional Brighter Futures Champion from the service.** The Champions to be involved in implementing the Modernisation Plan.
  - 26.8 Consider the role of champions in the transformation board** and modernisation plan
  - 26.9 Identify another LPA which has introduced the same IT System at that currently being implemented at CEC.** Seek to buddy up with the other LPA for learning purposes and ascertain whether there could be a secondment opportunity from that LPA.
- 27. Adopt a 'one-team' approach** across the planning services to resolving challenges,
- 28. The service to work with the RTPI Women's Network to support a culture of inclusivity and diversity.**

## **7.3 Processes and Use of Technology – Overview**

LPAs need to ensure they have effective DM planning processes that are clear to customers and enable an effective and efficient service. CEC's DM service has had to become reactive due to its backlog. The service is not currently designed and resourced to manage the volume of correspondence and calls it receives.

### **7.3.1 Case Management and Application Processing**

In terms of planning applications, it was not always possible for the review team to identify a clear, standard approach to an application. Some officers even maintain their own spreadsheets detailing applications they have worked on, demonstrating a lack of trust in the

IT systems. There is no clear or consistent approach for ensuring Committee Members, Ward Members and others are informed and involved throughout the process.

The review team recommends that a clearly laid out planning application process is established for engaging with customers, Committee Members, Ward Councillors, Parish, and Town councils. There needs to be more recognition of the important role that the Ward Member and parish council can play in resolving issues locally at an early stage in the process:

- Processes should also be improved in respect of the standard conditions resource and updated local validation checklists should be progressed.
- The agent's forum should be re-branded, with a new focus and set up as a Cheshire East Planning Partnership, including broader stakeholders.
- A Planning Help desk should be available and joint working with the Contact Centre needs to be improved, ensuring information is accessible to Contact Centre staff and they have a full understanding of the data.
- An interactive 'Day in the Life of an Application' tool would serve the service well. Once adopted, a similar tool can be designed for enforcements cases.
- Some DM letters and reports could potentially be harmonised into more standard templates which could reduce some of the time currently expended by planners. The website also needs updating (a review of Cornwall Council's website is recommended).

This report recommends that it is also necessary to reduce the number of doorways into the service and all communications are updated - including letters, the website, and opportunities for self-help through the new IT system.

The review team has heard how DM team leaders and managers are being distracted from progressing planning applications due to the volume of Freedom Of Information and MP requests and dealing with complaints. The volume of this work should not be underestimated. There is duplication with regards to some of the MP correspondence and there may be opportunities to streamline this. Improved links with the Contact Centre and work with the MP's offices could establish how duplication can be avoided.

A standalone planning support team with customer engagement and performance management at its heart and with a transformation lead, would serve the LPA well.

## 7.3.2 The Planning Portal

It's important to maximise the use of the planning portal, ensuring this is not a 'one size fits all' approach to uploading consultation responses, given the planning application backlog and pressures being put on consultees. We also need to remind customers not to contact consultees and to wait until they are contacted by a Planning Officer and keep them updated on the backlog timescales. Further work needs to be done to establish and publish, with appropriate timescales, the process for planning applications so that customers know what to expect and when. And ensure that these timescales are adhered to or communicated if not. It is necessary to ensure that all applications are acknowledged and validated in a timely manner and that they are of a quality appropriate for the Planning Officer and consultees to progress. It is recommended that a Cheshire East Planning Partnership (Stakeholder Forum), to include Planning Agents is established and could help with more efficient and effective use of the planning portal.

## 7.3.3 Improving applications from agents

The LPA needs to seek better quality applications from agents (See Cornwall and Sefton Council) and pilot a fast-track validation process (See Cornwall Council <https://www.cornwall.gov.uk/planning-and-building-control/planning-advice-and-guidance/validation-updates/#Pilot> ) once the application backlog is resolved. The service should proactively identify potential challenges or problems on an application and how they may be overcome or addressed prior to passing to a Planning Officer or issuing statutory

consultations. There also needs to be work with DM officers and other specialist to resolve issues and ensure quality validations. Opportunities for shadowing Planning Officers and training will help to achieve this. A review of how customers who do not use an agent and how they can be assisted better so that they submit valid applications needs to be conducted. Alongside ensuring that complaints are used as a learning exercise so that mistakes are not repeated.

### 7.3.4 ICT Systems Project

Delays to the implementation of the new IT system are impacting on the service in that potential efficiencies cannot be realised until the new system is in place. This will see improved online self-serve facilities to ease the pressure on planning officers as customers would be able to do more themselves. For example, tracking where an application is in the process. Individual staff should not have to be keeping records of their live and historic applications on their own spreadsheets.

There are big challenges working with the existing IT systems and processes which have hampered the service for some considerable time. The management and staff time involved in delivering a new system should not be underestimated. As with any change, implementation or migration to a new system, there will be an initial dip in performance as new practices become embedded. This is a key risk for the service as the move to the new system is progressed in the coming months, particularly given the current planning application backlog and major developments in the pipeline, including HS2 and Crewe Regeneration. Any longer-term delays pose critical risks regarding Microsoft licenses. Mitigations need to be put in place to manage these risks.

### 7.3.5 The General Data Protection Regulation:

Concerns have been raised with the review team about General Data Protection Regulation (GDPR) compliance and the need for the LPA to secure improvements in this area. GDPR requirements should be actioned as a priority.

Correspondence received by the LPA must be checked for GDPR compliance prior to it being uploaded to the Planning Portal. A significant number of these documents need to be manually redacted – this is time consuming and open to human error. The support service is keen to have this procedure reviewed to ascertain whether a GDPR compliant alternative process can be identified which would realise efficiencies. This review will be captured within the Modernisation Action Plan, it will also need to be supported by colleagues outside of the planning service.

### 7.3.6 Processes and Use of Technology – Recommendations

29. **Establish a triage system** - to set up and manage the DM mailbox, to triage written enquiries and issue standard letters on behalf of the DM service throughout the process.
30. **Managing enforcement complaints** - introduce a process for keeping Ward Members and complainants up to date regarding alleged breaches of planning control. Post holders to work closely with DM officers' and the Customer Contact Centre.
31. **GDPR Compliance** - immediately review and update procedures and processes to ensure compliance including exploring more efficient ways of checking / redacting documents.
32. **IT Systems Project** - review governance, risks, capacity, and managerial responsibility for the IT Systems project as a matter of urgency.
33. **Preparing decision reports** - update the list of standard planning conditions to help with more efficient decision making.

34. **Improve the quality of planning submissions** - establish and review protocols, including the validation checklists.
35. **Signing off planning decisions** - review and implement an improved planning application sign-off procedure so that there is consistency amongst officers and teams.
36. **Member involvement in the planning process** - ensure a clearly laid out planning application process is established for involving Elected Members and that this is widely communicated.
37. **Improve links between planning and the contact centre** - ensure both have access to relevant information so that telephone queries are resolved at first point of contact.
38. **Reduce the number of site visits** - appoint one FTE officer for a fixed-term to secure photographic and video information for DM and other specialist officers to speed up application processing and until the planning application backlog is resolved.
39. **Reintroduce a full pre-planning application service** - including use of Planning Performance Agreements (PPA) once the backlog of applications has been cleared.
40. **Quality of decisions** - undertake an analysis of why appeals have been allowed by the Planning Inspectorate and learn from these decisions – both Officers and Elected Members.
41. **Avoid duplication across multiple services** - reiterate to applicants and agents that contact should not be made with consultees, and they should wait until the application is allocated to a Planning Officer.
42. **Establish a robust performance management process to monitor, measure, and report:**
  - 42.1 **The number of Extensions of Times applied versus number of decisions in that period** (broken down by application type).
  - 42.2 **The percentage of applications dealt with under delegated powers to officers.**
  - 42.3 **Number of appeals made to the Secretary of State percentage allowed by Planning Inspectors** (including percentages where committee decision was made contrary to officer recommendation).
  - 42.4 **The number of enforcement complaints received, investigated, and found to be non-compliant.**
  - 42.5 **Customer satisfaction data** (Brighter Futures Customer Experience Project Manager to help identify performance measures).
  - 42.6 **Number of applications determined invalid upon receipt** by the planning support team.
  - 42.7 **Number of applications determined invalid upon receipt** by the planning officer.
  - 42.8 **Applications over 26 weeks.**
  - 42.9 **All S106 decisions and spend on a quarterly basis.**
43. **Develop and publish a list of accredited agents** to drive up quality of planning application submissions.
44. **Pilot a 'fast track' validation service** so it is ready to launch once the planning backlog has been reduced.
45. **Monitor performance of planning application validations** to ensure quality as well as timely validations.
46. **Encourage staff who validate applications to seek advice and support from DM officers and specialist staff** to ensure consultation requests are administered correctly.

47. **Improve links between planning support, DM, and environmental planning teams** to help address validation quality and capacity issues and provide potential career pathways – from administrative, technical, and professional roles.
48. **Provide training** including shadowing Planning Officers, urban design and conservation staff for staff validating planning applications.

## 7.4 Customer Experience - Overview

It is important for an LPA to link its services to the wider needs of the Council's residents. Planning is public-facing and is arguably one of the most visible of Council services. Ensuring a positive, customer-focused outlook helps to improve the reputation of a planning service and the Council.

Furthermore, there needs to be a consistent approach to communication, stakeholder engagement and customer service, for example, with Parish and Town Councils and the public.

The review team was provided with numerous examples where support staff, councillors and Parish / Town councils were unable to reach a Planning Officer. There needs to be a clear, realistic, and publicised customer service plan, and a service correspondence communication plan so that all stakeholders understand what information should be available where and when, alongside who they can contact.

### 7.4.1 Consultation

It's important that there is an effective mechanism during the planning process to ensure that people are heard at the appropriate stage. The review team suggest early engagement with Parish Councils, Ward Councillors and Committee Members. This should be guided by clear protocols which are published and made available on the Council's website.

Work could also be undertaken with parish councils to help manage what the Planning Service, and what Parish Councils, can and cannot do. Some Councillors, Parish and Town Councils clearly feel very frustrated. In some boroughs, regular forums have been established with Parish Councils to discuss general principles and scope of planning and decision-making process.

### 7.4.2 Best practice – Cornwall Council

Cornwall Council has introduced an interactive on-line planning tool that has been developed by the Cornwall Planning Partnership. It has evolved through a series of workshops with Members of the partnership to clarify the different stages of the planning process and where local Councillors can become involved. This has then developed into what we consider to be a more widely useful tool with significant planning information for developers, their agents, prospective applicants and interested Members of the public. It seeks to bring together lots of information about the planning process and the various stages of development from conception through to implementation. It is kept up to date with changing legislation and policy and contains links to latest web content.

The service also welcomes feedback about its operation and will seek to continually improve upon the facility. Much can be learned from Cornwall's approach and its Planning Partnership especially as the LPA is of comparable size to CEC, having come top in 2019 – 2020 for highest number of applications overall in England. Cornwall Council is proactive in seeking feedback from customers, in that its planning website has a contact name and mailbox specifically for feedback - [positiveplanning@cornwall.gov.uk](mailto:positiveplanning@cornwall.gov.uk).

### 7.4.3 Customer Experience – Recommendations

49. **Establish and maintain a clear, transparent, customer focus which effectively manages customer complaints.** Customer services to undertake a pilot project with

the planning service to improve responses to complaints, to include Local Government Ombudsman training.

50. **Reduce the number of doorways** into the service by actively promoting the use of the DM planning enquiry mailbox. Signpost all customers to the mailbox.
51. **Update site notices and neighbour notification letters** so that customers are directed to the mailbox only. Provide details of the website in these communications and update planning webpages so that they explain the role of Officers and that of local Ward Councillors. Provide a hyperlink to Ward Member contact details.
52. **Establish a Cheshire East Planning Partnership** (Stakeholder Forum), to include Planning Agents.
53. **Design an interactive ‘Day in the Life of an Application’ tool.** Once adopted, a similar tool can be designed for enforcements cases. The Cheshire East Planning Partnership to help with its development.
54. **Work with corporate communications** to update the website and planning application acknowledgement letters to better explain the backlog issues.
55. **Reintroduce a planning help desk service,** improve self-service options and communications.
56. **Review the messages and information provided to customers post-validation and pre-planning officer allocation.** Ensure contact with customers is maintained regularly.
57. **Ensure all staff receive the corporate customer care training.** Improve all content and digital forms to be more customer focused.
58. **Proactively seek customer feedback via a dedicated mailbox,** with signposting from the Planning webpages.
59. **Work with the Contact Centre** to review the potential for using webchat.
60. **Establish a ‘one point of contact’** for Ward Councillor, Parish and Town Council and MP enquiries.
61. **Ensure clear and consistent protocols** across the DM service for consulting on amended plans.

## 7.5 Policy and Governance - Overview

### 7.5.1 Planning Appeals

The number of appeals allowed by the Planning Inspectorate has increased between March 2020 - 2022. It is currently at 38% which is high and needs to be monitored closely to establish reasons and avoid central government intervention. It is recommended that the Service undertake analysis of the reasons the applications are overturned for each case and particularly how many of these have been committee decisions contrary to Officer recommendations. It is important that Members are made aware that the Council's performance is measured in terms of quality of decision as well as timely decisions and that they appreciate the consequences for local decision making if the LPA fails to meet the required standards.

### 7.5.2 Planning Committees

The review has heard there can be a lack of consistency in planning committee reports with regards to style, and grammatical accuracy. Although the review recognises the work pressures management and staff are under, the LPAs should strive for a consistent high-quality standard for their reports and ensure consistency of report sign off, especially for more junior staff recommendations.

A lack of report sign-off can cause further delays in determining applications and impacts on staff learning, development and motivation. Further contributory factors are likely to add

pressure on staff due to increased application workload, the servicing of three planning committees and the backlog which is resulting in additional queries and complaints.

There is a need to review the sign-off process, provide additional training and mentoring and incorporate additional resource capacity at team leader / principal officer level. A whole team approach and improved collaboration between officers who approve reports would help ensure consistency across the service.

Reports are presented to committees by the Head of Planning, DM and Enforcement Manager and Team Leaders. Planning case officers also present to committee on technical matters which is favourable as it provides opportunity for personal development and builds political skills.

Concerns have been raised with the review team about the length of duration of committee meetings, duplication of information relayed by speakers and Elected Members, which they believe prolongs proceedings unnecessarily. Three planning committees is a heavy toll on staff resources including both democratic services and planning officers. Committee agendas can vary in size however even when agendas are short with only a few items the meeting are still lengthy. Some have reported that there was also an issue with the level of deferrals from planning committee which causes further delay and exacerbates the number of applications being referred to committee which in turn increases the backlog. Officers must retain the ability to procure / allow a deferral if it is needed but this should be used sparingly to satisfy statutory planning performance targets.

Officers make professional recommendations on applications based on national and local planning legislation, guidance and other relevant material planning considerations. On occasion the committee may take a different view to the Officer's recommendation and resolve to overturn that recommendation for a different decision. If this happens it is for the committee to provide clear planning reasons for their decision. The planning authority may need to defend this decision on appeal, including any potential application for the appellants costs. Factors that have informed the decision must be clear and be relevant to planning.

### **7.5.3 Policy and Governance – Recommendations**

- 62. Review the timescales for Elected Member 'Call In' and align with neighbour consultation timescales** as far as practically possibly.
- 63. Ensure Members are aware of the way central government monitor the quality of decisions and the consequences to the council** if the numbers exceed the parameters acceptable to central government.
- 64. Provide training for Members on the Councillors Planning Code of Conduct** as set out in the CEC Constitution; Chapter 4 part 4 and providing clarity on 'pre-determination' and pre applications for example.
- 65. Review the enforcement policy together**, via a joint Officer / Member group. Ensure there is understanding amongst Councillors, Parish, and Town Council's that planning enforcement action is discretionary and, in most cases, it is not an 'illegal' act when there are breaches of planning.
- 66. Officers and Members work together to establish a common understanding of the Local Plan Strategy** and the government's future planning reforms.
- 67. Committee Chairs and Officers to review the planning committee protocols together** and learn from others by comparing how other council planning committee's work.
- 68. Establish a clearly laid out planning application process** for engaging with Committee Members, Ward Councillors, Parish, and Town Councils. This to be published on the Council's website.

**69. Establish a Member / Officer group to take forward a more detailed review of issues relating to the process of S106 planning obligations.**

## **7.6 Members**

The review team has heard that some Councillors are reluctant or resistant to attend training and there is a concern that this results in unnecessary deferrals at planning committees, a lack of understanding of planning matters generally and unrealistic expectations in respect of what planners and enforcement officers can achieve and timeframes involved. Feedback through the Member Advisory Panel suggests Councillors would welcome more training and have confirmed a variety of topic areas they are interested in.

The Planning Advisory Service (PAS) guidance advises that “In making decisions on planning applications, Councillors will:

- Act fairly and openly;
- Approach each application on its own merits and with an open mind;
- Carefully weigh up all the relevant material planning considerations;
- Avoid undue contact with interested parties; and
- Ensure that the reasons for any decisions are clearly stated.

Training for Councillors who sit on planning committee is not mandatory at a national level, however PAS does state that it is good practice, and it is compulsory in many LPAs. This is particularly important for Councillors new to a planning committee, but all Councillors should have regular updates on planning law and practice in any event.

The planning system exists to consider development proposals in the light of the wider public interest. Councillors must take into account the interests of the whole of the borough and act in a way which is fair and is clearly seen to be so.

For more information: <https://www.local.gov.uk/sites/default/files/documents/planning-committee-manage-1cd.pdf>

During the Deep Dive review it became apparent that despite training being mandatory in the Council’s constitution for planning Committee Members, this is not enforced in reality. It is strongly recommended that Cheshire East Councillors do undertake mandatory training prior to making decisions at planning committee. A training programme for Members should be developed, which includes the Councillors Planning Code of Conduct as set out in the CEC Constitution; Chapter 4 part 4.

Planning Committee meetings are long in duration, which demonstrates Members’ interest in the planning process and desire to make good decisions however with three committees per month is resource intense. As part of on-going learning, some Council committee Members could observe other LPA committee meetings. This is much easier to organise since the onset of the pandemic, given some LPAs webcast or record committee meetings. Guidance and advice regarding probity in planning is providing by the LGA via this link, <https://www.local.gov.uk/probity-planning-advice-councillors-and-officers-making-planning-decisions>.

It is considered that this approach to training and development will also help Members to consolidate learning about their different roles and responsibilities arising from the recent changes to a committee style Council.

## 7.6.1 Members – Recommendations

- 70. Improve training for Members, Parish, and Town Councils.** Ensure up-to-date training for Elected Members. This will also help to ensure there is a clearer understanding of what is achievable by Officers and the timescales involved dealing with complex matters, such as major development and planning enforcement.
- 71. Enforce mandatory planning training for Councillors who determine planning applications.**
- 72. Planning Committee Members to observe other council planning committees,** especially those of comparable size and complexity as CEC.
- 73. Seek feedback from Councillors, Parish and Town Councils on the format, frequency, and content of the planning newsletters.**
- 74. Establish new and refresher training programme for Councillors** including the following topics, to be facilitated by external providers where necessary and to include case studies:
- 74.1 Principals of planning law, material considerations, planning conditions, legal agreements, probity in planning, pre-applications, lobbying, bias, pre-determination and pre-disposition, understanding of different roles and decisions (e.g., Council as landowner and project sponsor V that of the LPA).**
  - 74.2 Key policies of the Local Plan Strategy,** explaining what they relate to.
  - 74.3 Development Management** – follow the journey of a planning application, planning enforcement.
  - 74.4 Encourage peer networking opportunities for Members,** such as through the LGA.
- 75. Improve the effectiveness of planning committees as decision-making forums,** this could be helped by:
- 75.1 Workshops and mentoring to improve Councillors’ understanding of their role in the planning process.**
  - 75.2 Officers to engage Members in the decision process earlier,** including at pre-application stage to help alignment with the Corporate Plan and Local Plan Strategy.
  - 75.3 Officers and Planning Committee Chairs to review committee proceedings** to minimise duplication and time and make better use of staff resources.

## 7.7 Managing the Transformation - Overview

A modernisation action plan as part of the service transformation is being developed and is included as an appendix to this report. It is proposed to support this plan with a staff training and development plan and a communications plan to keep interested parties – internal and external – updated with progress about our modernisation journey and to ensure our teams have appropriate training and development opportunities.

There will also be opportunities for training for Elected Members in planning issues - this has been a desire expressed as part of this initial review and will be taken forward as part of the workplan.

The Modernisation Action Plan will now be developed further to include nominated accountable officers for key work areas. The plan will be prioritised and include timescales for delivery. It will be reported to the new Transformation Board using project management principles to highlight progress, risks and impacts of improvements on the service and customers. Some of the actions have/are already being implemented. Work relating to the

restructure will be progressed through the usual corporate processes, with staff and union consultation. The aim of this is to ensure the LPA has the necessary capacity to deal with the workload, engage with customers and allow staff to flourish and grow.

Moving forward, the Modernisation Action Plan will be expended to also include any necessary actions and improvements identified from the other parts of the Planning Service still to undergo operational review – these include the various associated functions of enforcement, land charges, CIL, Section 106 processes, TPOs, appeals, and Building Control. Work to develop a new structure will be progressed further in the coming months and it is anticipated that this will take around 6 months to complete.

### **7.7.1 Staffing**

During the initial review it has become more apparent that staff retention and recruitment are likely to be an ongoing challenge for the service. As a result of the Deep Dive a new recruitment campaign has recently been launched to showcase some of the benefits of working for CEC and includes content from a number of officers in the service. This is an innovative approach to recruiting new staff and will be continued moving forward. The video can be viewed at: <https://www.youtube.com/watch?v=uVLxVQW25Fc>. The service is currently supported by private sector agency staff from Capita to add temporary capacity as a result of vacancies and increased workloads. This is to focus on reducing the application backlog. Various measures to be included in the Modernisation Action Plan will also help to reduce the application backlog but it is expected that this will still take some time to achieve usual levels of applications on hand. At the time of writing this report managers in the service were continuing to look to secure additional temporary resource of experienced planners to provide additional staff capacity to help reduce the backlog of applications.

### **7.7.2 Tackling the Backlog**

The service has implemented a number of measures to help reduce the backlog and continues to plan more activity in this regard. The teams are also preparing for the implementation of the new IT system which will deliver more benefits once it is fully operational at the end of 22 - early 2023. The combination of these measures will all play their part in tackling the backlog while retaining resources on other applications and key areas of work in the service. The use of agency staff is not sustainable in the long term and the Planning Service must be structured and resourced to deliver the excellent, efficient, flexible, and responsive planning functions that our customers expect. Whilst some additional resource has been added to the service there is still a need for more capacity to help reduce the backlog of applications and to support the implementation of the new IT system. The service also continues to look for additional capacity and resource through student placements, arrangements with the private sector and introducing the use of ongoing focus days where application determination is given priority over other work.

As a result of the Deep Dive Review many further changes have already been implemented in the service. These include:

- ✓ Extension to the Capita contract to determine an additional 500 planning applications.
- ✓ Revised and streamlined processes to speed up application determination. These include introduction of a new site visit protocol and use of photographic and electronic information in lieu of site visits in specified circumstances.
- ✓ Updated correspondence and web site information to inform customers about high workloads and better manage expectations regarding decision making timescales.

- ✓ Employment of a temporary Planning Service Review Lead to help the teams implement the recommendations from the review which will transform and modernise the Service and to lead the review of the other parts of the service.
- ✓ Innovative recruitment campaign highlighting the borough and opportunities in the service. This has resulted in a series of interviews and number of appointments, including some promotion within the teams, demonstrating our commitment to 'growing our own'. Some vacancies still remain.
- ✓ Ongoing work to plan for and manage the introduction of the new IT system, reviewing workflow and system processes across the service. This will require ongoing Planning Officer resource in the coming months.
- ✓ Detailed analysis of key parts of the service – working with officers within the planning and support teams and starting with the validation of planning applications – to understand issues in more detail and to undertake a series of actions to make necessary changes, unblock problems and implement improvements through a Validation Action Plan.
- ✓ Two-day fast track of planning decisions on 6 - 7 September– working as a team all officers focussed on application decision making as an exclusive priority in a structured session focussing on decision making of a high number of applications. This resulted in 200 decisions being made on applications across the two days. This fast-track approach will be repeated at regular intervals – this is expected to be every 4 - 6 weeks on an alternating North - South basis so may not include all the Planning Officers at one time unlike this September session. This will allow access to the service to remain for customers during the ongoing fast track sessions which is an important requirement.
- ✓ Additional temporary resource brought in to put up site notices – this allows planning offers more time to focus on other workloads and not have to undertake this task themselves.
- ✓ Reviewing key documents to improve workflow and more efficient processes - work has started to update standard planning conditions and will be undertaken on local validation checklists. These are large pieces of work which once complete will make a real difference to officers and customers.
- ✓ Recruitment of temporary agency officers to supplement senior planner posts has also been attempted. This is needed to add capacity to the teams, cover longer term vacancies in the establishment as well as more recent vacant post as a result of internal promotion. It is also necessary to provide support while officers will be focussing on work to bring in the new IT system.
- ✓ Enquiries have been made with external planners' networks and retired planners to try to secure temporary experienced resource.
- ✓ Regular monitoring of planning application performance against the backlog, including reporting to Chief Executive Officer and Executive Director of Place levels.
- ✓ Reviewed the Ringway Jacobs contract – to provide additional specialist flood risk and drainage advice to the service.

### 7.7.3 Next Steps

The next steps will include an operational review of the other service areas, as well as a detailed assessment of the current planning services structure with a view to progressing a new structure that is fit for purpose and reflects workloads – including its complexities and volume - and including opportunities for staff development. It is important to ensure the Service has the necessary skills and capacity at the right levels and in the right to places to enable the Service to develop, grow and flourish.

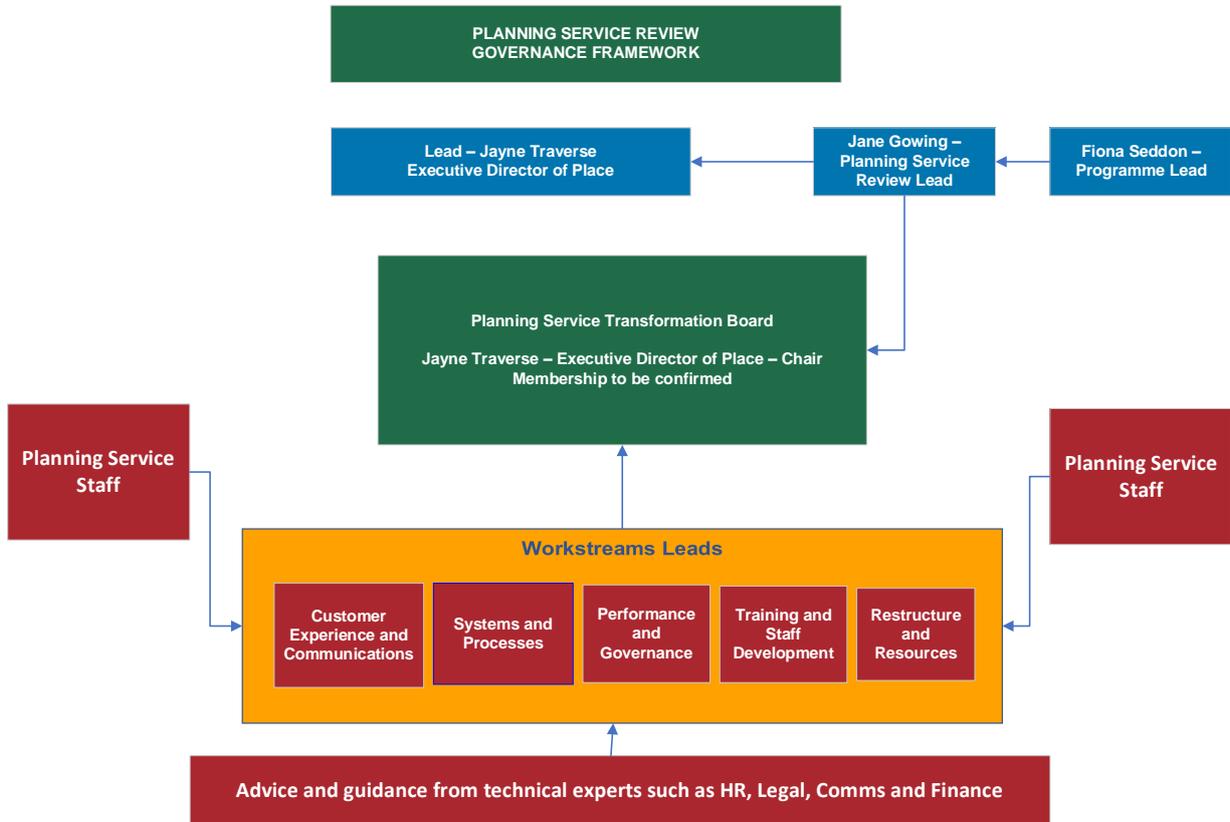
In order to drive forward the review and help with some of the necessary improvements across the service a temporary Planning Service Review Lead has been appointed with Town Planning qualifications and experience having worked at Head of Planning / Planning Director level - as well as experience of undertaking service reviews, departmental restructures, change programmes and has led a national group to benchmark and champion service innovation and excellent planning services. This resource brings much needed added capacity to drive forward the review and transformation.

It is also worth noting than many aspects of the review will be happening concurrently while officers continue to deliver in their day-to-day roles and implement necessary changes to working practices. Managers and officers will be working on reducing the backlog while the review and restructure progresses. Some staff will also need to focus on helping to implement the new IT system which will take some resource away from work on applications. Careful leadership and management of the teams remains necessary to manage the process and resources overall but to continue to make progress with the changes needed to transform and modernise the service.

**The next steps will involve further detailed review of:**

- Planning Obligations – CIL and S106;
- IT Systems;
- Building Control, Support Services and Local Land Charges;
- Tree Preservation Orders;
- Staff structure, roles, pay and grading;
- Income;
- Value for Money; and
- Planning Committee procedures and frequency of meeting.

Figure 6. Proposed Governance Framework



### 7.7.4 Managing the Transformation – Recommendations

- 76. Develop the Modernisation Plan.
- 77. Establish a Planning Service Transformation Board, chaired by the Executive Director of Place.
- 78. Temporary Planning Services Review Lead to continue to support the modernisation process. Reporting directly to the Executive Director of Place.

## 8. Further Reading and Supporting Information

- **Councillor support and improvement – LGA** '[Highlighting Political Leadership](#)' lists several areas of councillor support, including Member/Officer relations, chairing skills, and effective decision-making.
- **Online learning modules for councillors available** [here](#)
- **Cornwall Council protocols and the role of councils in planning**  
<https://www.cornwall.gov.uk/environment-and-planning/planning/local-councils/>
- **Cornwall Council 'In the life of a Planning Application'**  
<https://www.cornwall.gov.uk/media/v1coelzv/day-in-the-life-of-a-planning-application.pdf>
- **Cornwall Council Validation Services and Planning Agents** [Validation checking service - Cornwall Council](#)
- **UK Government Local Land Charges Programme / Tameside Council**  
<https://www.gov.uk/government/publications/hm-land-registry-local-land-charges-programme/local-land-charges-programme>
- **Councillors' workbook on Planning, LGA**  
[https://www.local.gov.uk/sites/default/files/documents/11.63%20-%20Cllr%20Planning%20workbook\\_02.pdf](https://www.local.gov.uk/sites/default/files/documents/11.63%20-%20Cllr%20Planning%20workbook_02.pdf)
- **Examples of LGA Peer Challenges – Planning Services** [Planning | Local Government Association](#)

## 9. Summary of Recommendations

### Capacity, Workload, and Recruitment – Recommendations

1. **Review staff roles, the staff structure, and pay grades** - consider hours of working, apprenticeship and graduate roles when reviewing the staffing structure and use the Apprenticeship Levy to support the costs of part-time degree and post graduate qualifications. To align with the Council's Equality, Diversity, and Inclusion Strategy 2021 - 2025 and other corporate policies regarding pay and grading processes.
2. **Support career progression** - look for opportunities to develop career graded roles to support progression. Establish and fill apprenticeship and graduate roles across planning and ensure all eligible staff have their PDRs annually to support objective setting and their continued professional development.
3. **Develop and grow staff; Establish a Built Environment Talent Academy** - to formalise systems for support, personal development, mentoring, training, coaching, shadowing, and progression of qualifications to further develop staff for the benefit of the service and wider department. Aligning with the Council's Workforce Strategy 2021- 2025 and establish a formal programme of work shadowing, mentoring, and coaching at all levels of the service.
4. **Learning sessions facilitated by specialist staff** once the DM backlog has been reduced.
5. **Consider introducing a lead Planning Transformation, Customer Engagement and Performance role** as part of the future structure, in accordance with the corporate approach to restructuring and consultation. Develop and maintain a customer engagement focus which delivers the Council's Customer Charter, manages a new 'Single Point of Contact' function for Elected Members, analyses, and reports on performance, oversees planning systems, oversees recruitment to ensure consistency and enables DM staff to concentrate on planning applications. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading processes.
6. **Recruitment** - work with communications and HR teams to draft an exciting advert template for all recruitment, co-ordinate staff recruitment campaigns, and ensure a Communications Strategy is developed to support this.
7. **Short-term capacity needs** – continue to utilise Capita to help accelerate the reduction in the planning application backlog **supporting the DM function**
8. **Appoint 2 x 0.5 FTE fixed-term officers to erect site notices** until the backlog is reduced.
9. **Review the Ringway Jacobs contract** - to provide additional specialist flood risk and drainage advice to the service.
10. **Establish new Team Leader Major Projects role and Principal Planner Major Projects role** to respond to the anticipated increase in major business expansions and major projects, for example HS2, having regard to corporate policies regarding pay and grading processes.
11. **Use alternative recruitment frameworks** when posts can't be filled via Comensura because the appropriate skills and experience is not available.
12. **Review the business needs of the service in the context of the corporate approach to hybrid working:**
  - 12.1 **Consider how and where is best to create an environment of on-the-job training and learning.**

- 12.2 Think about how and where is best to support colleagues** with tricky or challenging conversations with applicants, agents, and objectors.
- 12.3 Consider how to get a ‘happy medium’** between home / office working in the interests of the business needs and the customer.
- 12.4 Be consistent across comparable teams.**
- 13. Join in with corporate team conversation toolkits** at team meeting level.
- 14. Adopt a proactive enforcement monitoring and compliance approach:**
  - 14.1 Recruit to the vacant enforcement and compliance officer role** with immediate effect.
  - 14.2 Dedicate the borough-wide compliance role** for proactive monitoring of approved plans and planning conditions and prioritise residential developments.
  - 14.3 Issue a press release promoting the enforcement and compliance role** and proactive approach being taken by CEC once staff Member in post.
  - 14.4 Ward councillors and residents to be updated in writing throughout residential development construction.**
- 15. Write to major housebuilders operating in the borough** to advise that development conditions and approved plans will be proactively monitored in future.
- 16. Improve the relationship with all housebuilders operating in the borough,** working with them to resolve local issues.
- 17. Improve the image of the Service internally and externally by:**
  - 17.1 Celebrating individual and team successes,** for example enter the RTPI's Awards for Planning Excellence. The Local Plan Strategy is one example worthy of celebrating the outstanding work of the team.
  - 17.2 Developing a Communications Plan** for the Planning Service
  - 17.3 Further promote the work of the planning enforcement team and use media to raise awareness of what the team can and cannot enforce** by illustrating successes with compliance and prosecutions through media releases.
  - 17.4 Using job adverts as a promotional tool** to showcase the borough as an attractive place to live visit and work. Promote its Zero Carbon ambitions, highlight its ambitious projects such as HS2 and Crewe, showcase its Place Shaping and Urban Design credentials and its work with major employers, such as Bentley.
  - 17.5 Highlight how the Planning Service helps facilitate economic, health and sustainability benefits for residents, businesses, and visitors** by actively promoting its planning decisions.
- 18. Utilise staff connections with the Royal Town Planning Institute (RTPI) and LGA** to promote CEC's planning successes once the backlog has been reduced.
- 19. Consider establishing, through the restructure, a ‘Planning Transformation, Customer Engagement and Performance’ team.** The team lead to work closely with the Customer Contact Centre to improve customer satisfaction at ‘first point of contact’. This will be considered as part of any staffing restructure having regard to corporate policies regarding pay and grading.

## Culture and Leadership – Recommendations

20. **Ensure strong leadership and vision** for the planning services, to deliver the Corporate Plan and Customer Charter and drive service transformation at pace.
21. **The Service Director and Head of Planning to take ownership and accountability** for delivering the modernisation plan and implementing continuous improvement and learning.
22. **Business Continuity Risks** - identify and address potential problems early and escalate risks so that DMT and CLT has oversight of business continuity issues, and the service has senior level buy-in to risks, mitigations, and solutions.
23. **Risk Registers** - ensure business continuity risks feature in the service, directorate, and corporate risk registers as appropriate.
24. **Customer Focus** - ensure a culture of customer-focused service delivery, designing processes to help improve the customer experience of CEC's planning services.
25. **In support of a one council approach** - Elected members and officers should work together to resolve service problems.
26. **Embrace and welcome a culture of collaborative learning and working**
  - 26.1 **Work with other in-house council teams**, such as communications officers, Democratic Services, Regeneration, and the Legal Team to help deliver and underpin changes as a result of this review.
  - 26.2 **Maximise networking opportunities** with other council planning teams, including those known for innovation and those large complex LPA's similar to CEC.
  - 26.3 **Set up a Cheshire & Warrington Chief Planners Forum**, in consultation with subregional colleagues.
  - 26.4 **Learn from LGA Peer Challenges** and independent reviews of other LPA's.
  - 26.5 **Observe and learn from other councils' online planning committee meetings**.
  - 26.6 **Review the governments digitalisation agenda** and seek out opportunities for service improvement, such as digitalisation of local land searches.
  - 26.7 **Identify additional Brighter Futures Champion from the service**. The Champions to be involved in implementing the Modernisation Plan.
  - 26.8 **Consider the role of champions in the transformation board** and modernisation plan
  - 26.9 **Identify another LPA which has introduced the same IT System at that currently being implemented at CEC**. Seek to buddy up with the other LPA for learning purposes and ascertain whether there could be a secondment opportunity from that LPA.
27. **Adopt a 'one-team' approach** across the planning services to resolving challenges,
28. **The service to work with the RTPI Women's Network to support a culture of inclusivity and diversity.**

## Processes and Use of Technology – Recommendations

29. **Establish a triage system** - to set up and manage the DM mailbox, to triage written enquiries and issue standard letters on behalf of the DM service throughout the process.

30. **Managing enforcement complaints** - introduce a process for keeping Ward Members and complainants up to date regarding alleged breaches of planning control. Post holders to work closely with DM officers' and the Customer Contact Centre.
31. **GDPR Compliance** - immediately review and update procedures and processes to ensure compliance including exploring more efficient ways of checking / redacting documents.
32. **IT Systems Project** - review governance, risks, capacity, and managerial responsibility for the IT Systems project as a matter of urgency.
33. **Preparing decision reports** - update the list of standard planning conditions to help with more efficient decision making.
34. **Improve the quality of planning submissions** - establish and review protocols, including the validation checklists.
35. **Signing off planning decisions** - review and implement an improved planning application sign-off procedure so that there is consistency amongst officers and teams.
36. **Member involvement in the planning process** - ensure a clearly laid out planning application process is established for involving Elected Members and that this is widely communicated.
37. **Improve links between planning and the contact centre** - ensure both have access to relevant information so that telephone queries are resolved at first point of contact.
38. **Reduce the number of site visits** - appoint one FTE officer for a fixed-term to secure photographic and video information for DM and other specialist officers to speed up application processing and until the planning application backlog is resolved.
39. **Reintroduce a full pre-planning application service** - including use of Planning Performance Agreements (PPA) once the backlog of applications has been cleared.
40. **Quality of decisions** - undertake an analysis of why appeals have been allowed by the Planning Inspectorate and learn from these decisions – both Officers and Elected Members.
41. **Avoid duplication across multiple services** - reiterate to applicants and agents that contact should not be made with consultees, and they should wait until the application is allocated to a Planning Officer.
42. **Establish a robust performance management process to monitor, measure, and report:**
  - 42.1 **The number of Extensions of Times applied versus number of decisions in that period** (broken down by application type).
  - 42.2 **The percentage of applications dealt with under delegated powers to officers**
  - 42.3 **Number of appeals made to the Secretary of State percentage allowed by Planning Inspectors** (including percentages where committee decision was made contrary to officer recommendation).
  - 42.4 **The number of enforcement complaints received, investigated, and found to be non-compliant.**
  - 42.5 **Customer satisfaction data** (Brighter Futures Customer Experience Project Manager to help identify performance measures).
  - 42.6 **Number of applications determined invalid upon receipt** by the planning support team.
  - 42.7 **Number of applications determined invalid upon receipt** by the planning officer.
  - 42.8 **Applications over 26 weeks.**
  - 42.9 **All S106 decisions and spend on a quarterly basis.**

43. **Develop and publish a list of accredited agents** to drive up quality of planning application submissions.
44. **Pilot a 'fast track' validation service** so it is ready to launch once the planning backlog has been reduced.
45. **Monitor performance of planning application validations** to ensure quality as well as timely validations.
46. **Encourage staff who validate applications to seek advice and support from DM officers and specialist staff** to ensure consultation requests are administered correctly.
47. **Improve links between planning support, DM, and environmental planning teams** to help address validation quality and capacity issues and provide potential career pathways – from administrative, technical, and professional roles.
48. **Provide training** including shadowing Planning Officers, urban design and conservation staff for staff validating planning applications

## Customer Experience – Recommendations

49. **Establish and maintain a clear, transparent, customer focus which effectively manages customer complaints.** Customer services to undertake a pilot project with the planning service to improve responses to complaints, to include Local Government Ombudsman training.
50. **Reduce the number of doorways** into the service by actively promoting the use of the DM planning enquiry mailbox. Signpost all customers to the mailbox.
51. **Update site notices and neighbour notification letters** so that customers are directed to the mailbox only. Provide details of the website in these communications and update planning webpages so that they explain the role of Officers and that of local Ward Councillors. Provide a hyperlink to Ward Member contact details.
52. **Establish a Cheshire East Planning Partnership** (Stakeholder Forum), to include Planning Agents.
53. **Design an interactive 'Day in the Life of an Application' tool.** Once adopted, a similar tool can be designed for enforcements cases. The Cheshire East Planning Partnership to help with its development.
54. **Work with corporate communications** to update the website and planning application acknowledgement letters to better explain the backlog issues.
55. **Reintroduce a planning help desk service,** improve self-service options and communications.
56. **Review the messages and information provided to customers post-validation and pre-planning officer allocation.** Ensure contact with customers is maintained regularly.
57. **Ensure all staff receive the corporate customer care training.** Improve all content and digital forms to be more customer focused.
58. **Proactively seek customer feedback via a dedicated mailbox,** with signposting from the Planning webpages.
59. **Work with the Contact Centre** to review the potential for using webchat.
60. **Establish a 'one point of contact'** for Ward Councillor, Parish and Town Council and MP enquiries.
61. **Ensure clear and consistent protocols** across the DM service for consulting on amended plans.

## Policy and Governance – Recommendations

62. **Review the timescales for Elected Member ‘Call In’ and align with neighbour consultation timescales** as far as practically possibly.
63. **Ensure Members are aware of the way central government monitor the quality of decisions and the consequences to the council** if the numbers exceed the parameters acceptable to central government.
64. **Provide training for Members on the Councillors Planning Code of Conduct** as set out in the CEC Constitution; Chapter 4 part 4 and providing clarity on ‘pre-determination’ and pre applications for example.
65. **Review the enforcement policy together**, via a joint Officer / Member group. Ensure there is understanding amongst Councillors, Parish, and Town Council’s that planning enforcement action is discretionary and, in most cases, it is not an ‘illegal’ act when there are breaches of planning.
66. **Officers and Members work together to establish a common understanding of the Local Plan Strategy** and the government’s future planning reforms.
67. **Committee Chairs and Officers to review the planning committee protocols together** and learn from others by comparing how other council planning committee’s work.
68. **Establish a clearly laid out planning application process** for engaging with Committee Members, Ward Councillors, Parish, and Town Councils. This to be published on the Council’s website.
69. **Establish a Member / Officer group to take forward a more detailed review of issues relating to the process of S106 planning obligations.**

## Members – Recommendations

70. **Improve training for Members, Parish, and Town Councils.** Ensure up-to-date training for Elected Members. This will also help to ensure there is a clearer understanding of what is achievable by Officers and the timescales involved dealing with complex matters, such as major development and planning enforcement.
71. **Enforce mandatory planning training for Councillors who determine planning applications.**
72. **Planning Committee Members to observe other council planning committees**, especially those of comparable size and complexity as CEC.
73. **Seek feedback from Councillors, Parish and Town Councils on the format, frequency, and content of the planning newsletters.**
74. **Establish new and refresher training programme for Councillors** including the following topics, to be facilitated by external providers where necessary and to include case studies:
  - 74.1 **Principals of planning law, material considerations, planning conditions, legal agreements, probity in planning, pre-applications, lobbying, bias, pre-determination and pre-disposition, understanding of different roles and decisions (e.g., Council as landowner and project sponsor V that of the LPA).**
  - 74.2 **Key policies of the Local Plan Strategy**, explaining what they relate to.
  - 74.3 **Development Management** – follow the journey of a planning application, planning enforcement.
  - 74.4 **Encourage peer networking opportunities for Members**, such as through the LGA.

**75. Improve the effectiveness of planning committees as decision-making forums,** this could be helped by:

**75.1 Workshops and mentoring to improve Councillors' understanding of their role in the planning process.**

**75.2 Officers to engage Members in the decision process earlier,** including at pre-application stage to help alignment with the Corporate Plan and Local Plan Strategy.

**75.3 Officers and Planning Committee Chairs to review committee proceedings** to minimise duplication and time and make better use of staff resources.

## **Managing the Transformation – Recommendations**

**76. Develop the Modernisation Plan.**

**77. Establish a Planning Service Transformation Board,** chaired by the Executive Director of Place.

**78. Temporary Planning Services Review Lead to continue to support the modernisation process.** Reporting directly to the Executive Director of Place.