



East of England
Local Government Association

Hertsmere Borough
Council

Review of Planning
Function

27th September 2019

Improving the East

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Executive Summary

- i) *Hertsmere Borough Council appointed the East of England Local Government Association (EELGA) to undertake a peer review of its planning function. The Review was carried out by Malcolm Sharp MBE of Sharp Planning Plus for EELGA with targeted input from Catriona Riddell of Catriona Riddell Associates.*
- ii) *The purpose of the review was to consider how the Council carries out its duties as a local planning authority, including:*
- *robust, fair and transparent procedures and decision making and demonstrably open-minded decision making;*
 - *achieving high quality outcomes;*
 - *adequate resources and a skilled motivated workforce;*
 - *full declarations on interest- direct and indirect pecuniary, non-pecuniary under the Council's conflict of interest policy, and*

to make recommendations for improvement in the context of an aspiration for the Council to deliver an excellent rather than average or purely acceptable planning service.

- iii) *Local Planning Authorities are facing considerable pressures, especially in London and the South East, not least because of the increasing housing needs. Accommodating these needs in a timely and sustainable manner is a considerable challenge in itself but doing so in a way that delivers high quality places adds to the complexity of that challenge. A well governed, managed and resourced Planning service is a Council's key asset in achieving its corporate vision and objectives and meeting development needs sustainably.*
- iv) *Hertsmere is facing significant growth pressures providing for almost an additional 25% population by 2036. During the Review members and officers expressed the view that they wish to ensure that this growth is matched by appropriate infrastructure and is of a high quality in terms of place-making. They recognise that to deliver on these objectives a high performing Planning function is essential in terms of governance, management, skills and resources. At the same time the Council is facing considerable competition in the job market and like every local authority is facing huge budgetary pressures.*

v) **Key Findings**

The Key findings of the Review can be best summed up under a number of themes:

Corporate

There is work to be done to put Planning at the forefront of the corporate agenda by fleshing out the corporate plan to include a clear vision of how the Council wishes the Borough to develop to accommodate the anticipated growth and meet the needs of an expanded population delivering great places. To do so it will also need to work collectively with its local authority partners which will require political commitment and adequate resources. There is also a need to ensure that delivering these objectives is a Council wide endeavour, providing timely support to achieve quality outcomes through Planning mechanisms.

Cultural Change

Within the Planning Service there is a need to bring together a complex set of activities in a Service Plan backed up by more vigorous transparent and fair performance management systems and project management across all aspects of the service This should include seeking qualitative outcomes as well as efficient processes. There should be a move away from rushed decision making and a much greater emphasis on mentoring, customer care and pre-application engagement.

Governance

The Council is encouraged to review its decision-making procedures and codes of conduct as they apply to the Planning function. Aspects of the current arrangements have the potential to waste resources, provide a less than favourable public perception and lead to a poor reputation. Greater involvement by Members in significant pre-application work should be encouraged.

Resources

Undertaking the production of a robust 'sound' Local Plan requires a significant investment and the Council will need to assure itself that following the production of a detailed project plan sufficient resources are available. Specialist urban design and sustainability skills are also needed to drive quality place-making. Similarly, once the current back-log of Development Management cases is dealt with the Council should review staffing levels to ensure that sufficient resources and skills, at the appropriate level, are available to make timely and effective recommendations including pre-application advice. To improve efficiency and to aid recruitment and retention through cultural change and flexible working, investment in appropriate technology is needed together with a more effective use of the current planning processing system by Planning officers.

- vi) The Review **Recommendations** are: *(Priorities for further discussion - Red R Amber A Green G to assist targeting resources)*

Strategic Planning

1. Prepare an internal communications paper setting out what the Joint Strategic Plan (JSP) is and its relationship with the emerging local plan, why the Council is contributing to the JSP and what the main benefits are. **A**
2. Ensure that there are regular briefings and updates on the JSP work-stream to the Executive Members and officers and that there are regular debriefings to the Policy Team on the wider Hertfordshire and SW Herts work-streams that will potentially impact on preparation of the JSP. **A**
3. The Council, together with the other SW Herts Authorities, should explore opportunities for a more structured approach to joint working to support the JSP and, as a consequence its own Local Plan. On this basis to Identify specific budgeted resource (staff and financial) to contribute to the joint work consistent with the jointly agreed work programme and required budget. **R**
4. Develop corporate objectives around place-making to inform the Councils' contribution to the JSP and its own Local Plan (see Recommendation 48 below). **A**

Local Plan / Policy

5. Establish a robust project management approach to the delivery of the emerging Local Plan setting out objectives linked in to the Corporate Vision and place-making principals to include: Project Board with corporate representation, project programme, budget, communications strategy and risk register etc. **R**
6. Review staff resources in the light of the detailed project content and timings allowing for specific contribution to joint strategic work. **R**
7. Allow for a dedicated urban design/sustainability resource particularly in the light of emerging major sites and potential new settlement and produce appropriate Supplementary Planning Documents including development frameworks and masterplans. **A**

8. Produce a programme and resources to deliver and maintain an Infrastructure Delivery Plan (IDP) (probably through the use of external consultants). **R**
9. On the basis of the IDP produce a prioritised plan for the use of CIL receipts – consider interim priorities pending IDP. **R**
10. Update Developer Contributions SPD. **A**
11. Investigate, budget and procure interactive mapping software to support the production of the Local Plan. **A**

Development Management

12. Review and implement improvements to the pre-application service to be set out in guidance notes and give cases high priority, establish protocols with statutory consultees regarding their timely response to pre-apps and establish a protocol for the appropriate involvement of members. **R**
13. Establish a culture for the regular and effective use of Planning Performance Agreements (PPAs) for major applications to include appropriate fees/contributions from applicants (For new settlement and similar large-scale schemes this may include contributions towards dedicated staff resource). **R**
14. Review the structure of the Development Management Team to enable dedicated staff resources at an appropriate skill level to be applied to deal with householder and other minor cases. **R**
15. Establish a task and finish project to deal with the bulk of the current backlog of cases as a matter of high priority, using dedicated resources either internal secondments or contractors. This task to be completed within 2/3 months and will complement the introduction of new ways of working and resources to avoid a backlog simply re-occurring. **R**
16. Apply project management principles to the most complex cases, for example those large sites emerging through the Local Plan process. **A**
17. Ensure Service Level Agreements are in place as a matter of priority for all work with statutory consultees and relevant Council services. **R**
18. Establish a robust, transparent and fair performance management approach to DM workload include quarterly benchmarking using a 'basket' of similar authorities – celebrate success, learn from mistakes and be highly supportive of any improvement required. **R**
19. Cease the reliance and regular use of extensions of time especially for householder and more routine applications except in very exceptional circumstances. With an appropriate workload, supervision and performance management principles it should be possible to avoid the current endemic last day decision making. **R**
20. Establish a triage system for initial and early assessment of applications. **R**
21. Establish a weekly Planning Forum of senior planning staff where emerging issues can be discussed especially on major cases. **R**
22. Review DM resources to match the workload once the backlog is removed from caseworkers. Current workloads appear excessive in some cases however, removing householder and minor applications from more senior staff may make caseloads more manageable. **R**

23. Corporate investment in appropriate IT solutions to enable the effective and efficient use of flexible working arrangements including home working – supply of laptops and phones. Sufficient increased storage capacity appears urgent as does a review of GIS capability. **A**
24. Review the use of the duty system and enable improved frontline response first time. Replace duty system of planning staff with appointments system. **R**
25. Review job descriptions of DM Manger and Principal Planners to establish clear responsibilities and (Area?) Team Leader functions. **R**
26. Establish training to ensure the full and effective use of the planning application processing system and avoid duplication. **A**
27. Fill support team vacancies as soon as possible and consider workflow analysis to ensure efficient and timely validation procedures. **R**
28. Develop a culture of seeking quality outcomes through mentoring, training and review of implemented planning permissions (extend this review to Planning Committee). **A**
29. Review Committee reporting template to ensure consistency and avoid unnecessary repetition. **G**
30. Review delegated reporting and sign off system using the planning processing software. **A**
31. Review the Council’s enforcement priorities and reporting systems and provide member training. **A**
32. Produce a DM Improvement Plan incorporating any recommendations from this report which are adopted and set SMART targets for DM Manager for its delivery. **R**

General Planning Management

33. Develop a Planning Service Plan and identify some additional change management resource to oversee the implementation of new ways of working and up dated documentation as recommended. **A**
34. Ensure formal staff appraisals are carried out annually with six-month reviews but also encouraging regular feedback on performance and quality of outcomes. **A**
35. Ensure regular Team Meetings are held at least quarterly **A**
36. Establish a strategy to support and encourage flexible working **A**
37. Establish a Developers Forum of frequent users of the service. **G**

Planning Committee /Corporate Issues

38. Review composition of Planning Committee to emphasise the non-executive nature of its business and avoid regular conflicts of interest whilst recognising the important link between Planning Policy and Development Management. **R**
39. Review the Councils constitution in respect of the appropriateness of continuing with the Planning Referral Committee. **A**
40. Review the scheme of delegation in order to ensure it is clear consistent and up to date including:
 - a. It being permissive delegating authority to officers except for clearly defined exception’s
 - b. Unambiguous

- c. Encourages only larger schemes with wider impact and those of public interest are referred
 - d. Avoids the introduction of processes which could cause delay or provide procedural risks
 - e. Includes any call in/public interest tests that are fit for purpose, have appropriate gatekeeping and are of a suitably tight scope. **R**
41. Review the necessity and role of the Technical Briefing Meeting in the light and experience of involving members more effectively in pre-application discussions (see recommendation 12), ensuring Members have effective access to Planning Officers in advance of Committee for any outstanding technical queries. **A**
 42. Establish regular site visits for Members for appropriate Planning Committee items operating to a site visit protocol. **G**
 43. Refresh and re-issue the Code of Conduct for Planning Committee Members, include probity and conduct in next available training and review how Members can access professional advice in an appropriate and timely manner. **R**
 44. Cease the use of the Council Chamber with its rigid fixed benches and seating and change the physical format of Planning Committee to allow for all Members to be sitting in the round at one level in alphabetical order. **R**
 45. At Committee encourage Members to declare any direct lobbying not already notified to Officers and recorded earlier. **R**
 46. Undertake a broader programme of training for Members and consider using specialist external trainers to implement. **A**
 47. The Heads of Planning and Legal Services to carry out a review of professional advice being offered at Planning Committee in consultation with Members. **A**
 48. Ensure the corporate plan sets out a vision which seeks to ensure positive place making outcomes and priorities – this is key to ensure that all council decisions and policies seek to achieve these outcomes. **A**

1. Introduction

1.1 Hertsmere Borough Council appointed East of England L.G.A. (EELGA) to undertake a peer review of its planning function. The Review was carried out by Malcolm Sharp MBE of Sharp Planning Plus for EELGA with targeted input, regarding strategic planning, from Catriona Riddell of Catriona Riddell Associates.

1.2.1 The purpose of the review was to consider how the Council carries out its duties as a local planning authority, including:

- robust, fair and transparent procedures and decision making;
- achieving high quality outcomes;
- adequate resources and a skilled motivated workforce;
- full declarations on interest- direct and indirect pecuniary, non-pecuniary under the Council's conflict of interest policy, and

to make recommendations for improvement in the context of an aspiration for the Council to deliver an excellent rather than average or purely acceptable planning service.

2. Background.

2.1 Local Planning Authorities are facing considerable pressures, especially in London and the South East, not least because of the increasing housing needs. Accommodating these needs in a timely and sustainable manner is a considerable challenge in itself but doing so in a way that delivers high quality places adds to the complexity of that challenge. A well governed, managed and resourced Planning service is a Council's key asset in achieving its corporate vision and objectives and meeting development needs sustainably.

2.2 Hertsmere faces these pressures to the extent that over the next by 2036 growth in population is forecast to increase of almost 25%. To meet this challenge the emerging Local Plan will need to allocate significant strategic sites and potentially a new settlement and the Council's Development Management Service will need to be in a position to proactively work with developers and applicants to ensure quality schemes are delivered in a timely manner. Whilst the Council has a specific role as local planning authority (LPA), tackling these issues successfully is very likely to require significant corporate endeavour with officers and members playing their respective roles within a governance regime and codes of practice which are fit for purpose. Working closely with surrounding authorities is not only a statutory requirement but also critical as the Local Plan is advanced.

2.3 As far as Planning Services are concerned the Council appointed a new Head of Planning in early 2019, a position which is part of the Council's Management Team and is to be welcomed.¹ The Review is a timely intervention to take stock and compare the current situation with best practice.

3. Method

3.1 The principal consultant visited Hertsmere on four occasions, to meet the Client Officer, to interview identified key officers and elected members, although a minority of interviews were conducted by telephone, the remaining activity was carried out as a 'desk top' exercise.

3.2 The review has been undertaken using four main methods:

- Observation

¹ Chief Planning Officers Report 2June 2019 RTP1

- Interviews
- Documentation and process review
- Statistical analysis

Observation

- 3.3 In the limited time available for the review three meetings of the Planning Committee were observed through the on-line webcast to gain some understanding of the public decision-making process. One meeting of the Planning Committees' technical pre-meeting was also attended. A list of observations is set out in appendix 1.

Interviews

- 3.4 The Consultant conducted interviews with the Chair of the Planning Committee and the Planning Portfolio Holder, the Leader of the Opposition, the Council's Chief Executive Officer, Head of Planning and Head of Legal Services. Interviews were also conducted with two groups of Planning Committee Members and substitutes; a range of Planning Department staff and a group of Planning Officers from Development Management. A list of interviews is set out in appendix 1.
- 3.5 Throughout the process all interviewees were completely open and frank about their experiences, on the basis that no views expressed used would be attributed in the report. Each individual interview covered an appropriate range of issues.

Documentation and process review

- 3.8 During the visits and also on line the consultant carried out an examination of the key documentation, reference material, systems and processes currently being used. A list of this material is set out in appendix 1:

Statistical analysis

- 3.9 National tables and Management information/data reports were reviewed to provide accurate figures about the number and type of applications being dealt with.

4. Strategic Planning

Background and Context

- 4.1 Although the preparation of Joint Strategic Plans (JSP) is not a requirement of the planning system, the Government has given a clear steer in terms of its preference for more long term strategic approaches to plan-making and addressing strategic priorities, and is focusing its investment and resources both in terms of direct funding and funding via its agencies, to areas that have a robust approach to cross-boundary strategic planning. The SW Herts Authorities are leading the way in developing this new approach to statutory strategic planning, together with four other groups of authorities, and has already benefited through competitive funding pots because of the approach to collaboration being taken. A more detailed note including the national context is included in appendix 2.
- 4.2 At a Hertfordshire scale, it is vital that the SW Herts Authorities have a clear vision and narrative around what 'good' growth means and how this fits within the wider growth ambitions of all Hertfordshire Authorities and their strategic partners. This will help build investor confidence in the county and will

open up opportunities for the authorities to initiate a discussion with Government around potential additional funding, freedoms and flexibilities as part of a growth deal.

- 4.3 The added value of the JSP in terms of resources and securing long term sustainable growth in Hertsmere could be significant. However, this is new territory for the Council and it is important to ensure that all parts of the organisation understand what the JSP is, why it is important, what the added value is and how it fits with the local plan process.
- 4.4 There are also potentially significant opportunities to build capacity and resilience into the council by exploring opportunities to move to a slightly more formal approach to joint working and for additional jointly procured posts which will help preparation of both the JSP and the current and future LPs.

South West Herts Joint Strategic Plan - Key Issues for Hertsmere

- 4.5 Hertsmere Borough Council is a partner in both the wider strategic collaboration across SW Herts and in preparation of the JSP. This strategic collaboration is only as strong as the individual partners' commitment to the work programme which will deliver the desired outcomes, one of which is a new approach to strategic planning through preparation of the Joint Strategic Plan. Officers from the Hertsmere Policy Team are active in supporting this work given its importance for both the current and future local plan reviews but there are also significant pressures on to deliver their own work priorities, particularly progressing the local plan review, neighbourhood plans, review of Community Infrastructure Levy (CIL). There therefore needs to be a clear commitment at an organisational level, as well as from key people, both officers and politicians to resource the JSP work programme and ensure that Hertsmere is fully engaged and influencing the outcome.
- 4.6 Preparation of the JSP is likely to be both politically and technically challenging. The development of a new spatial strategy is very likely to result in a different and potentially disproportionate approach to growth across the sub-region, with some LPAs contributing more than others, for example, through the delivery of new communities. However, others may benefit disproportionately from infrastructure investment, particularly to support any strategic development priorities. There are also existing challenges for all SW Herts Authorities who are currently preparing their own individual Local Plans (LP), which is resulting in conflicts in priorities, with the JSP work seen as less important and, in some cases, not part of the day job.
- 4.7 The Council should ensure that all key members and officers are aware of the JSP work being undertaken, why it is important from a Hertfordshire-wide and SW Herts perspective, and why it is important that Hertsmere is fully engaged in the process to deliver the best outcomes for the local communities and businesses. The key issues to address as part of this internal communications process are:
- Access to additional funding to support the delivery of 'good' growth in Hertsmere which will deliver a new spatial strategy that is more sustainable in the longer term and is aligned with the strategic investment priorities of others. This will focus growth in locations that meet the wider economic priorities of the area and can support improvements to the health and well-being of residents as well as to the overall environment of the area.
 - The JSP will require a financial contribution from all partner authorities (both financial and staff time) which is likely to be over and above existing local plan budgets and will impact on planning capacity. This needs to be very clearly acknowledged by the Leader and Chief Executive of the Council with adequate resources planned as part of the ongoing budget management. However, this upfront investment offers significant opportunities for long term efficiency and financial savings in future through accessing additional funding to deliver the JSP (and wider growth priorities), opportunities to build planning capacity

through sharing of experience and expertise and procuring shared posts, and a more streamlined approach to plan-making.

- It is also vital that there is good communication between those involved in strategic collaboration work-streams both at a Hertfordshire-wide level (the Growth Board) and SW Herts level, and the Policy Team who are supporting the JSP. It is particularly important that the Chief Executive and lead members continue to feedback to the Planning Policy Team on the wider work-streams and that the Policy Team do the same for the JSP work-stream. Briefings at the Strategic Management and Executive should therefore be included on a regular basis to ensure all the strategic work is integrated and aligned.

Recommendation 1: Prepare an internal communications paper setting out what the JSP is and its relationship with the emerging local plan, why the Council is contributing to the JSP and what the main benefits are.

Recommendation 2: Ensure that there are regular briefings and updates on the JSP work-stream to the Executive Members and Officers and that there are regular debriefings to the Policy Team on the wider Hertfordshire and SW Herts work-streams that will potentially impact on preparation of the JSP

- 4.8 Working more proactively with other planning teams across SW Herts and an experienced Project Director is already helping to build capacity and knowledge in the partner authorities, and in turn, future resilience in the technical resources within the SW Herts area. This could be further enhanced by building on the model being used in South Essex and Greater Exeter where members of the planning teams work 2-3 days a week in a shared office and by considering where there are opportunities to procure other shared posts, for example to support delivery of strategic projects (such as new communities). Where this has a potential impact on Hertsmeres' own work priorities, consideration should be given to procuring additional resources, even if on a temporary basis.

Recommendation 3: The Council, together with the other SW Herts Authorities, should explore opportunities for a more structured approach to joint working to support the JSP and, as a consequence its own local plan. On this basis to Identify specific budgeted resource (staff and financial) to contribute to the joint work consistent with the jointly agreed work programme and required budget.

- 4.25 In order to inform the Council's contribution to the work of the JSP and indeed its own emerging Local Plan it is suggested that the Council should seek to provide clarity around its place-making objectives to be adopted to flesh out the current priority of 'Planning for the Future' in the current corporate plan which currently does not have any spatial or qualitative parameters.

Recommendation 4: Develop Corporate objectives around place-making to inform the Councils' contribution to the JSP and its own Local Plan (see also Rec.48).

5. Local Plan / Policy

Background and Context

- 5.1 The context for Plan making is the National Planning Policy Framework (NPPF).

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings".²

² NPPF Feb 2019 para. 15

Furthermore, it is a requirement that Local Plans and Development Strategies are reviewed every 5 years to assess if any changes are required.³ In any event, if the Council wishes to retain a significant influence on where growth occurs and specifically in determining applications the adoption of a robust up to date Development Plan is critical. In passing, it should be noted that where sufficient progress is not being made to put plans in place the Government has indicated that it will intervene⁴. Similarly, where housing delivery is falling behind identified need in accordance with the 'Delivery Test'⁵ the Government will require remedial measures to be taken. The Local Plan is a critical part, but only part, of ensuring that adequate housing is coming forward. Whilst there is an understandable focus of Government policy on meeting housing need, given widely accepted the current housing crisis, Development Plans should also be a vehicle for the delivery of sustainable development⁶ and the Council will wish to ensure that the required housing growth is matched by appropriate infrastructure and that it has a vision of place shaping to ensure that important as they are numbers are not everything and that the planning system delivers quality and well as quantity. To achieve these outcomes, it will be critical that councillors and particularly the Executive give significant focus, priority and leadership to Planning policy in general (including the strategic issues described in section 4 above) and the delivery of the Local Plan in particular, as a corporate endeavour. In short failure to do so runs the real risk that the Council will not be in an effective position to influence the distribution and quality of growth which will inevitably occur. Arguably, this approach will be much more influential than simply attempting to control matters retrospectively through determining planning applications through Development Management processes. In turn a robust policy context will strengthen the Council's hand in those later processes. Judging by the current corporate policy as expressed in its 2020 vision and from interviews and observation the impression was gained that member focus is on Development Management rather than strategic and policy matters.

- 5.2 The current statutory Development Plan for Hertsmere comprises a Core Strategy adopted January 2013, Site Allocations and Development Management Policies adopted November 2016 and the Elstree Corridor Action Plan adopted July 2015. The Council has also published a number of Supplementary Planning Documents.⁷ The Council has adopted a Community Infrastructure Levy. Work has commenced on a new Local Plan which it hopes to Adopt in early 2021 and will replace the Core Strategy and Allocations documents. Given the above context it is essential that appropriate governance, resources and skills are in place to adopt a robust new plan at the earliest opportunity.

Current issues and recommendations

- 5.3 The Council has a dedicated team of Planning Policy officers bringing a range of professional skills to the task. It is also clear as that the Planning Strategy Manager is making a significant contribution to the joint strategic work. However, it is considered the team is operating in somewhat of a corporate vacuum (see recommendations 4 and 48) and with the absence of robust procedures to ensure timely delivery. The current Local Plan programme appears comprehensive in term of tasks but lacks any analysis of the resources required to deliver each component part or the risks which need to be considered. It is acknowledged that a risk assessment is included in the latest local development scheme⁸ however, it is considered this requires review, possibly a finer grain of risk and more importantly kept under review

³ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

⁴ Housing and Planning Act 2016 amending Sec. 27 Planning and Compulsory Purchase Act 2004.

⁵ NPPF Feb 2019 para. 75

⁶ NPPF Feb 2019 para. 11

⁷ <https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Policy/Other-guidance-and-information/Supplementary-Planning-Documents.aspx>

⁸ Planning for Growth Local Development Scheme HBC Jan 2019

on a frequent basis. The delivery of a local plan is a significant complex enterprise for any Council and needs full corporate support and 'buy in'. Approval of a local plan, is after all, reserved to Full Council for good reason.

Recommendation 5: Establish a robust project management approach to the delivery of the emerging Local Plan setting out objectives linked in to the Corporate Vision and place making principals to include: Project Board with corporate representation, project programme, budget, communications strategy and risk register etc.

- 5.4 As noted above the current local plan programme, while comprehensive, lacks detail concerning resources and skills it is therefore difficult to make firm recommendations concerning the resources which are currently allocated, including the adequacy of the staff team. From experience it does appear to be rather light, especially given the need to apply resource to JSP work concurrently.

Recommendation 6: Review staff resources in the light of the detailed project content and timings allowing for specific contribution to joint strategic work.

- 5.5 An area where it appears there is a lack of skills within the authority concerns urban design and master planning and sustainability, although it is acknowledged that the Development Management Service does use an external resource to comment on planning applications. This is not an entirely unusual state of affairs in smaller planning authorities. Nevertheless, the Borough is facing considerable levels of growth and whilst it could rely on developers to incorporate good design principles in individual applications, a more co-ordinated pro-active approach is recommended to help achieve high quality place-making. This will be especially the case for any large urban extensions or new settlements arising from the emerging Local Plan where master planning will be important. This resource could be either in-house or through contractors and will in all probability require the production of appropriate Supplementary Planning Documents (SPD).

Recommendation 7: Allow for a dedicated pro-active urban design resource particularly in the light of emerging major sites and potential new settlement and produce appropriate Supplementary Planning Documents including development frameworks and masterplans.

- 5.4 The current Local Plan programme does refer to the production of an Infrastructure Delivery Plan (IDP). A key element of an Inspector finding a local plan 'sound' is the extent to which it is deliverable and an important element of achieving sustainable development is to ensure the timely and effectively delivery of appropriate infrastructure. Much, in fact the majority of this infrastructure is not in the gift of the Council itself but is the responsibility of a whole range of providers. The production of an effective IDP is therefore a challenging task in its own right and needs detailed work with delivery partners, all with their own priorities and programmes. This is a task not to be underestimated. Done well it can also provide the basis for an on-going live monitoring which requires a dedicated resource to keep up to date. From experience the use an external provider with the specialist expertise and software is the most effective way of delivering an IDP and tends to achieve timely input from delivery bodies. As is the case for other tasks, the current local plan programme does not give confidence that this important task is sufficiently defined and resourced

Recommendation 8: Produce a programme and adequate resources to deliver and maintain an Infrastructure Delivery Plan (IDP) (probably through the use of external consultants).

- 5.5 During the review the consultant was not able to identify a prioritised programme for the delivery of infrastructure directly related to growth needs and in particular the application of CIL receipts. It is clear that the Council has been allocating at least some of these resources on the basis of applications from

community organisations. This ad hoc approach may well not relate to priority needs relating to achieving sustainable development and effective place-making. This is all the more important since rarely are Councils able to satisfy all needs from developer contributions and CIL receipts such that choices have to be made. From experience it is often the great need for affordable housing that is squeezed in these circumstances. A clear Council position on priorities will allow a fair and transparent use of the receipts available including allocations to community needs.

Recommendation 9: On the basis of the IDP produce a prioritised plan for the use of CIL receipts – consider interim priorities pending IDP.

- 5.6 In parallel with the emerging Local Plan including new allocations and an IDP it will be necessary to update the Developer contribution SPD. It is also worth noting that the government has issued revised regulations coming into effect on 1st September 2019.⁹

Recommendation 10: Update Developer Contributions SPD.

- 5.7 The Council's current GIS capacity is currently not sufficient to enable to support interactive mapping. Whilst officers have included the procurement of appropriate software in the local plan programme it is not allowed for in the current budget.

Recommendation 11: Investigate, budget and procure interactive mapping software to support the production of the Local Plan.

6. Development Management

Development Management from Development Control

- 6.1 The whole thrust of Spatial Planning (Town and Country Planning as it used to be called) in England is to be proactive rather than reactive, creative rather than regulatory and this applies even in respect of dealing with planning applications, which the Council receives and has a statutory duty to determine. In best practice authorities Development Control has been replaced by Development Management.¹⁰
- 6.2 In the consultant's experience what constitutes Development Management as opposed to Development Control is not concisely and precisely set out anywhere but it is helpfully summed up in the phrase 'right development, right time and right place'. As far as Development Management is concerned this means focussing on and managing the whole process from pre-application through processing and decision to delivery and monitoring.
- 6.3 It follows that as much effort should go into pre-application as to processing applications. It is at this stage that there is the most chance of influencing what an applicant will formally propose. Bearing in mind that 9 out of 10 applications will, on average, be approved and then a third of appeals allowed on top, Development Management is not just a 'yes' or 'no' – it is more often a 'yes' but the question is - how good can it be made so that development fits in with what the District needs?. How can value be added? This is where a more flexible approach to case management could perhaps enable officers to spend more time on proactive pre-application work in partnership with others in a 'whole development team approach'. However, it is vital that any clear internal view is carried forward into the application stage. It is also the case, especially on the larger schemes, that proactive policy work sits alongside development management negotiation. It is also appropriate to find an effective way to involve members in pre-application work and to provide opportunities to them for training in this subject. Their involvement should be set out in clear protocols, alongside the standard of service that applicants should expect.

⁹ The Community Infrastructure Levy (Amendment) (England) Regulations 2019.

¹⁰ Planning Advisory Service - The Culture of Development Management 2013.

- 6.4 At the time of the Review, probably because concurrent workload pressure, it was clear that priority was being given to processing applications and it is understood that less time was being given over to pre-application advice on major schemes and to adding value. If an updated protocol is adopted with guaranteed timescales for response to customers the Council will need to satisfy itself that adequate resources are in place to honour the promises it makes. There are a number of good practice examples to which the Council may wish to refer in re-designing its pre-application service and particularly material published by the Planning Advisory Service.¹¹
- 6.5 Finally, on this point it is likely that greater costs could be recovered through this process but the process must be carried out totally transparently and recorded on the planning processing system and file. The use of Planning Performance Agreements (PPAs)¹² on major applications is good practice and where these involve very significant development such as major urban extensions or new settlements the opportunity to negotiate dedicated staff resources funded by the applicant.

Recommendation 12: Review and implement improvements to the pre-application service to be set out in guidance notes and give cases high priority, establish protocols with statutory consultees regarding their timely response to pre-apps and establish a protocol for the appropriate involvement of members.

Recommendation 13: Establish a culture for the regular and effective use of PPAs for major applications to include appropriate fees/contributions from applicants (For new settlement and similar large-scale schemes this may include contributions towards dedicated staff resource).

Current performance

- 6.6 It should be recorded that the consultant found evidence of dedicated staff within Development Management over-whelming keen to do a good job and keen to support one another. The service is also meeting nationally prescribed targets¹³ and currently in no danger of being designated for poor performance¹⁴. However, on more detailed inspection there are matters which the Council is advised to address and a potential dip in performance is on the horizon.
- 6.7 Benchmarking with JSP partners supplied by the Head of Planning indicates that in terms of 'major applications' Hertsmere at 75.5% on target is the poorest performing and nationally 311 out of 339 where national average is 89.5%. Comparable figures for 'non major applications' at 88.4% the Borough is 4 out of 5 for JSP and nationally 219 out of 339, the average being 88.7%. These figures are derived from national returns.¹⁵

Extensions of Time

- 6.8 At Hertsmere there is a culture of the extensive use of 'extensions of time', these have the effect of extending accepted decision times through mutual consent. Across the 4 quarters of 18/19 the use of extensions of time were 75 out of 275 decisions, 63 out of 272, 88 out of 266 and 81 out of 216. What is particularly surprising is the extent of their use for householder applications which from experience is unusual and cannot be considered good practice. Evidence from interviewing staff suggests that many applications are only ready for decision towards the very end of the statutory period, often it seems on the last day, which drives the use of extensions of time. From the authority's view, of course, extensions of time enable appropriate national performance targets to be met. While complex schemes may well run over statutory time limits and their use is not unusual and indeed in appropriate circumstances good practice, especially where linked with a performance agreement; this can be minimised with an effective

¹¹ Planning Advisory Service – Pre-App Suite and Pre-App self-assessment questionnaire.

¹² Planning Practice Guidance MHCLG Paragraph: 006 Reference ID: 20-006-20150326

¹³ T&CP (Development Management Procedure) (England) Order 2015

¹⁴ Secs Sec62A&B TCPAct 1990 as amended Sec 153HPAct 2016 and Improved Planning Perf. Criteria for Designation Nov 2018

¹⁵ PS1 and PS2 Quarterly returns to MHCLG

pre-application process as mentioned above. The potential excessive use of extensions of time should be reviewed and avoided as, because of the national increase in the use of extensions of time, the Government may well revise their criteria so that cases with extensions of time on them are no longer outside of the performance regime. Above all, the excessive use of extensions of time results in poor customer care and all that goes with staff having to fend off additional and unnecessary enquiries with less time to seek quality outcomes.

Workload and backlog

- 6.9 An analysis of the workload information provided shows that 6 out of 11 DM officers have a current workload in excess of 40 cases with the highest at 61. Anecdotal evidence indicated that in recent months caseloads had been even higher. It is true that 31% cases are householder and 45% a variety of 'other' applications even so the workloads appear high. This situation is exacerbated by the extent to which current caseloads include a backlog of applications which are already 'out of time' standing at 27%. When this back-log is eventually brought through the system it is highly likely that there will be a significant dip in performance as reflected in quarterly returns to government. A further feature of caseloads is that they appear very mixed with more experienced officers with a range of complex applications also 'juggling' a number of householder and simpler cases. From experience this does not lead to the efficient and effective use of staff resources. Indeed, it is now not uncommon for LPAs to train a range of technical/administrative staff to deal with simple routine applications supervised by suitably qualified team leaders. At Hertsmere there is a very creditable history of supporting apprenticeships in planning and while it is understood that it is important for those in such posts to gain experience in order to qualify further attention needs to be given to the range of skills and post needed to deal with the characteristics of the workload. Giving, more experience staff an interesting workload and supervision experience may well also assist retention and recruitment.
- 6.10 Adjusting the structure to deal with cases more efficiently and significantly reducing the backlog would give Planning management an opportunity to assess the realistic on-going staffing needs in the DM team. There is no accepted formula to match workload to staff numbers as the characteristic making up the workload and indeed custom and practice will be critical and vary from authority to authority. Comparisons with similar authorities may assist this assessment. The Planning Advisory Service have in the past supported extensive bench-making which it summarised in a report in 2015¹⁶. Whilst being giving a strong health warning on the variety of relevant circumstances, the report includes the following observation:

"A figure of 88 cases per person (*per annum*) is in line with the original DTLR report estimate of less than 100 cases per officer, including support and management work. However, it is worth noting that this calculation also factors in work on additional applications and consent types along with time spent on a full range of development management work. As with the 'traditional' measure of caseload, the single number disguises a wide range of results across the benchmarking authorities"

The consultant is not aware of any more recent national comparative work and it should be noted that the benchmarking statistics used relate to dates from 2012/13 and that even in the four years since publication of the report significant changes have been made to Planning legislation and advice. In particular the emphasis on pre-application work will need to be factored into any assessment of staffing requirement.

Processing issues

- 6.11 It has not been possible within the scope of this strategic overview of the Council's planning function to undertake a detailed assessment of Development Management processes. Nevertheless, some key issues were identified in comparison to the consultant's experience of best practice.

¹⁶ PAS Resourcing in Planning Services a Benchmarking Round-up June 2015

- 6.12 The Planning Support Service carries out a number of important functions and from interview evidence is well regarded. It is understood there have been earlier suggestions that the administrative function of Planning Services could be shared however, given the highly integrated nature of an efficient Development Management Service this is not recommended. Indeed, the trend is for more integration with planning administrative services increasingly taking on more technical tasks with appropriate training, leaving fully qualified planning officers to concentrate on more complex applications and pre-application discussions. One aspect of support work does require review. Efficient and effective validation is critical to the timely and efficient processing of applications. The current performance measure set locally is 85% within 4 working days, although this compares to what the consultant would consider best practice of 2/3 days. In the information supplied the local target had not been met in 6 out of the last 8 quarters, in fact not in the last 6 quarters. During the time of the Review it is understood that there had been significant recent improvement. It does appear that the support team has suffered from vacancies with resultant heavy workloads and a lack of experienced staff with an over reliance on the team leader to keep work flowing. In addition to ensuring vacancies are filled some attention to workflow particularly to avoid cases potentially 'sitting around' between teams may be worthwhile.
- 6.13 The Review elicited a number of comments concerning the lack of time to consider the quality of proposals, especially given that decision making tended to be right up against statutory deadlines. Whilst this may be addressed through other recommendations including getting rid of the current backlog good practice elsewhere points to the advantage of other mechanisms being put in place to embed good practice and give effective support to case officers. For example, it may well be advantageous for a 'triage' system to be undertaken on all incoming cases, with the Development Manager and/or Principal Officers giving some initial guidance to the case officer. The triage process would allow for a more sophisticated allocation of cases and would ensure that the correct resources are applied for all applications. However, it is also important that at no time should this "triage" stage become another bottleneck so it needs to be dealt with continuously and arrangements need to be put in place for at least one identified person to be on hand to undertake this additional part of validation.
- 6.14 Other Planning teams have found that setting aside a weekly time for a forum of key officers where problematic cases can be referred. The forum would need to include members from the whole planning service (and on occasions other disciplines) to ensure a combined view is acted upon as early as possible and, where appropriate, communicated by the case officer to the applicant. Such meetings can also contribute positively to ensuring a consistency of approach is taken to decision making across the authority. This forum could also incorporate a major case review process. In the consultants' experience it is better to schedule a regular weekly meeting which can be cancelled if no business needs to be dealt with rather than to try and arrange conversations or meetings on an ad hoc basis when all necessary disciplines may not be available. Good practice would also include regular training and updates on emerging good practice, policy issues and an opportunity to review implemented planning permissions which could be extended to members of the Planning committee, possibly through an annual tour.
- 6.15 To ensure timely and effective responses to feed into the consideration of cases it is important that Planning Services concludes Service Level Agreements (SLAs) with all relevant partners inside and outside the Council. Officers believe that this process is not receiving appropriate priority from Council colleagues and indeed gave an example of one critical SLA being in draft since August 2018.
- 6.16 It became apparent consistently throughout the interviews that there was some frustration with the technology tools supporting the Planning Service. This included a lack of capacity of the system to support applications leading to slow response times and alleged frequent 'crashing'; what was described as an 'antiquated GIS system and an inadequate platform on which to building flexible working particularly from home. The latter point is especially important not only for reasons of efficiency but also to address recruitment and retention in a very competitive market. In best practice authorities there has been clear investment in mobile working with case officers having access to laptops or other mobile devices and mobile phones. Additionally, comments were made concerning the variability in the use of the planning processing system by planning officers and that the full range of capabilities of the system were not being used effectively. This, it is suggested might be partly cultural but also indicates a need and space for adequate training.

Performance Management

- 6.17 Achieving quality outcomes is the key objective of Development Management but given the importance of efficient processing to meet statutory targets and be the basis of good customer care an effective performance management system is essential. From the investigations as part of this Review the systems in place, such as they were, appear to be only partial. In best practice authorities it would be expected that a basket of statistics and indicators would be in place at the individual and team level published internally on a monthly basis to assist individuals to manage their caseloads and for management to make whatever support or changes were necessary to achieve satisfactory outcomes. No evidence of such a comprehensive approach was apparent. Regular one to one meetings and annual appraisals would be the norm but from what was reported these were sporadic. Although it acknowledged that the 'principal officer layer' had been brought in recently to provide support the impression gained by the consultant was that management control overall was re-active rather than pro-active. Taken together with the 'millstone' of the backlog and 'last minute' crisis decision making the situation was being perceived by some interviewees as being characterised by a blame culture rather than a supportive one.

Availability of advice

- 6.18 From experience most planning enquires fall into two categories. Firstly, routine enquiries for example, the need for planning permission or progress with applications. These can usually be dealt with through a good self-service website or through a frontline call centre with appropriate scripts. Where such questions become complex, they can be passed on through an appointment system. Secondly, other enquiries where the service user wishes to discuss details of a specific case and here the most efficient and effective way is normally for the enquiry to be handled by the relevant case officer. Given the complex nature of managing a challenging caseload and associated tasks it is generally not helpful for a case officer to be constantly interrupted. Again, an appointment system appears to be most effective as long as calls are properly logged and monitored to ensure follow up. In these circumstances a regular duty system covering all opening hours does not appear to be a good use of scarce staff resources.

Enforcement

- 6.19 During sessions with members some frustration was voiced concerning the perceived lack of effective timely enforcement action and a feeling that insufficient resources were available for this part of the Planning service. Furthermore, during one of the observed Planning Committee meetings the view was voiced that rather than waiting until residents raised a concern regular monitoring of new development should have identified the issues earlier¹⁷. From experience the size of the team at Hertsmere does not appear dissimilar to other similar councils and without increasing the size of the team it is considered unrealistic for all implemented planning permissions to be regularly inspected. This is clearly a choice that the Council can make in relation to all other priorities. It remains likely that it would be impossible and far from cost effective to monitor the implementation of all planning permissions, let alone be aware of development occurring without the benefit of permission. Enforcement is largely a reactive service responding to potential cases brought to its attention. This is common practice. There are councils however who are formalising the involvement of others in enforcement notably parish and town councils.¹⁸ This comprises a menu of options as to how far a parish wishes to get involved from simply being the 'eyes and ears', to collecting evidence to taking responsibility for the service of formal documents. Whether or not new approaches such as these are adopted what is important is that the Council has an effective priority protocol in place so it is clear which alleged breaches are most urgent and that members receive training on enforcement in practice and the Council's approach.
- 6.20 Concerns about enforcement are not unique to Hertsmere and there is a great deal of misunderstanding about the legislative background and advice which governs the service. It is a discretionary service. It is

¹⁷ Planning Committee March 19 Argyll House case

¹⁸ Example Melton Borough Council

understandable that what frustrates parishes, local communities, councillors (and even planning officers) is that when a breach is discovered there is no penalty; the whole regime is set up to find a solution. Indeed, the first test is whether it is even serious enough in the public interest to take any action at all. If it is judged in the public interest the next step is to try to resolve matters by negotiation and where possible a retrospective application, which has to be considered on the same basis as any other application. All of this tends to take time. It is only if any successful formal action is ignored that the question of penalty arises. Given the often-extended timescales it is critical that members are kept informed by regular updates. There was some suggestion at the technical briefing meeting observed that the current schedules are not adequate

Management of Development Management

6.21 It is understood that it is only recently that the DM service at Hertsmere has had a single manager, this is in line with what would be recognised as normal practice within LPAs and is to be welcomed. In the current circumstances outlined in this Review it is suggested that the DM Manager should have the skills and experience to focus on driving and delivering a modernisation agenda and associated cultural change whilst the Principal Officers /Team Leaders are enabled to concentrate on mentoring and support to drive the delivery of quality outcomes.

6.22 Given the number, range and inter-dependent nature of the issues identified in respect of Development Management the recommendations for this section have been grouped together and may usefully be co-ordinated through an integrated improvement plan with clear objectives and targets.

Recommendation 14: Review the structure of the DM Team to enable dedicated staff at an appropriate skill level to be applied to deal with householder and other minor cases.

Recommendation 15: Establish a task and finish project to deal with the bulk of the current backlog of cases as a matter of high priority, using dedicated resources either internal secondments or contractors. This task to be completed within 2/3 months and will complement the introduction of new ways of working and resources to avoid a backlog simply re-occurring.

Recommendation 16: Apply project management principles to the most complex cases, for example those large sites emerging through the Local Plan process.

Recommendation 17: Ensure SLAs are in place as a matter of priority for all work with statutory consultees and relevant Council services.

Recommendation 18: Establish a robust, transparent and fair performance management approach to DM workload include quarterly benchmarking using a 'basket' of similar authorities – celebrate success, learn from mistakes and be highly supportive of any improvement required.

Recommendation 19: Cease the reliance and regular use of extensions of time especially for householder and more routine applications except in very exceptional circumstances. With an appropriate workload, supervision and performance management principles it should be possible to avoid the current endemic last day decision making.

Recommendation 20: Establish a triage system for initial and early assessment of applications.

Recommendation 21: Establish a weekly Planning Forum of senior planning staff where emerging issues can be discussed especially on major cases.

Recommendation 22: Review DM resources to match the workload once the backlog is removed from caseworkers. Current workloads appear excessive in some cases however removing householder and minor applications from more senior staff may make caseloads more manageable.

Recommendation 23: Corporate investment in appropriate IT solutions to enable the effective and efficient use of flexible working arrangements including home working – supply of laptops and phones. Sufficient increased storage capacity appears urgent as does a review of GIS capability.

Recommendation 24: Review the use of the duty system and enable improved frontline response first time. Replace duty system of planning staff with appointments system.

Recommendation 25: Review job descriptions of DM Manger and Principal Planners to establish clear responsibilities and (Area?) Team Leader functions.

Recommendation 26: Establish training to ensure the full and effective use of the planning application processing system and avoid duplication.

Recommendation 27: Fill support team vacancies as soon as possible and consider some work flow analysis to ensure efficient and timely validation procedures.

Recommendation 28: Develop a culture of seeking quality outcomes through mentoring, training and review of implemented planning permissions (extend this review to Planning Committee).

Recommendation 29: Review Committee reporting template to ensure consistency and avoid unnecessary repetition.

Recommendation 30: Review delegated reporting and sign off system using the planning processing software.

Recommendation 31: Review the Council's enforcement priorities and reporting systems and provide member training.

Recommendation 32: Produce a DM Improvement Plan incorporating any recommendations from this report which are adopted and set SMART targets for DM Manager for its delivery.

7. General Planning Management

7.1 Having a suitably experienced and qualified Head of Planning Service is important to ensure that the Council has a well governed, managed and resourced planning service which can be a key asset in achieving the Council's corporate vision and objectives and meeting development needs sustainably. This is particularly so at Hertsmere given the projected levels of growth over the life of the emerging Local Plan. It is important that the various parts of Planning Services are fully integrated and seen to be complementary. For example, a robust policy context is vital in leading to effective Development Management and in turn effective D M can inform the development of sound policies and plans. Planning also needs to be effectively linked to other key services such as housing and economic development. This is a complex process and might best be brought together in a Service Plan reviewed annually and linked to a performance framework including monthly monitoring and annual appraisals to support delivery and monitor outcomes. During the Review it was understood that apart from a limited range of corporate indicators no consistent, regular, finer grain, both quantitative and qualitative is in place. It was also reported that annual appraisals are not routinely undertaken throughout the department.

Recommendation 33: Develop a Planning Service Plan and identify some additional change management resource to oversee the implementation of new ways of working and up dated documentation as recommended.

Recommendation 34: Ensure formal staff appraisals are carried out annually with six-month reviews but also encouraging regular feedback on performance and quality of outcomes.

Recommendation 35: Ensure regular Team Meetings are held at least quarterly

- 7.2 Recruitment and retention was reported as being an issue facing Hertsmere. Senior managers thought that this was exacerbated by the Boroughs' location adjacent to London Boroughs who can offer enhanced salaries through additional weighting. The private sector has also increased its need for qualified and experienced planning staff.¹⁹ In such a competitive environment experience indicates that the ability to offer appropriately resources flexible working is a significant way of attracting and retaining high quality planning staff.

Recommendation 36: Establish a strategy to support and encourage flexible working

- 7.3 The Review process did not identify any systematic and regular processes for engaging with users of the service. Whilst the occasional customer survey may be useful many Councils have found that establishing a Developers Forum²⁰ of regular users of the service is particularly worthwhile. From experience this leads to greater understanding of relevant issues for all parties, an improved standard of application submissions and a good avenue to promote constructive pre-application processes.

Recommendation 37: Establish a Developers Forum of frequent users of the service.

8. Planning Committee and Corporate Matters

Executive and Non-Executive Functions and Delegation

- 8.1 A council's decision-making arrangements are split into two elements – the executive and the non-executive – as established by the Local Government Act 2000. The executive role includes responsibility for budget and policy development and the subsequent operational implementation of those budgets and policies. The non-executive roles are, in summary, regulatory, constitutional and personnel-related matters. This role is undertaken by various Committees appointed by the council and by officers in accordance with terms of reference and delegations set by the council. As far as Planning is concerned policy matters are executive except that the Development Plan is reserved to Full Council and Development Management is non-executive. In most councils from experience this is manifest by Planning Committees be populated by non-executive councillors, although the relevant planning portfolio holder may be included to enhance integrating the various statutory aspects of a planning function.
- 8.2 Unusually at Hertsmere there are three executive councillors sitting on the Planning Committee including a vice chair. The Planning portfolio holder is not on the Planning Committee. Whilst, of course Members may act with the utmost integrity there is a potential for the composition of the Planning Committee to be perceived as it being less than independent with associated conflicts of interest at least when there is a Council involvement in any matter before it. This blurs the distinction between executive and non-executive functions and could lead to poor reputation.

Recommendation 38: Review composition of Planning Committee to emphasise the non-executive nature of its business and avoid conflicts of interest whilst recognising the important link between Planning Policy and Development Management.

¹⁹ The UK Planning Profession in 2019 RTPA Policy and Research

²⁰ For example: Developers Forum Terms of Agreement Mansfield District Council

- 8.3 A further unusual feature of Development Management decision making at Hertsmere is the existence of a Planning Referral Committee. It is understood this has been very rarely sat, in fact not for several years until just very recently. The terms of reference set out circumstances when Planning Committee decisions are to be referred²¹. The composition of this Committee includes executive members and the Leader of the Council. Whilst the constitution of the Council is for it to decide the perception could be gained that the existence of this Committee compromises the non-executive independence of the Planning Committee and blurs the distinction between executive and non-executive decision making. In exceptional circumstances where a planning committee cannot reach a decision referral could be made to the Full Council from where the Planning Committees delegation derives in the first place (as a non-executive matter it could not in any case be referred to the executive).
- 8.4 Furthermore, it is important that the Planning system, as operated in any area, has credibility. As well as the watch word 'transparent' which is important to this so is 'certainty'. All parties are entitled to be clear how their proposals or views will be considered. Giving the delegation to Planning Committee and then taking it away by referring it to the referrals committee after they have made their decision diminishes confidence in the process and calls it in to disrepute, let alone the waste of resources. Making Planning decisions is a task which has to be approached only after appropriate training. There must be a risk when matters are considered by a committee which meets infrequently Members will not be adequately trained and experienced. There is also the risk that they will have fettered their discretion earlier in the process, not realising that they may be involved and not come to decision-making with an open mind.

Recommendation 39: Review the Councils constitution in respect of the appropriateness of continuing with the Planning Referral Committee.

Delegation

- 8.5 Good practice delegation rates exceed 90%, Hertsmere is currently the same as the National average at 94%.²² Authorities achieving higher rates of delegation and effectiveness normally do so with inclusive schemes, that is to say all matters are delegated to officers with criteria concerning what should be referred to Committee. Less flexible exclusive schemes listing types of applications which are delegated are increasingly rare. Listing types of application runs the risk that general non contentious minor items get caught and referred. What may appear a small application (say an infill housing plot in a very sensitive area) can be contentious when a much larger one may not (say a very large industrial unit on an industrial estate).
- 8.6 An inclusive scheme has the advantage of minimising the extent to which more routine matters are dealt with by Committee leaving it to concentrate and give time to more complex and controversial schemes. However, the exceptions within the Council's current scheme are arbitrary and set at a low threshold. It is evident from examples either observed or given in evidence to the Review that relatively minor matters find their way on to agendas, including fences, approval of conditions, retrospective applications involving minor matters²³, all reducing the effectiveness of the Planning function and potentially causing reputational damage. These referrals are also caused by a less than robust call-in system.
- 8.7 An effective call-in system, that is the ability for any Councillor to call in applications for determination by Committee, is an essential part of Planning decision-making and the democratic process. Good

²¹ <http://www5.hertsmere.gov.uk/democracy/mgCommitteeDetails.aspx?ID=118>

²² Live government tables on planning application statistics Table P133

²³ For example, Planning Committees Feb/March 2019, Cotton Road case.

practice schemes limit the period during which the call-in can operate to avoid unnecessary delay and programming, requiring planning reasons for the referral and a gatekeeping role usually at the discretion of the Chair or Vice-Chair, where some careful consideration is given around whether the scheme is sufficiently controversial on relevant planning grounds. Call-in to PC without any transparent gatekeeping risks wasting resources, referrals for non-planning matters and associated risk of reputational damage.

Recommendation 40: Review the scheme of delegation in order to ensure it is clear consistent and up to date including:

- a. It being permissive delegating authority to officers except for clearly defined exceptions;**
- b. Unambiguous;**
- c. Encourages only larger schemes with wider impact and those of public interest to be referred;**
- d. Avoids the introduction of processes which could cause unnecessary delay or provide procedural risks;**
- e. Includes any call in/public interest tests that are fit for purpose, have appropriate gatekeeping and are of a suitably tight scope.**

8.8 The current procedure in advance of Planning Committee at Hertsmere includes a technical briefing for all members of the Committee after the Committee papers have been published. The advantages of this process were said to be: that Members have an opportunity to clear up any technical matters or misunderstandings and avoiding wasting time at the Committee itself or risking decisions being deferred. It was said that the advantage to officers is that it gives an early indication of Members thinking and enables them to prepare any further information. On the other hand, there is danger that to the 'outside world' such a process could be interpreted as decisions being made behind closed doors in advance of the committee itself. One meeting of the meeting was attended during this Review and on this occasion the Chair did scrupulously ensure that Members questions were contained to technical matters. Nevertheless, this is considered a fine line when the merits, or otherwise, of the case are exposed in a meeting of the whole committee. This process also uses considerable officer and Member time which might be better spent for example organising formal committee site visits.

8.9 Furthermore on this matter if the Council is operating an effective delegation and call-in system Planning Committee will be dealing for the most part with the most complex and potentially controversial cases. At the same time firstly, if priority is being given to front-loading and pre-application processes, including appropriate involvement of Members, as encouraged by current national policy and guidance (see paras 6.3-6.5), then Members will have a much earlier and effective opportunity to understand all aspects of the proposal in any case, such that in those circumstances the technical meeting may prove redundant. Secondly, good practice would encourage Members to be engaging with Planning officers earlier to seek out details including in their pro-active role as community advocates and not leaving it to the end of the process following the publication of the report.

- 8.10 The more usual process following the publication of the Planning Committee papers would be for key officers to meet with the Chair and Vice-Chair to discuss the agenda and arrangements for the Committee and this is already allowed for within the Council's constitution²⁴.
- 8.11 Officers presentations to Committee includes slides of plans and photographs. During the Review observations members commented on the lack of photographs and stated that they had not visited the site. Displays at Committee can only be a partial representation of the case at hand, such that the Council should consider the advantage of formal site visits where they would assist the understanding of the issues raised by the case.

Recommendation 41: Review the necessity and role of the Technical Briefing Meeting in the light and experience of involving members more effectively in pre-application discussions (see Recommendation 12), ensuring Members have effective access to Planning Officers in advance of Committee for any outstanding technical queries.

Recommendation 42: Establish regular site visits for Members for appropriate Planning Committee items operating to a site visit protocol.

Officer Member Relationships

- 8.12 A number of Members referred to the general high quality of the officer corps. National guidance includes the following:

“Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors” (LGA – A Councillor's workbook on councillor/officer relations).

Planning Committee Members and Officers referred to generally good professional relationships. However, during the Review through observation and interview it was apparent that this was not always the case including some criticism of officers at formal meetings of the Committee, to the extent that the Chair intervened. At times there was a distinct 'us and them' atmosphere created. Officers presenting their professional view should of course be prepared to explain their thinking when appropriately questioned in a respectful manner.

“Officers cannot respond to personal criticism in the same way that politicians can and have to temper their remarks accordingly. Mutual respect and good communication are the key to establishing good councillor and officer relations. Close personal familiarity should be avoided – in simple terms, 'be friendly, but don't be friends'” (LGA - A Councillor's workbook on councillor/officer relations).

- 8.13 Mutual respect between officers and members relating to planning matters springs in part from a clear understanding of the various roles each play. Members are not expected to be experts but to listen to experts and apply judgement, balancing the relevant material planning matters on the basis of evidence in each case. Officers on the other hand should give clear substantiated professional advice taking full account of the Council's approved planning policies, set by members, and all relevant material planning matters, whilst respecting Members' right to take a different view of the relevant balance between factors in each case. When the Committee take a different view to officers, members must be prepared

²⁴ Hertsmere Constitution section 5.7

to articulate the reasons for their decision themselves (although they may turn to officers for the technical wording). Similarly, officers have a duty to advise Members if they feel any reasons Members wish to rely on cannot be justified and to warn of any risks associated with Members' preferred course of action, although members are of course at liberty to accept, or reject, that advice. These processes rely on trust between officers and Members. It is also important for officers to be available to deal with Members queries or follow up requests as soon as they become available.

- 8.14 Members also commented that they sometimes find it difficult to get access to officers.

Recommendation 43: Refresh and re-issue the Code of Conduct for Planning Committee Members, include probity and conduct in next available training²⁵ and review how Members can access professional advice in an appropriate and timely manner.

Planning Committee

- 8.15 In some ways Planning Committees might well be considered to be the shop window for local planning authorities. The way business is conducted, the way decisions are made, as well as the decision themselves, provide an insight into the culture and attitude to growth and the aspiration for delivering quality outcomes. Having observed Planning Committee at Hertsmere in addition to the matters raised in paragraph 8.12 above regarding officer / member interaction, there were times when proceedings were less than business like and a lack of understanding demonstrated (see paragraph 8.17). There was considerable wasted time and unnecessary long repetitive speeches, and consideration of minor matters that were more suitable for delegated decision-making. As discussed below (in paragraph 8.16), the Planning Committee's format and demeanour is characterised by conformation rather than a panel considering evidence relating to material planning matter to come to a decision. It is considered that there is a significant opportunity to increase the Planning Committee's effectiveness and reputation to the benefit of the Borough. As the Local Plan emerges to provide the blueprint for a significant level of growth to meet identified needs, the role of the Planning Committee will be critical in encouraging developers to invest and produce development of which the Borough can be proud, places where residents can live, learn, work and relax.

- 8.16 Planning Practice guidance includes the following:

“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications, they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons”.²⁶

It follows that Members of Planning Committee are not sitting in their ward capacity, in any way parochial or as a Member of a particular grouping but exercising their individual judgement within the confines of relevant legislation. Observing the operation of the Planning Committee at Hertsmere it appears to take on a more political culture and confrontation rather than a panel of individual Members taking account of the interests of the whole community. The use of the Council Chamber with its rigid seating and fixed benches, some Members sitting behind others is not conducive to constructive decision-making taking on more of the atmosphere of a meeting of the Council. Beyond these physical

²⁵ Reference PAS website training material including Decision Making Committees and Probity

²⁶ Planning Practice Guidance Paragraph: 016 Reference ID: 21b-016-20140306

restrictions and observations during interviews Members of different political persuasions offered up the view, unsolicited, that Planning Committee was becoming more politicised, when planning decisions must be free from political interference and made only on the merits of the case as for example, Magistrates or Juries decisions. . From experience a more usual format for a Planning Committee would be to sit in the round with relevant officers and Chair / Vice Chair on one side and Members on the other three, leaving a space for speakers.

- 8.17 There are clearly some very experienced members sitting on the Planning Committee but also observation, as part of this review, revealed a clear lack of understanding by some members relating to key matters. These included: confusion between policy and guidance; how to apply the ‘special circumstances test’ relating to Green-Belt cases; material and non- material planning matters and applying appropriate weight, including to neighbour views; how retrospective applications should be considered and the nature of enforcement in planning and the application of a public interest test.
- 8.18 During the observation of Planning Committee and interviews with Members and officers as part of this review there was concern over declarations of interest and pre-determination were apparent. Without detailed and wider consideration of the individual cases it is impossible to assess how significant these expressed concerns are. The consultant is aware of one Council where during the declarations of interest Members listed all lobbying and relevant contacts which had not earlier been notified to officers and recorded on the case file. This can be minimised by all written material being forwarded as soon as it is received. In short, Member behaviour and understanding as illustrated in paragraphs 8.12 – 8.18 fell short of good practice as set out in Planning Practice Guidance and PAS / LGA material quoted above, Refreshing the Members Code of Conduct and associated training is relevant here (recommendations 43 and 46) and should be actioned at the earliest opportunity.

Recommendation 44: Cease the use of the Council Chamber with its rigid fixed benches and seating and change the physical format of Planning Committee to allow for all Members to be sitting in round at one level in alphabetical order.

Recommendation 45: At Committee encourage Members to declare any direct lobbying not already notified to Officers and recorded earlier.

Recommendation 46: Undertake a broader programme of training for Members and consider using specialist external trainers to implement.

- 8.16 Members referred to what they perceived as inconsistent or tentative legal advice and contradictory advice between Legal and Planning Officers. One such situation was observed during the Review, At the Planning Committee meeting of 7th February 2019 item re: Cotton Road, it could have been reasonably expected that advice would have been offered earlier to avoid considerable wasted time and there was an instance of conflicting advice. This issue more generally was made late into the Review process and may bear some follow up as a discreet exercise.

Recommendation 47: The Heads of Planning and Legal Services to carry out a review of professional advice being offered at Planning Committee in consultation with Members.

Corporate Plan

- 8.17 As set out earlier the Borough is facing considerable growth over the life of the Local Plan and potentially beyond. The implications for the Council are clearly far wider than just the concern of its’ Planning function. However, Planning can be powerful in helping the Council to deliver corporate objectives and priorities. The current corporate action plan includes three priorities one of which is ‘Plan for the future’, this has four generalised actions but no specific objectives.

Recommendation 48: Ensure the corporate plan sets out a vision which seeks to ensure positive place-making outcomes and priorities – this is key to ensure that all council decisions and policies seek to achieve these outcomes.

Appendix 1

List of observations

Planning Committee February 2019

Planning Committee March 2019

Planning Committee April 2019

Technical Briefing for Planning Committee July 2019

List of interviews

Planning Portfolio Holder

Chair of Planning Committee

Leader of Opposition

Members of Planning Committee Group discussion x 2

Chief Executive Officer

Head of Planning

Head of Legal Services

Planning Support Team Leader

Planning Strategy Manager

Development Management Manager

Development Management Principal Officers x 2

Development Management Planners Group Discussion

List of documents reviewed

HBC Constitution including section 3.3 Responsibility for Functions and section 5.7 Code of Conduct for Members and Officers dealing with Planning Matters

HBC 2020 Vision, 2020 Vision Corporate Action Plan 18/19, 2020 Vision Performance Management, 2020 Vision Achievements 2017/18

HBC PS1 & PS2 Returns to MHCLG

MHCLG Planning Application statistics

HBC Application Lists 2017/18

HBC Planning Performance Indicators Q1 17/18 – Q4 18/19

HBC Pre- application time taken reports 2017, 2018, 2019

HBC Local Plan and Strategic Plan Timetables

HBC Local Plan budget

HBC Local Development Scheme Jan 2019

HBC DM workloads June 2019

HBC Planning Unit Structure June 2019

HBC Departmental Structure

HBC Report deadlines schedule

HBC Head of Planning welcome pack

HBC Website

Appendix 2

Hertsmere Borough Council: Review of Planning Service

Background Note: South West Hertfordshire Joint Strategic Plan

July 2019

1. Background and Context

1.1 In January 2018, the five South West Hertfordshire Local Planning Authorities (Dacorum, Hertsmere, Three Rivers, St Albans and Watford) and Hertfordshire County Council held a workshop to explore how they could work better together on aligning local plan strategies and future housing, infrastructure and economic priorities. This was initiated mainly for the following reasons:

- All five local plans were at a similar stage in the LP preparation process so timing was considered right in terms of exploring a more formal approach to joint working (there had already been a significant amount of joint evidence developed across SWH).
- The recognition that there was a need for a more effective approach to strategic planning matters across the area, as demonstrated by the failure of St Albans in relation to the Duty to Cooperate at its local plan examination in 2017.
- There was increasing support from Government for a more formal (statutory) approach to joint planning across the country, as later demonstrated in the revised 2019 National planning Policy Framework (NPPF)²⁷.

1.2 As a result of the workshop, the SW Herts Authorities agreed that they would prepare a new Joint Strategic Plan across the sub-region which will provide the strategic framework for the next round of local plans. This commitment was subsequently set out in a Memorandum of Understanding²⁸.

1.3 In October 2018 the Leaders and Chief Executives of the SW Herts Authorities embarked on a collaboration programme to explore their shared vision for growth across the area to 2050 and what their strategic priorities would be in delivering this. As a result, the SW Herts Partnership (SWHP) was established in February 2019 and the authorities committed, through a second Memorandum of Understanding²⁹, to focus on five strategic priorities:

- Leadership: creating the place narrative, political relationships & agreements
- Development: creating a **joint spatial plan** to that meets our housing and employment space needs
- Connectivity: ensuring our places are accessible & sustainable
- Well Being: planning and designing our places for healthy living
- Public Services: enabling a greater influence on outcomes and being more self-sufficient

²⁷ <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

²⁸ <https://www5.hertsmere.gov.uk/democracy/ieDecisionDetails.aspx?AllId=28439>

²⁹ <http://www5.hertsmere.gov.uk/democracy/documents/s47123/Appendix.pdf>

- 1.4 The Authorities are now developing a series of work-streams to take this work forward, including preparation of a Joint Strategic Plan (JSP) and have appointed a Project Director to lead the work on the JSP.
- 1.5 On a Hertfordshire-wide scale, a new Growth Board has been established to steer the wider 'place' agenda. The Terms of Reference for the Board, agreed in October 2018, amongst other things state that the Board's role is:
- To ensure alignment of spatial, economic and infrastructure plans for Hertfordshire in order to safeguard and maintain Hertfordshire's unique quality of life and prosperity.
 - To bring together the work of the emerging **South West Herts Joint Planning** and North, East and Central Herts Joint Planning groups, ensure strategic infrastructure requirements are identified and fed into the Hertfordshire Infrastructure and Funding prospectus.
- 1.6 Although the scope and nature of the joint planning work of the NEC Herts has yet to be defined, the Chief Executives and Leaders are currently exploring what this will look like and are likely to agree a way forward later this year.

2. Strategic Planning: National Context

- 2.1 Since the revocation of Regional Spatial Strategies (RSS) through the Localism Act³⁰ in 2011 and the introduction of the NPPF in 2012, the focus in planning policy has been development of individual local plans, with the strategic context developed through the Duty to Cooperate³¹. However, in the 2017, the Government recognised that reliance on the Duty to Co-operate alone was having a significant detrimental impact on delivery of local plans and the national priority of boosting the delivering of new housing. The Housing White Paper 'Fixing our Broken Housing Market'³² published in February 2017 stated that the Government wanted to see *"...more and more local authorities working together to produce a strategic plan over a wider area on the functional economic geography that is right for their part of the world..."*. This was followed later in the year with details³³ of how the Government was intending to introduce a more robust approach to strategic planning, which included encouragement to prepare joint spatial strategies across housing market areas.
- 2.2 The new, more formal approach to strategic planning set out in the revised NPPF published in 2019, is now being used as a key determinant in government funding decisions to support infrastructure and housing delivery, and to build planning capacity within local authorities. The strength of strategic collaboration on planning is also a key factor in the funding priorities of government agencies, such as Homes England and Highways England. In September 2018, the Housing and Planning Minister, Kit Malthouse MP, stated in reference to Housing Infrastructure Funding³⁴:

³⁰ <https://www.gov.uk/government/speeches/abolition-of-regional-strategies>

³¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

³² <https://www.gov.uk/government/collections/housing-white-paper>

³³ <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

³⁴ Quote is from a speech given at the Conservative Party Conference (Sept 2018)

"Our general thrust is for groups of local authorities to come together to form a kind of strategic partnership and vision for a particular region or area, fundamentally so that we can fund the infrastructure that's related to it."

2.2 Although there is still no requirement to prepare statutory strategic plans, there are now five groups of authorities preparing a new style of Joint Strategic Plan, including SW Herts³⁵. There are also a large number of authorities preparing joint local plans and non-statutory strategic planning and infrastructure frameworks, reflecting the need to work across local authority boundaries to agree long term spatial, infrastructure and economic priorities. The current level of strategic planning activity is set out in an Annex to this report.

2.3 The drivers for preparing a JSP in all five areas are very similar and can be summarised as follows:

- Better integration and alignment of long term strategic spatial, infrastructure (particularly transport) and economic priorities. This has become even more important as the NPPF requires spatial plans to reflect the priorities of the emerging local industrial strategies and there is a need to influence the emerging (2050) transport strategies of the new Sub-National Transport Bodies (STBs).
- The need to change the current trajectory for growth to deliver transformation across sub-regional areas using a larger spatial canvas. In all cases, there was a recognition that they could not continue adding development onto and into existing urban areas and that some future growth would have to be delivered on a strategic scale e.g. through one or more new communities. In Oxfordshire and South Essex case, they also have to respond to the delivery of national infrastructure that will significantly change how these areas are planned in future. In order to do this effectively, a boundary-blind approach has been taken to ensure that strategic development is directed to the most appropriate place to deliver the shared 'place narrative', rather than through stitching together individual LPA local plan strategies.³⁶ To support authorities who are trying to deliver transformation across boundaries, the NPPF allows both the Five Year Land Supply and Housing Delivery Tests to be implemented across the joint plan area, rather than on an individual LPA basis.
- Access to additional funding to support technical capacity and delivery of infrastructure whether through individual funding bids (e.g. Housing and Infrastructure Funding, Planning Delivery Fund or Garden City Funding). The Government has made it clear that the strength of strategic collaboration is a key determining factor in all funding decisions. The SW Herts Authorities have already successfully accessed additional funding to support the JSP work through the first round of the 2017 Planning delivery Fund as a result of the decision to prepare a statutory joint plan³⁷. Having a clear shared narrative around growth and what this means spatially is also vital for any group of authorities that wish to access additional funding and support via a bespoke deal with Government (which is one of the priorities of the Hertfordshire Growth Board).

³⁵ In addition to SW H, authorities in Greater Exeter, Oxfordshire, South Essex and West of England are preparing a JSP.

³⁶ The West of England JSP is the first to reach the Examination Hearing Stage and one of the key issues being explored by the Inspectors is whether this provides a strategic approach to growth or represents joining up of four individual LP spatial strategies. The first Hearings were held during the week beginning 8 July 2019 - <http://www.hwa.uk.com/projects/west-of-england-joint-spatial-plan/>

³⁷ <https://www.gov.uk/government/news/new-money-to-build-homes-stalled-by-planning>

- 2.4 The new style JSPs are different from other detailed joint local plans that have been prepared over the last few years; they are very focused strategies (The West of England Plan has only seven policies) aimed at addressing the key, strategic policy areas, particularly overall quantum of development, spatial strategy and identification of strategic growth locations (e.g. urban extensions, new communities), strategic infrastructure and how the strategy will support the local industrial strategy. Where Green Belt release is needed to support the strategy, the JSP will provide the evidence setting out the exceptional circumstances but detailed boundary reviews will be delivered through the local plans. Specific site allocations will also be set out in the local plans and not the JSP.
- 2.5 The relationship between JSPs and local plans has caused some challenges, particularly where individual local plans are at an advanced stage in the process. However, the current round of local plans in most cases are setting out the short term (5 to 10 years) priorities, with most plan timeframes running to 2036. Whilst the new JSPs will inevitably impact on this period, they will have greatest impact on the period beyond 2036, when a different spatial strategy is needed to deliver long term transformation. It is therefore important that both plan processes (JSP and LPs) continue to run in parallel so that when individual LPs reach the five-year required review point from adoption, the new JSP is in place to deliver the longer-term ambitions.
- 2.6 A significant advantage of the new approach to strategic planning in future is likely to be a more focused approach to local planning. The only legal requirement currently is that LPAs set out their strategic planning priorities³⁸ in a plan, with the preparation of detailed local policies left to the discretion of the individual LPA. The Government's intention is that, if there is a strategic planning strategy across an HMA, like the JSPs being prepared, a comprehensive approach to local plans/ site allocations will not be needed in future. Instead the strategic plan would be supplemented with local planning documents that are targeted at managing areas of change e.g. to help manage major regeneration areas or new communities/ urban extensions. It is also anticipated that these could be delivered in the form of Area Action Plans, rather than full district-wide local plans, although in some more urban areas, these will probably still be needed. It is also intended that this streamlined approach to plan-making will be supplemented by a more proactive approach to brownfield registers and permission in principle.
- 2.7 In terms of resources and technical capacity for JSPs, the joint work across a number of LPAs and, for four of the five JSP areas, the relevant county council, has opened up new opportunities for innovative ways of working. In both the Greater Exeter and South Essex partnerships, the policy planners from each authority work in a shared office space for 2-3 days a week. Although the priority during these days is the JSP work, most of this will also support the individual LPs (e.g. development of the shared evidence base). A flexible and pragmatic approach has been taken.
- 2.8 This approach has added significant value to both the JSP process but also to the individual LP processes in terms of sharing knowledge, expertise and experience. No formal secondment

³⁸ The 2017 Neighbourhood Planning Act sets out the legal requirement for the content of local development plan documents (DPDs) - <http://www.legislation.gov.uk/ukpga/2017/20/part/1/crossheading/local-development-documents/enacted> . Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area with policies to address those priorities set out in the LPA's DPDs (taken as a whole).

arrangements have been employed; the only support needed is an office space in one of the partner authorities, some IT requirements, and agreement from the partners to some of their staff working in this location a certain number of days.

3. South West Herts Joint Strategic Plan - Key Issues for Hertsmere

- 3.1 Hertsmere Borough Council is a partner in both the wider strategic collaboration across SW Herts and in preparation of the JSP. This strategic collaboration is only as strong as the individual partners' commitment to the work programme which will deliver the desired outcomes, one of which is a new approach to strategic planning through preparation of the Joint Strategic Plan. Officers from the Hertsmere Policy Team are active in supporting this work given its importance for both the current and future local plan reviews but there are also significant pressures on to deliver their own work priorities, particularly progressing the local plan review, neighbourhood plans, review of CIL. There therefore needs to be a clear commitment at an organisational level, as well as from key people, both officers and politicians to resource the JSP work programme and ensure that Hertsmere is fully engaged and influencing the outcome.
- 3.2 Preparation of the JSP is likely to be both politically and technically challenging. The development of a new spatial strategy is very likely to result in a different and potentially disproportionate approach to growth across the sub-region, with some LPAs contributing more than others, for example, through the delivery of new communities. However, others may benefit disproportionately from infrastructure investment, particularly to support any strategic development priorities. There are also existing challenges for all SW Herts Authorities who are currently preparing their own individual LPs, which is resulting in conflicts in priorities, with the JSP work seen as less important and, in some cases, not part of the day job.
- 3.3 As part of the Hertsmere Planning Review, it is therefore recommended that the Council consider the following recommendations.

Recommendation 1: Prepare an internal communications paper setting out what the JSP is and its relationship with the emerging local plan, why the Council is contributing to the JSP and what the main benefits are.

- 3.4 The Council should ensure that all key Members and Officers are aware of the JSP work being undertaken, why it is important from a Hertfordshire-wide and SW Herts perspective, and why it is important that Hertsmere is fully engaged in the process to deliver the best outcomes for the local communities and businesses. The key issues to address as part of this internal communications process are set out below.

(1) The added value of the JSP (supporting long term 'good' growth)

- 3.5 Paragraph 2.3 of this report sets out the key drivers for all JSPs, including the SW Herts JSP. These can be summarised as access to additional funding to support the delivery of 'good' growth in Hertsmere which will deliver a new spatial strategy that is more sustainable in the longer term and is aligned with the strategic investment priorities of others. This will focus growth in locations that meet the wider economic priorities of the area and can support improvements to the health and well-being of residents as well as to the overall environment of the area.

3.6 The JSP is expected to deliver transformation in the longer term (i.e. beyond 2030) therefore the new strategy is unlikely to significantly change the spatial strategy being developed through the current Hertsmere LP. However, it is vital that work on the JSP moves forward now to ensure that it is in place when the next LP review is initiated (LP reviews are expected every five years) and to influence the wider Hertfordshire approach to growth and strategic priorities of others (e.g. LEPs and STB).

(1) The added value of the JSP (resources)

3.4 The JSP will require a financial contribution from all partner authorities (both financial and staff time) which is likely to be over and above existing local plan budgets and will impact on planning capacity. This needs to be very clearly acknowledged by the Leader and Chief Executive of the Council with adequate resources planned as part of the ongoing budget management. However, this upfront investment offers significant opportunities for long term efficiency and financial savings in future through accessing additional funding to deliver the JSP (and wider growth priorities), opportunities to build planning capacity through sharing of experience and expertise and procuring shared posts, and a more streamlined approach to plan-making. Key points to note are set out below.

- The Government has made it clear that a robust approach to cross-boundary collaboration is a key factor in all decisions on funding, whether for infrastructure delivery (e.g. via HIF funding or bespoke government growth deal), to access support from government agencies (e.g. Homes England) or to build capacity in technical support/development of evidence-base (e.g. Planning delivery Fund). The SWH Authorities have already successfully accessed additional funding through the PDF process (over £200k) to support delivery of the JSP which is providing dedicated project leadership (appointment of the Project Director) and supporting the development of strategic evidence.
- The need for an articulated narrative around what growth means for a housing market area spatially (including overall quantum of growth) will put the authorities in a stronger position when bidding for future funding from other agencies, including the Hertfordshire LEP and the Sub-national Transport Body.
- A statutory joint plan, setting out the shared ambition and priorities for an area will help to build investor confidence in the delivery of infrastructure. Ensuring that these are aligned with the investment priorities of others (e.g. the LEP and STB) will provide confidence in delivery where there is no certainty yet around future funding. This will be increasingly important as public sector funding availability is reduced and new funding models are needed which require a (potentially significant) private-sector contribution.
- The shared evidence being developed will also support the preparation of the current and future round of local plans which will deliver a more efficient approach to technical evidence and help avoid duplication.
- By addressing the key and more challenging aspects of planning on a SW Herts scale (particularly housing numbers and Green Belt releases), it is anticipated that the JSP will help deliver a quicker local plan process in future and therefore avoid protracted and complicated examinations. For the current round of local plans, including the emerging Hertsmere plan, the commitment to preparation of the JSP (which will be set out in the Statement of Common Ground) will build confidence in the strategic matters being addressed in the LP and help meet the legal requirements of the Duty to Cooperate. In

future, once the JSP is in place, there may not need to be full, detailed coverage of local plans/ site allocations across SW Herts as the new NPPF approach allows a more focused plan-making approach where a strategic plan covers a wider area (see Para 2.6 of this report).

Recommendation 2: Ensure that there are regular briefings and updates on the JSP work-stream to the Executive Members and Officers and that there are regular debriefings to the Policy Team on the wider Hertfordshire and SW Herts work-streams that will potentially impact on preparation of the JSP.

- 3.5 It is also vital that there is good communication between those involved in strategic collaboration work-streams both at a Hertfordshire-wide level (the Growth Board) and SW Herts level, and the Policy Team who are supporting the JSP. It is particularly important that the Chief Executive and lead Members continue to feedback to the Planning Policy Team on the wider work-streams and that the Policy Team do the same for the JSP work-stream. Briefings at the Strategic Management and Executive should therefore be included on a regular basis to ensure all the strategic work is integrated and aligned.

Recommendation 3: The Council, together with the other SW Herts Authorities, should explore opportunities for a more structured approach to joint working to support the JSP and, as a consequence its own local plan

- 3.6 Working more proactively with other planning teams across SW Herts and an experienced Project Director is already helping to build capacity and knowledge in the partner authorities, and in turn, future resilience in the technical resources within the SW Herts area. This could be further enhanced by building on the model being used in South Essex and Greater Exeter where members of the planning teams work 2-3 days a week in a shared office and by considering where there are opportunities to procure other shared posts, for example to support delivery of strategic projects (such as new communities). Where this has a potential impact on Hertsmere's own work priorities, consideration should be given to procuring additional resources, even if on a temporary basis.

4 Conclusions

- 4.1 Although the preparation of JSPs is not a requirement of the planning system, the Government has given a clear steer in terms of its preference for more long term strategic approaches to plan-making and addressing strategic priorities, and is focusing its investment and resources both in terms of direct funding and funding via its agencies, to areas that have a robust approach to cross-boundary strategic planning. The SW Herts Authorities are leading the way in developing this new approach to statutory strategic planning, together with four other groups of authorities, and has already benefited through competitive funding pots because of the approach to collaboration being taken.
- 4.2 At a Hertfordshire scale, it is vital that the SW Herts Authorities have a clear vision and narrative around what 'good' growth means and how this fits within the wider growth ambitions of all

Hertfordshire Authorities and their strategic partners. This will help build investor confidence in the county and will open up opportunities for the authorities to initiate a discussion with Government around potential additional funding, freedoms and flexibilities as part of a growth deal.

- 4.3 The added value of the JSP in terms of resources and securing long term sustainable growth in Hertsmere could be significant. However, this is new territory for the Council and it is important to ensure that all parts of the organisation understand what the JSP is, why it is important, what the added value is and how it fits with the local plan process.
- 4.4 There are also potentially significant opportunities to build capacity and resilience into the council by exploring opportunities to move to a slightly more formal approach to joint working and for additional jointly procured posts which will help preparation of both the JSP and the current and future LPs.

Catriona Riddell
July 2019