



Planning Improvement Peer Challenge

Castle Point Borough Council

01–03 April 2019



1.0 Executive Summary

1.1 The Council finds itself in an incredibly challenging position in relation to the future of plan making and planning decision making in Castle Point. While the political leadership at the Council clearly want to retain self determination and control of its own planning destiny, the Council's actions in consistently failing to produce a Local Plan find it awaiting what form of Government 'intervention' the Secretary of State might take. Community leadership in ensuring that locally elected Members make sure they remain at the heart of plan making and decision making has therefore been weak.

1.2 Without a Local Plan, growth, and especially the development of new homes has fallen well behind the numbers needed to meet identified housing need. At present the area is producing less than half of the homes required. Without the adoption and development of large scale master planning sites in the Local Plan, the planning system is not able to deliver on meeting identified corporate priorities such as affordable homes, new schools, better integrated health facilities, enhanced access to green space, safe walking and cycling routes and improved highway infrastructure. Currently while approximately 100-150 homes are built each year the Borough is missing out on intergrated co-ordination and delivery that can lead to wider community gain and is essential for building sustainable communities.

1.3 Castle Point Borough Council (CPBC) urgently needs a Local Plan put in place. We recommend that the Council continue to press the Secretary of State for clarity on what form of intervention will occur and when this is likely to happen. If intervention does not occur in a timely manner we recommend that the Council takes the Local Plan back through Full Council at the earliest opportunity.

1.4 Political and managerial leaders at the Council recognise weaknesses in planning decision making. We agree. We would go much further and say that dysfunctional relationships between some Members and officers are seriously impeding the work of the Council. In some other instances clarity of the Member/officer roles have been unhelpfully blurred. It is vital that these breakdowns in trust and confidence, so crucial in promoting collaboration and a 'one team' approach, are healed. Our report contains some recommendations in this area.

1.5 In addition, we found a widespread perception concerning weaknesses in probity in relation to planning decision making. Such is the level of concern amongst the Executive Management Team (EMT) that two statutory letters have been sent to Members concerning inappropriate behaviour. It is vital that Members act in accordance within acceptable standards in public office as set out in the well respected Nolan principles. Failure to do so places Members and the Council at serious risk of legal action and its planning decisions in disrepute.

1.6 Significant weaknesses exist in the operation of the Development Control Committee (DCC). Key concerns include chairing, respect for the Chair, clarity of stages of decision, weighting of appropriate planning considerations, consistency, probity and consistent referencing of non-planning matters in planning decision making, and over dominant members. We also found a very weak understanding amongst some members and substitutes on DCC of their role and the Codes of Conduct and other Council policies that govern behaviour and practice. Developers and house builders, we spoke to told us that presently they are avoiding investing in Castle Point despite what they saw as the area's obvious locational advantages. They saw making large scale investment decisions in

Castle Point just too risky based on this situation. This is of significant concern and of reputational damage to CPBC and needs to be address urgently.

1.7 There are significant opportunities for the Council to address these issues and recast the DCC to a Strategic Planning Committee with potentially a smaller more focussed group of well-trained Members with key competencies and behaviours to judge development against the development plan and material planning considerations. Our detailed recommendations in this area seek to support the Council in preparing for the eventual adoption of a Local Plan when the number and complexity of large planning applications will increase. We also recommend a stronger focus on the delivery of growth moving forward as the area seeks to deal with meeting the need for far more houses under the Government's Housing Delivery Test (HDT). To achieve this Cabinet members will also need to strengthen their leadership role, including working with officers to articulate and communicate the vision for Castle Point, the benefits of the Local Plan in delivering the Council's strategic priorities and the subsequent benefits of growth to its local communities and businesses.

1.8 We do recognise, and it was encouraging to see, that the Development Control Service performs well in relation to many performance measures concerning speed of decision-making. We also found a good focus on efficiency and accessibility.

1.9 The Council has also shown strong leadership and partnership work with the Association of South Essex Local Authorities (ASELA). The Government has recognised the importance of this work in its recently published 'Government Response to the Thames Estuary 2050 Growth Commission'. This collaborative work in South Essex has also included working with neighbouring authorities to put a Joint Spatial Plan in place for South Essex. CPBC have been at the forefront of this work.

1.10 Developers and agents spoke highly of the professionalism and dedication of planning officers, feeling they were very accessible. Members also commented how positive and helpful planning officers within the service are. This is a key strength that CPBC has, and will need to continue, to build upon as it moves forward to deliver its growth agenda

2.0 Recommendations

R1 Urgently adopt a Local Plan, continue to ensure sufficient resources are allocated to taking it through to adoption, and develop stronger internal processes to secure deeper cross-party ownership to the commitments it contains on housing, employment and infrastructure. The political leadership should ensure they provide the political guidance necessary to ensure the Local Plan is agreed by Council.

R2 Address the issues identified and reconstitute a new modernised strategic Development Management Committee with a strategic focus – including a review of size, composition, behaviours, skills and complete modernisation of processes. Political leaders from all parties should ensure that Members with the appropriate skills and behaviours are appointed to the Committee.

R3. Adopt set of cultural behaviours across the Council that seek to build trust and confidence among officers and Members with support from the LGA, with collective agreement of how the behaviours will translate into actions. The political and managerial Leadership sets the example and demonstrates support for those with

the appropriate skill sets fitting the relevant person specifications to sit on committee.

R4 Ensure the new Local Plan is promoted corporately and politically as the primary tool to drive housing and regeneration delivery in Castle Point. Political leaders from all parties should ensure that all members understand that the Local Plan is the delivery tool for growth.

R5 Proactively use the development of a housing trajectory and delivery action plan immediately. This must be embedded in Local Plan to provide further certainty.

R6 Develop an agreed stronger corporate narrative around the necessity and benefits of growth, and pivotal role of the Local Plan in shaping this, supported by a resourced and shared Communications Strategy to secure balanced communities for the longer-term future of all citizens and to add and build upon the strengths and delivery ambitions of the Association of South Essex Local Authorities (ASELA).

R7 Review the scheme of delegation so that the new strategic Development Management Committee focuses on delivery of the substantially higher number of projected major planning applications required to meet the housing delivery test.

R8 Officers and Members to co-design with external support, a more targeted and structured planning training programme with RTPI/PAS expert led input where necessary and with a stronger focus on probity and compliance with codes of conduct.

R9 Ensure that the new strategic Development Management Committee owns its own performance and sets key performance indicators in relation to speed, quality and delivery, regular performance reports should be presented and planning performance should form part of the Council's wider communication strategy for growth and planning to help build confidence that Castle Point is open for business.

R10 Establish a structured developer/agent forum with the Planning Service at cabinet member level.

3.0 Background and Scope of the Peer Challenge

3.1 This peer challenge is intended to put in place stronger mechanisms to support quality of Committee decision making in place in advance of the adoption of a Local Plan. This should provide the Secretary of State with at least some greater confidence that Castle Point Borough Council is serious about change and modernisation in the delivery of its planning functions

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

3.3 The aims of the peer challenge were to review decision making including the balance of delegations and pragmatism and scrutiny within the decision-making processes. The Council asked the peer team to look at the role of the Development Control Committee in decision making and public engagement and the relationship between Members and Officers generally.

You asked us specifically to focus on:

- Whether members of the Committee fully understand their purpose and role in particular consideration of private proposals vs wider public interest when making decisions for the public;
- Whether members making best use of their time and looking at the right applications;
- How applications are debated, including the rationale applied, the adherence to key policy requirements, the consistency of the decision making, consideration of relevant material planning considerations, rules of debate and voting on applications;
- The working processes including Protocol and Code of Conduct for Planning Matters, call in procedures, report structures, presentations of reports, code of conduct for members;
- Officer/member relations and how the committee is viewed from a "users" viewpoint;
- General communication between members and officers;
- How well the two elements pull together to support the council's growth, regeneration and housing agendas;
- Development Control Committee (DCC) Member training; and
- Committee attendance and use of substitutes.

In delivering this focus the peer team explored the Planning Improvement Peer Challenge core components of;

- Vision and leadership - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives;
- Management - the effective use of skills and resources to achieve value for money;
- Community engagement – how the authority understands its community leadership role and community aspirations, and uses planning to help deliver them;
- Partnership engagement – how the authority works with partners to balance priorities and resources to deliver agreed priorities; and
- Achieving outcomes - how the authority is delivering sustainable development outcomes for their area.

3.4 Peers were:

- Paul Barnard – Service Director, Strategic Planning & Infrastructure Plymouth City Council;
- Cllr Dale Birch - Conservative Member, Deputy Leader & Planning Committee Member, Bracknell Forest Council;
- Julie Baird - Assistant Director for Growth, West Suffolk Council;
- Stephen Barker – Principal Consultant, Planning Advisory Service; and
- Robert Hathaway - Peer Challenge Manager, LGA associate.

3.5 Where possible, PAS and the LGA support councils with the implementation of the recommendations as part of the council's improvement programme. A range of support is available from the LGA at <http://www.local.gov.uk>. It is recommended that Castle Point BC discuss ongoing PAS support with Stephen Barker, Improvement Manager, Stephen.Barker@local.gov.uk and more corporate support with Gary Hughes, Principal Adviser, Gary.Hughes@local.gov.uk

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

3.7 The team appreciated the welcome and hospitality provided by Castle Point Borough Council and partners and the openness of their discussions. The team would like to thank everybody they met during the process for their time and contribution.

4.0 Detailed Feedback

4.1 Vision and Leadership

4.1.1 The Council has an up to date Corporate Plan 2018-21 that prioritises key issues to tackle in Castle Point. The Corporate Plan benefits from community consultation and main priorities focus on the acute shortage of affordable housing, the urgent need to build new homes, the need to improve the viability and vitality of the town centres and to improve accessibility to open spaces and good quality parks. An adopted Housing and Regeneration Framework to 2021 supports the achievement of Corporate priorities and focuses on housing underpinned by sufficient social and economic infrastructure.

4.1.2 We found that the Council's Leader, Deputy Leader and Cabinet Member for Planning clearly recognised the importance of advancing the Local Plan in order to make corporate progress on meeting priority actions around housing, regeneration and improved infrastructure. However, the Council's persistent political failure over many years to get a Local Plan in place is damaging the ability of the Council and the wider public and private sector to meet community and corporate priorities for new homes, jobs and improved infrastructure. So, while the Council, as a corporate body has rightly recognised and identified the golden thread between quality of life improvements for its citizens and the Local Plan, the lack of progress is stopping investment and delivery on the ground. The current operation of the DCC and the lack of progress with the Local Plan is severely affecting Castle Point's reputation as a place to do business with. Developers and house builders, we spoke to told us that presently they are avoiding investing in Castle Point despite what they saw as the area's obvious locational advantages. They saw making large scale investment decisions in Castle Point just too risky based on this situation. This is of significant concern and of reputational damage to CPBC and needs to be address urgently.

4.1.3 The Leader and other Cabinet members we spoke to expressed a strong political desire to retain democratic control of all aspects of place making through the Local Plan and through the determination of planning applications locally. We totally agree with the views expressed by the Leader and senior Cabinet members that difficult planning decisions about the future of Castle Point can, and must, be made locally. Planning is an inherently democratic process and is fundamental to the Borough's future. Ceding control of the Borough's planning powers to Government appointed consultants or other Local Planning Authorities, would in our view be a total abdication of the responsibility that should be retained by locally elected Members. However, some Members openly expressed the view that they wished others could make these difficult planning decisions, effectively suggesting local democratic control was of little consequence to them. While, we understand the political challenges Members have to face when determining scenarios for growth, these difficult planning decisions will simply not go away because local politicians try to avoid making them. Political and managerial leadership needs to be strongly demonstrated to ensure Members both understand the challenging policy decisions that must be taken and are able to effectively undertake their roles as leaders of place.

4.1.4 The Council's consistent political failure to adopt a Local Plan since the last Plan was adopted two decades ago in 1998 have placed it in a very perilous position. Indeed, the failure of the Council to adopt the Local Plan at its Special Council Meeting in November 2018 has placed it on the verge of Government intervention and the Council awaits the outcome of the Secretary of State's decision. The reputational damage of this to the

Borough Council cannot be under-estimated and if continued will result in significant harm to the Council including a negative view of the Borough by potential investors and stakeholders, reducing the positive impact of the ASELA work and the potential to lose democratic control.

4.1.5 We recommend in the strongest terms that the Council does all in its power to adopt a Local Plan with it then proceeding to examination urgently. We discussed with both CPBC Members and officers the possibility of the Secretary of State 'directing' the Council to adopt the 2018 Local Plan. If this does not happen expediently, the political leadership should not wait to progress the Local Plan development and should take it back through Full Council in May/June 2019.

4.1.6 We indicated to CPBC that on the basis of the self-awareness of the current position they find themselves in and indeed the preliminary acceptance of our main recommendations for change to the DCC that this would support the Secretary of State in having greater confidence in the Council's ability to improve its plan making role. It was the considered professional opinion of the peer team that the earliest possible direction from the Secretary of State to the Council to approve the 2018 Local Plan and take it to the Regulation 19 stage was the most efficient and effective outcome to secure an adopted local plan that met the Borough's needs.

4.1.7 In order to impress on all Council Members and the electorate the vital importance of Local Plan progression, we see an important opportunity for the wider political leadership and opposition party to develop a coherent long-term growth vision for Castle Point. This needs to contain a stronger narrative around the benefits of growth for residents, businesses and voluntary groups, backed up by a shared and resourced Communications Strategy, which is linked with other partners in South East Essex. This view is based on our findings that outside of Cabinet members and especially among the members of the DCC we heard little of the importance of the need for investment and growth in the area. It is essential that the political leadership is shown to share the understanding that they are the democratically accountable leaders of place and that all political groups promote and articulate the growth benefits to the wider community.

4.1.8 This was accompanied by a generally weak understanding and ownership of how the Local Plan helps deliver the Council priorities. Indeed, nearly all the members of DCC we spoke to did not see the importance of Committee decisions on major applications in delivering on Corporate Plan, Local Plan or Housing and Regeneration Plan priorities. We heard DCC members use terms such as the Local Plan is 'their' (meaning officer's plan). They simply saw their role as deciding individual planning applications. Clearly Members felt detached from the development of the Local Plan. Officers have worked to engage with Members throughout all stages of Local Plan development yet there remains a deep-rooted predilection to revert to a well-used Member statement that the Local Plan is the officer's Plan. This is incorrect and it is crucial that all Members own the Local Plan and are responsible for what happens as a consequence of it. There is a very real need for strategic political leadership in relation to the commitments within the Local Plan and leadership demonstrated by the Leader and Cabinet members is vital in this regard.

4.1.9 To be clear as well, this is not just about building houses but about a wide range of quality of life considerations. It is about creating better places and the Council as the democratically elected community leaders of the Borough taking seriously its 'place shaping role'. Opportunities exist to help shape healthier lifestyles. For example, the Joint Strategic Needs Assessment for Castle Point shows that it is an outlier for the high

percentage of its residents that are obese and inactive. The provision of accessible and safe walking and cycling routes, provision of accessible green spaces and pocket parks and more formal recreation areas can be assisted through the master planning of allocated Local Plan sites. It can also be secured through proactive planning on Section 106 negotiations. Missing out on these opportunities will have significant wider long-term implications for the communities of Castle Point.

4.1.10 In developing a stronger narrative for growth in Castle Point it will be important for the Council to link this to its excellent work in playing a leading role in ASEL in driving forward the ambitions for growth in the Essex Vision 2050. Castle Point Borough Council has been instrumental in this wider strategic work, understanding the challenges and bringing together neighbouring authorities. The risk of not being part of this strategic group extend further than Castle Point itself (see also section 4.5).

4.1.11 The Council has been in a virtual planning policy vacuum for a long time. Local Plan policies are completely out of date in an area of housing pressure and unmet demand. To fill this void, officers and Members are often using the 2019 National Planning Policy Framework which provides generalised planning policy advice for the whole of England. This is a totally unsatisfactory position and does not give residents, voluntary and community groups, businesses or investors any degree of certainty in relation to the future pattern of land use. Developers/agents, officers and some Members told us that this vacuum has led to some policy making “on the hoof” at DCC which has significantly impacted on consistency and transparency. In addition, some felt that this led to inconsistent decision making with new localised terminology seemingly forming the basis of some controversial planning decisions at DCC such as over generous interpretations of ‘previously developed land’ and new descriptions such as ‘virgin green belt’. This needs to be addressed urgently and if continued effective strategic decision-making will be compromised in the light of the behaviours at Committee, inconsistent decision making, inappropriate consideration of non-material matters and consequently decisions which result in the overturn of officer recommendations in this manner are at severe risk of legal challenge and being allowed on appeal.

4.1.12 It is important to note that in the last two years the vast majority of DCC overturns have been in situations where officers’ recommendations have been to refuse housing development in the green belt whereas the Committee has agreed to allow development. If non-material matters are being considered in relation to the decision making it potentially throws doubt on the validity of the debate and decision-making process. Examples that were highlighted to us include ‘Solby Farm’ and ‘The Wheelers’ site where Members have allowed housing against officer advice. Members clearly are allowed to weigh material considerations differently to officers, but it is important to recognise that only material planning considerations can be given weight in decision-making. However, Members routinely consider non-material matters: these behaviours are wrong and once again impact on the integrity of the Committee. Governance, legal and planning officers along with some Members also expressed concerns that DCC decision making was not always clear and as we discuss in section 4.3 of our feedback, we consider in the light of the serious procedural failings and Member behaviours at DCC, alongside serious concerns in terms of transparency of decision making in public, significant improvements urgently need to be made to how the Committee operates.

4.1.13 We found incidences of a significant breakdown in relationships between some Members and senior officers relating to the culture of policy plan making and planning decision making at Castle Point. While we discuss the perception of probity issues in more

detail in section 4.3 this in itself is a serious leadership issue which needs to be tackled at a senior level. It was our impression from the peer review that these dysfunctional relationships are badly affecting morale, draining capacity and leading to negative and defensive behaviours that are getting in the way of productive joint working and acting as 'one team'. In our view as a peer review team (comprising both Members and professional officers) if CPBC is to move forward, action must be taken to create the "one-team" approach we have mentioned.

4.1.14 Examples include significant unease expressed by planning and senior officers concerning conflicts of interest and the resultant need to send statutory letters to at least one Member of DCC and one Cabinet Member which has, we were told, led to a breakdown in trust, confidence and joint working. Some Members however considered senior officers and some planning officers to be overly bureaucratic and seeking to frustrate the legitimate leadership role of Members in the Council. This animosity and mistrust between managerial leadership and political leadership is impeding the delivery of stated priorities. To be clear, the peer team are unequivocal in drawing Member's attention to its own Codes of Conduct and while it is the officer's role to advise it is important that such professional advice and counsel is not easily or lightly set aside in the pursuit of any non-material planning issues.

4.1.15 The peer team are sure the Council recognise that the best performing councils are where Members and officers work as one team but understand and respect the different roles and responsibilities of each other. The peer team also feel it is important to say that recognition of the need to change is key in re-establishing and redefining key relationships at senior levels within the Council. To help foster improved cultures we suggest that the Council consider jointly agreeing and adopting a set of cultural behaviours across the Council that seek to build trust and confidence among officers and members with support from the LGA/PAS. Developing a collective understanding and agreement about the behaviours and how these translate into actions going forward will be key.

4.2 Management

4.2.1 The Council's commitment to producing a compliant evidence base shows that it can clearly focus and deliver on technical issues. While the Local Plan was not able to proceed to the stage of Regulation 19 'Consultation on Publication Plan' following the decision at Full Council in November 2018, we recognise the Council's resourcefulness and its efforts to significantly accelerate the timetable and produce a draft Local Plan for Members to be able to vote on. This involved the Council following Government policy and guidance and working with neighbouring authorities in order to meet the 'duty to co-operate' guidance and commissioning and providing a strong evidence base. The Council in very difficult circumstances managed to enhance the work being undertaken on the duty to cooperate and were integral in bringing together workstreams and evidence bases. This included producing an up to date Strategic Housing Land Availability Assessment, Strategic Infrastructure Framework, Brownfield Land Register, population projections, Strategic Flood Risk Assessment, retail and leisure needs study and a Statement of Common Ground regarding the A127 London to Southend Arterial Road.

4.2.2 The collaboration with planning policy officers from Essex County Council and Basildon Borough Council in supporting the development of the Local Plan evidence base has been very helpful in creating additional capacity and demonstrates an understanding of the effective use of resources and an understanding and strengthening of the capacity of the team. As discussed in section 4.1. the Council is at the forefront of working with neighbouring authorities to put a Joint Spatial Plan in place for South Essex authorities to meet the amended test of soundness concerning strategic matters in plan preparation. The Council's recent appointment of a new Head of Place and Policy offers significant potential to build on existing Local Plan work and also to use his extensive experience in tackling similar delays in local plan adoption at his former council.

4.2.3 The Development Control Service has benefited from dedicated officer resources that has overhauled working processes to ensure that speed of decision making is very strong. For the period 2016-18, the Council decided 97 per cent of major applications and 99 per cent of non-majors within agreed timescales. In the current period the Council continues to perform well with 94 per cent for majors and 99 per cent for non-majors. The high level of delegated decision making to officers of around 95 per cent supports efficient decision making and the proportionate approach evidenced by discussions with a number of officers in their assessment of applications is commendable.

4.2.4 We discussed with planning officers the issue of appeals performance especially in the light of the Government's focus on allowed appeals as indicators of the 'quality' of local decision making. At present it appears that the Council performs within acceptable levels. We recognise that the Council determines a low number of major applications (33 over the most recent relevant two-year period) but this only serves to highlight the importance of it not losing major appeals. Ongoing diagnostics and sharing of lessons learnt for all major decisions with the wider planning team needs to be an integral part of both case officer and the DCC's 'DNA'.

4.2.5 We see clear opportunities for this appeals performance indicator to be more tightly performance managed including reporting on this and other agreed key performance indicators to Cabinet and DCC. Our interviews indicated that this was not being tightly performance managed. We especially feel that there are opportunities for DCC to own its performance levels to provide context for decision making and learning from appeal decisions. This also needs to include specific 'learning' from appeal decisions given the

Government's focus on these as indicators of the quality of planning decision making. It would also be helpful for officers to share the Annual Monitoring Report with DCC and draw the parallels of the role that decisions made have relating to other planning targets and potentially those of other services within the corporate engine, for example Housing. Communication of good performance would be a useful mechanism in building wider stakeholder confidence in both development control and policy which would help support a wider growth message that Castle Point is open for business.

4.2.6 It was encouraging to see that the Development Control Service was sponsoring planning courses to help 'grow your own' staff and provide for elements of succession planning. We also noted a good emphasis of staff taking a sensibly pragmatic and proportionate approach to dealing with planning applications on a risk basis. Examples we note included self-sign off and much shorter reports on small delegated 'householder' and 'other' applications which were non-controversial. This is both effective and efficient and helps provide better value for money and customer service.

4.2.7 Given the importance of increasing the Council's capacity to move as efficiently as possible from eventual adoption of a Local Plan to delivery and implementation, it will be important for the Head of Place and Policy to work collaboratively with Development Control managers and officers in preparing to deal with a substantial increase. Preparing and risk managing for what is likely to be a substantial increase in major applications in the coming years is important. Presently the Strategic Developments Officer deals with most major applications but this will not be sustainable moving forward and it will be necessary to avoid a situation of a single point of failure in the system, which this already represents. This also raises a wider issue of the resilience of the service as a whole with the projected increase in the number of major developments that are likely to come forward in the coming years. This peer review reflects the opportunity to also consider service resilience across the whole planning function.

4.2.8 In terms of capacity in the Planning Policy team it will also be necessary to fill the currently vacant posts in order to deal with consultation and examination of the Local Plan and after Plan adoption, master planning, engagement and delivery quickly once the current contractual arrangements with other authorities come to an end. We also suggest that the Council considers greater use of Planning Policy Agreements (PPAs) that can provide amongst other things for dedicated staff resources for example master planning and end to end delivery. As part of a PPA approach it will be important to seek to tie in timely responses from Essex Highways or the Local Flood Authority to pre-application and formal applications as this is clearly an area of delay. Resilience and consistency of approach will need to be strong watch words as the Planning Service looks to the future when a Local Plan is eventually in place.

4.2.9 Partners spoke highly of the accessibility, professionalism and dedication of planning officers. Members also commented how positive and helpful planning officers within the service are. This is a key strength that Castle Point has, and will need to continue, to build upon as it moves forward to deliver its growth agenda. We see opportunities for the Planning Service to do more to communicate the successful turn round of planning applications and the added value it provides in community benefits through section 106 monies and the number of affordable homes it has helped deliver. This could be part of the wider improvement plan building on this peer review. However, there is a need to provide clarity on the overall strategic leadership of the planning function. Consequently, the planning function appeared fractured, with the most senior responsible manager focussed on complaints and member probity issues. We found clear evidence of a separation of

policy from development management. We consider the structure of the planning function should be reviewed to better integrate policy and development management to provide the appropriate senior-level managerial leadership of the whole planning functions to ensure the service can respond to the challenges it faces and can deliver on the political aspirations for the Borough.

4.3 Community Engagement

4.3.1 Decision making at DCC encourages the engagement of planning customers, their advisors, objectors to development proposals and the general public through both public speaking, a suitably sized public gallery and through web casting. The DCC and the understanding of their role, should be in the wider public interest but is often in relation to local interest. This is often played out publicly and clearly demonstrates that wider public interest is not the overriding consideration. This needs to be addressed.

4.3.2 We found DCC well supported by the Council's Governance officers who ensured that applicants and objectors were clear as to their opportunities to speak in public and the necessary arrangements surrounding these. This supports decision making in public being accessible to all.

4.3.3 DCC meets in the Council Chamber based at its main offices in Thundersley which is an accessible location and lies on a bus route and with adequate car parking. DCC is held in the evening at 7.30pm to allow people who work in the day to attend. We attended a DCC and found audibility and visibility to be generally good although the layout does mean that some of the thirteen DCC members have their backs to the public. The peer team felt that there were opportunities for the Chair to introduce himself and his supporting officers and to generally provide some more general overview of how the DCC would proceed. This would particularly help applicants and objectors who more than often are witnessing and taking part in for them a completely new environment. We have already shared with the Council some examples from other authorities who place a real focus on effective public engagement at a planning committee.

4.3.4 We found officer reports to DCC to be comprehensive, setting out the main planning merits of cases and providing the thirteen members on DCC with good advice on which to base their decisions. Members of DCC and the general public have the reports well in advance of the statutory five-day period and this allows members of the DCC at least two weekends to absorb the reports. Given the high level of delegation of planning decisions at the Council, the DCC generally sees somewhere in the region of 80 applications over a calendar year which is a reasonable amount and meetings rarely go beyond 10.00pm which supports staff and Member well-being and public engagement.

4.3.5 However, the peer team's overall view having attended a DCC during our on-site phase and having watched most of the preceding 12 months of the Committee's proceedings is that there are significant weaknesses in its operation and Member behaviours that needs to be tackled urgently. This was backed up by our conversations and meetings with planning customers, officers and Members. Key concerns include:

- chairing and a lack of respect for the Chair;
- consistency and probity in planning decision making;
- clarity of stages of decision;
- weighting of appropriate planning considerations; and
- some over dominant members.

4.3.6 We also found a very weak understanding among some members and substitutes on DCC of their role and the Codes of Conduct and other Council policies that govern behaviour and practice. And this despite the range of Protocol and Code of Conduct for Planning Matters and Code of Conduct for Members, and briefing notes that Governance officers have helpfully produced to guide Member decision making. Examples of what we saw and what we were told included:

- not all DCC members having read the Committee papers beforehand;
- some overly detailed and long officer presentations;
- lack of clarity and structure of stages of decision making including moving and seconding relevant motions and when in 'debate' mode;
- ward members sat with DCC members and it being totally unclear to other people taking part and watching as to what their role was when they were speaking and what part they might play in decision making;
- long discussions on non-material planning issues with the Chair allowing DCC members to make multiple comments many of which were purely repetitive;
- little understanding of the wider role that the DCC plays in implementing the wider vision for Castle Point;
- focussing on non-strategic planning applications including house extensions due to the breadth of the 'Call In' powers and Scheme of Delegation;
- inappropriate informality including use of first names and passing of notes, chit chat and general lack of professional look and feel;
- training not leading to the promotion of high standards of behaviour and adherence to key Codes and Protocols with the need for appropriate Members being on the committee with the correct skill sets. There were also some examples of overly dominant behaviours disrupting training sessions and having a negative impact on other members; and
- a lack of 'one team' approach.

4.3.7 We were also made aware of significant unease among senior corporate and planning officers, local agents and some Members concerning inappropriate behaviour by some senior Council Members as well of some Members of the DCC. We heard on a number of occasions concerns in relation to closeness and private involvement with planning applicants and developers. Examples of what we were told included applicants seeking to negotiate major section 106 agreements with Members without any officers' present, inappropriate and intense pressure placed on planning officers to take a certain course of action during the determination of applications and a concerning approach to non-declaration of pecuniary and personal interests. This is a real concern and must be addressed immediately by the political leadership of the Council.

4.3.8 There is an urgent need to address this behaviour by identifying and removing Members through clear and strong political leadership. As we discussed earlier, the level of concern about probity in planning has led to the Monitoring Officer and Chief Executive to issue statutory letters to at least two Members. These letters seek to prevent further inappropriate behaviour in order to protect the reputation and integrity of planning decision making in the Council in line with the Council's Code of Conduct and well understood Nolan principles for public service.

4.3.9 Some Members incorrectly considered that officers were seeking to be overly bureaucratic and risk adverse in relation to their role in community leadership. They also saw their role as making sure officers did not delay implementation and that local

developers and builders were able to get on and build houses in the context of low levels of housebuilding.

4.3.10 Our role is not to act as auditors or inspectors and so we have not examined specific planning cases that were brought to our attention. However, (as we indicated in section 4.1.) it is clear to the peer team that some very poor relationships exist with in some cases a breakdown in trust and confidence between some officers and Members. This is totally unproductive and leads to defensive and negative behaviours that work against good joint working. We were told for example that officers and some customers were very reluctant to put things to DCC if at all possible because there could be no certainty of what might happen there (see also section 4.4 on customer attitudes). This is a sad indictment of planning decision-making in Castle Point and needs to be addressed urgently.

4.3.11 CPBC asked the peer review to look at specific areas of operation of the DCC and we fed back to you while on site our high-level findings which pull together some of the themes covered above. These are represented below.

Question - *Whether members of the committee fully understand their purpose and role in particular, consideration of private proposals verses wider public interest when making decisions for the public?*

Headline Response - No understanding of wider role that the DC Committee plays in implementing the wider vision for Castle Point.

Question - *Whether Members making best use of their time and looking at the right applications?*

Headline Response - Committee not presently focused on strategically important applications which will become more important with need for increased delivery. And evidence that members are not reading papers and many unaware of their role on Committee.

Question - *How applications are debated including the rationale applied, the adherence to key policy requirements, the consistency of the decision making, consideration of relevant material planning considerations, rules of debate and voting on applications?*

Headline Response - Unfocused and unstructured discussion. Majority of time spent on non-material planning matters and repetition. No delineation between questions and motions. Fair debate and discussion can be achieved by a professionally structured debate.

Question - *The working processes including Protocol and Code of Conduct for Planning Matters, call in procedures, report structures, presentations of reports, code of conduct for members?*

Headline Response - Codes and protocols comprehensive but opportunities to review and modernise. Call in procedures unclear to some DCC members.

Question - *Officer/member relations and how the committee is viewed from a user's viewpoint?*

Headline Response - Customers don't consider the DC Committee to be efficient and effective. Inappropriate informality at Committee. Some key consultees feel that there was no adequate feedback loop – training issue.

Question - *General communication between members and officers?*

Headline Response - Officers responsive to councillor queries on individual cases.

Question - *How well the two elements pull together to support the Council's growth, regeneration and housing agendas*

Headline Response - No evidence of a one team approach.

Question - *DC Committee member training?*

Headline Response - Need to take a fundamentally different approach to addressing DC members/subs needs in order to modernise the Committee including annual mandatory training on planning committee procedures and policy as a pre-requisite for undertaking their role.

Question - *Committee attendance and use of subs?*

Headline Response – Committee attendance itself did not seem to cause any significant problem. However, when substitutes are used, they need to be used appropriately and need the same level of training as mainstream members of the Committee.

4.3.12 While on site at the Council we also shared with you work produced by the Planning Advisory Service as part of the Local Government Association, that described the top ten characteristics of highly performing Planning decision making committees (Annexe 1). An objective assessment of the current DCC would be that this achieves only 2 of these desirable characteristics at best. To drive improvement, the Council needs to reconstitute a new strategic Development Management Committee with a strategic focus including a review of size, composition, behaviours, skills and modern processes. Some Councils have moved to much smaller planning decision making committees to create better trained Committee members with stronger competencies in strategic decision making. The Council, led by the political leadership, should take these ten characteristics and work together to design the new strategic Development Management Committee

4.3.13 We see the need for step change as soon as possible in order for the new Committee to bed in before a new Local Plan is in place which will inevitably lead to more strategic housing applications. As part of this change in culture we consider that CPBC officers and Members, should work with PAS to identify and deliver an appropriate and comprehensive training package, in line with good practice. Part of this training needs to ensure that substitutes both have access to and are as well trained and as competent as members of the main decision-making Committee. To support this training, there needs to be a library of training materials and a central repository. To be clear, the peer review team

do not consider current training arrangements to be satisfactory and it is our judgement that they need to be completely overhauled.

4.4 Partnership Engagement

4.4.1 We discussed in section 4.1 the strong partnership work with the Association of South Essex Local Authorities (ASELA). The Government has recognised the importance of this work in its recently published 'Government Response to the Thames Estuary 2050 Growth Commission'. This collaborative work in South Essex has also included working with neighbouring authorities to put a Joint Spatial Plan in place for South Essex. This puts the Borough in a good position for the eventual Local Plan to 'nest' under a broader Joint Spatial Plan. Given the environmental constraints of the Borough, travel to work patterns and the equal need for meeting housing demand in surrounding authorities, solid joint working across South Essex will be vital.

4.4.2 We noted that the area benefits from an active and established local building community. This fits with the Government's aims to tackle the "broken housing market" in many parts of the country with a stronger focus on small and medium sized local and self-build builders. This has been important to at least ensure some level of house building in the Borough in the absence of a Local Plan and the lack of a release of large-scale sites. Looking to develop initiatives in relation to small sites will be an important part of the overall housing delivery supply in future and there are numerous examples of where authorities have taken a suite of initiatives to encourage the development of appropriate infill sites.

4.4.3 As we indicated in section 4.1, this peer challenge is aimed to help it put in place stronger mechanisms to support quality of Committee decision making in place in advance of the adoption of a Local Plan. This should provide the Secretary of State with at least some greater confidence that CPBC is serious about change and modernisation in the delivery of its planning functions.

4.4.4 We spoke to a number of developers and planning agents who valued the performance of officers in the Development Control Service and commented specifically on the good accessibility to officers, consistency in follow through from pre-application advice to decision and the management of major applications by the Strategic Developments Officer.

4.4.5 Developers and large national house building firms advised us that Castle Point is regarded as a well-connected location for investment and is an area in which they hold 'land options' and an area that they want to invest in. However, it was extremely concerning to be told that large scale developers and housebuilders generally stay away from the Borough as the culture of local politics is too difficult to deal with. One of the quotes perhaps sums up their overall attitude: "It's a gamble to bring forward investment in Castle Point as you don't know what will happen". Unsurprisingly they were totally frustrated with the inability of councillors to agree a Local plan. Developers and agents also responded generally negatively when asked about their experience at DCC. In particular they felt it was not fit for purpose as the 'shop window' for investors in Castle Point, although they did comment positively about the planning officers. To make multi-million pound investment decisions, investors want certainty, consistency and proactivity; and they are not getting any of these at present in Castle Point. This is a very sad state of affairs and there is an urgent need for the political leadership to address this by ensuring

they address the issues identified and reconstitute a new modernised strategic Development Management Committee with a strategic focus.

4.4.6 We found therefore that the lack of a Local Plan and a lack of trust and confidence in planning decision making is having wider strategic implications on the social, economic and environmental issues facing the area and upon the Council. The Borough and its communities are currently losing out on significant levels of investment and growth. As a result, homes, schools, infrastructure such as roads and safe community routes, improved health premises, parks etc. are not being delivered and this leads to unmet community needs. This needs to be addressed by the political and managerial leadership. They need to clearly understand this and need to demonstrate that they are able to articulate and communicate the positive message of place shaping and growth

4.4.7 Clearly our recommendations on the Local Plan and reconstituting a new strategic Development Management Committee provide the potential to recast some of these concerns. Over the longer term we recommend that the Council consider establishing structured developer/agent forums with the Planning Service with the sponsorship and engagement of the link Cabinet Member for Planning. This provides improved opportunities for engagement and transfer of learning and good practice across the sub region.

4.5 Achieving Outcomes

4.5.1 Unusually in the peer team's experience, we did not sense a strong focus on planning outcomes at Castle Point. This is linked to the lack of a Local Plan. In the absence of one there is no strategic direction or clearly articulated outcomes that the Borough is seeking to achieve. There were very limited examples of where the Service considered that the planning system had added significant value, for example through place shaping or design. This chimes with the emphasis we heard from a number of officers and Members that the Development Control Service is regulatory and a 'sausage machine' which is due to the lack of strategic plan, the types of applications the Council receives and no strategic sites coming forward.

4.5.2 As mentioned previously we appreciate that the lack of focus on outcomes partly reflects the low levels of growth in the Borough. Of the examples we were given these focused on the development of Ashcroft Place, Canvey Island Health Hub at The Paddocks Site that facilitated improved Doctors and health care facilities and a revised approach to surface water attenuation for schemes on Canvey Island.

4.5.3 We also recognise that the Government focus as judged by its performance measures often focus on speed, but it is also important for managers and officers to focus on quality outcomes and impact. This will become increasingly important once a Local Plan is in place and once the Borough can benefit from master planning of strategic allocations.

4.5.4 The lack of a Local Plan to guide and manage large scale allocations in a co-ordinated phased manner is inevitably leading to piecemeal development on unallocated smaller sites, often in greenbelt locations. Such small-scale development limits opportunities for Section 106 and the co-ordinated provision of infrastructure improvements. This again militates against development being brought forward in a comprehensive and co-ordinated manner to deliver community priorities. In terms of achieving improved outcomes on the ground for local people and businesses, again, this

points to the need for the Local Plan to be put in place at the earliest opportunity so that there is a firm foundation for infrastructure improvements to be negotiated as part of Section 106 negotiations.

4.5.5 The Council recognises that its housing delivery is well below the 'Objectively Assessed Need' and 'Local Housing Need' and is getting worse with large scale housing delivery failure of the Government's Housing Delivery Test (HDT). Current delivery against target is only at 48 per cent and Castle Point is the joint 10th worst council out of the 343 other councils in England on this measure. Previous housing targets were in the region of 250-280 dwellings per year with delivery in the area of only 100-150 dwellings a year. The Local Housing Needs requirement raises the target to 370 dwellings per year while the non-approved Local Plan aimed for 350 dwellings per year. And if Castle Point continues to miss thresholds for housing delivery its target figures rise, it can be placed under special measures and developers have greater opportunities to promote sites in line with sustainable development principles outside a plan led approach. Again, this would effectively mean by-passing local democratic decision-making on planning applications. Members, therefore, need to be fully accountable and need to retain decision making.

4.5.6 These figures demonstrate the scale of the challenge facing Castle Point if it is to get anywhere near meeting the Government Housing Delivery Test which is designed to promote greater delivery of homes to meet identified needs. A large cultural change focused on delivery will need to be made by the Council and its delivery partners alongside the adoption of a Local Plan.

4.5.7 The peer team were encouraged to see that the Council recognises the need to develop Housing Delivery Action Plans both as part of the Local Plan and as a response to meeting the HDT. We see the need for a piece of work in developing the Council's housing trajectory and creating an active delivery plan which involves a corporate approach which would help build confidence and lay a sound building block for the Local Plan. We suggest that the housing trajectory work would be commissioned by Cabinet and led by the Cabinet Members for Regeneration and Business Liaison and Housing and Council Homes which would help embed the ability for the deliver plan to look at housing need alongside delivery.

4.5.8 This work could be undertaken by a task and finish group which involves a number of key Cabinet members and members of a new Strategic Planning Committee to strengthen the connection between strategy and delivery and develop Member and officer's expertise experience of end to end delivery involving key partners, the community and developers. To address wider corporate priorities and negative perceptions relating to housing the delivery plan could be linked the Councils regeneration framework. This would enable officers and Members to explore the use of the trajectory in delivering the housing priority in the framework but look at options for wider regeneration alongside it for example small scale estate renewal or Community Land Trust or similar initiatives, which may also help attract wider funding mechanisms. It would also help with place shaping and master planning.

4.5.9 We also encourage the Council to start examining other early opportunities for improved delivery to get in front of the adoption of the Local Plan to prepare for its implementation. One example of a council focused on delivery is Plymouth who have embedded housing growth targets in its Plan for Homes initiative (triple winner of RTPi Silver Jubilee Cup). District councils tackling similar issues include Ashford, Guildford and

Rushcliffe and Harrogate. The Peer team have shared examples of interventions to stimulate delivery with the Council.

5.0 Further Support

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

5.2 Planning Advisory Service (PAS) & LGA Support Offers:

Committee Change Programme Support

PAS will provide up to 4 days additional support from an experienced planning officer and committee member to work with Castle Point to take recommendations forward, focusing specifically on helping to produce the content of a detailed, prioritised change programme.

PAS Planning Committee Training & Materials

PAS will work with the authority to deliver to deliver specific training requirements for the new planning committee.

PAS has general materials available on available from the PAS website:

- Development Management - Decision making, committees and probity
- Making Defensible Planning Decisions
- Developer Payments - Community Infrastructure Levy, s106 agreements and Viability
- Getting engaged in pre-application discussions
- Design training for councillors

<https://www.local.gov.uk/pas/pas-support/pas-subscribers/councillor-briefings/councillor-briefing-planning-committees>

PAS worked with Association of Democratic Services Officers (ADSO) to produce some materials for committee clerks. This covers an introduction to planning, decision making, motions and amendments, dealing with the public, interests and probity matters.

<https://www.local.gov.uk/pas/pas-topics/planning-committee/materials-committee-clerks>

Planning Application Quality Designation Support

PAS will work with the council review the current performance on quality of decision-making and help establish an accurate view on the risk of designation;

ALocal Plan Pre Submission Support

PAS can offer advice and support to the council as it progresses a local plan through production, public consultation, submission and adoption.

Housing Delivery Test – Action Planning Support

PAS are delivering support to all local authorities, like Castle Point, that have been "caught" by the recent housing delivery test who now have 6 months in which to make an Action Plan. The council can sign up to access the support at the link below.

<https://www.surveymonkey.co.uk/r/LKQYLS8>

PAS have published some of the sample Housing Delivery Test Action Plans made with the help of a group of pilot councils.

<https://local.gov.uk/pas/pas-topics/monitoring/preparing-effective-action-plan>

Other Local Authority Planning Committee Information

Plymouth planning committee webcasts

<https://plymouth.public-i.tv/core/portal/webcasts>

<https://plymouth.public-i.tv/core/portal/webcasts/enctag/Planning>

Plymouth planning committee public information

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/whathappensafteryoumakeplanningapplication>

<https://www.plymouth.gov.uk/planningcommittee>

Oldham planning application process information

http://www.oldham.gov.uk/info/200399/apply_for_planning_permission/748/about_the_application_process

Havant developer consultation forums

<http://www.havant.gov.uk/development-consultation-forums>

LGA Support

The LGA has a range of practical support available, to enable local authorities to exploit the opportunities that this approach to improvement provides.

This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.

Gary Hughes, Principal Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at

gary.hughes@local.gov.uk

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

5.4 For more information about planning advice and support, please contact Stephen Barker stephen.barker@local.gov.uk

Annexe 1

PAS Characteristics of a good planning committee

1. Trust, confidence and respect between officers and members of committee
2. Knowledgeable and regularly trained committee members
3. 9 to 11 committee members
4. Scheme of delegation focused on key strategic applications
5. Committee members separate themselves from their ward member role
6. Good chairing skills: allowing engagement but avoiding heavy repetition and any inappropriate comments and heavy questioning of witnesses.
7. Good accessibility, welcome, audibility, visibility, webcasting with it being clear to the public who the members and officers are
8. Quality of officer reports: Clear, concise, plain English reports that identify material planning considerations.
9. Members involved early in major and controversial applications through non-decision-making briefings
10. Committee owning its own performance



Local Government Association 18 Smith Square, London SW1P 3HZ

Telephone 0207 664 3000 Fax 0207 664 3030

Email info@local.gov.uk

www.local.gov.uk