

POS Enterprises

FINAL REPORT

Calderdale Met Borough Council

Review of the Planning Service

November 2021

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1 Introduction and summary to main findings and recommendations

- 1.1 POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Calderdale Council to undertake a review of its Planning Service. The Review was commissioned by the Corporate Lead for Planning who acknowledged the need for change and improvement and recognised external review as the catalyst to initiate the necessary action.
- 1.2 Throughout the process the staff have been helpful, open and constructive in their comments. The consultants wish to highlight this and thank all involved for their positive attitude to the entire review process.
- 1.3 The Review identified a number of areas which, in the opinion of the Review Team, should be the focus for the authority, and recommendations are included for consideration. This summary covers the main findings and recommendations. There are further recommendations in the report where there is room for improvement, but these are not considered to be of the same priority or are subsidiary to the main recommendations. In this respect it is important that the whole report is read together to understand the context, the inter-relationships and the relative importance of the recommendations. Following consideration of the report, the authority should prepare an action plan with clear priorities and timescales, in consultation with the staff.
- 1.4 During the course of the review both positive and negative factors of the Planning Service came to light. Both have been highlighted and recommendations are included throughout the report where there is scope for improvement. Some of the recommendations are specific, some recommend further examination by the authority, and some are dependent on actions from outside the service and outside the authority. An improvement plan that has too many priorities has no priorities, and the authority needs to be realistic in determining actions and timescales.
- 1.5 It is a characteristic of the review process that there is an emphasis on the negatives as these are where the service is not performing to the levels that could be expected. This is always the case and does not indicate a failing service, more that there is scope for improvement.
- 1.6 It quickly became apparent to the Review Team that Calderdale's vision and aspiration to be 'The Best Borough in the North' had by-passed the planning service. There was a disconnect between the overall performance of the authority and that of the planning service, which ranked towards the bottom of national and comparator group analysis. This was particularly relevant at a time when the service could and should be playing a key role in delivering authority core values such as local distinctiveness, climate change and improving the natural and built environment. Poor service delivery could not be attributed to the quality of the staff. The Review Team found a Planning Service with many excellent, well-motivated and long serving professional officers committed to providing a good service to the

public. However, they also felt that their current workload and the way it was being managed prevented them from delivering such a service. Finding budgetary savings and the consequent limitations on filling vacancies had clearly had an impact.

- 1.7 This situation had worsened in recent years (and had clearly been exacerbated during the pandemic) and had been allowed to continue through an absence of any meaningful performance monitoring or management. Delivering good professional decisions in a timely manner not only meets national and local performance standards but provides a service to the public which they have the right to expect. Making applicants and the public wait for decisions over unsatisfactory timescales is not meeting any Council objectives of putting the customer first or delivering development.
- 1.8 The Review Team found a lack of any systematic monitoring of performance or understanding of the comparative timescales for determining applications against either national or local comparators. Until such a time as there is a robust monitoring and management system in place allied to a clear understanding of its importance significant improvements to the service are not going to happen. This needs to be driven from the top, by clear and achievable objectives and targets embraced by the corporate management team and members, and clearly understood and appreciated by staff throughout the service.
- 1.9 This cannot be achieved overnight, but unless change is seen to be happening towards clearly expressed objectives the service is not going to improve. This is a fundamental step, and many of the other recommendations in the report flow from this. Turning the service round is not going to be achieved immediately. It will require the resources needed to implement a clearly set out programme for improvement and a commitment from political and corporate leadership to lead and support change. Managers and staff need the space to review and deliver improvement without being submerged in the day to day 'fire-fighting' which is made worse by current service failures. The challenge for the authority will be to maintain the current quality of decision making while making the transition to an efficient and effective performance focused service.
- 1.10 In the short term, the Review Team became aware of immediate problems with the validation of applications which had reached crisis point with no identified action being taken to resolve it. At the time of the review applications were taking 7 weeks to be validated, and the Review has subsequently heard that the situation had deteriorated further to over 8 weeks. In the Review Team's experience such a situation is unheard of. The Government performance criteria for determination of the majority of applications is 8 weeks and applications were not even reaching the case officers desks within this period. The section of the report dealing with performance is based on an analysis of government statistics for the 2-year period up until the end of March this year but with the current validation problem the situation is going to have deteriorated considerably. Customer care is another issue which needs to be prioritised. There are many aspects to customer care, but as with performance management they are interlinked and follow on logically from the principle of 'putting the customer first'. Initially there is a need to establish a facilitated initiative involving those responsible for providing the customer interface for the planning service across the council to understand the customer experience in all its respects and develop actions for improvement

- 1.11 The failure over a prolonged period to recruit a permanent Development Manager and Senior Enforcement Officer have contributed to the poor levels of performance in these areas. Whilst comparative salary levels are only a part of the recruitment debate there is some evidence that Calderdale's pay rates are not competitive and the staff have this perception. Staff in development management are carrying high caseloads and here again there is a clear view that failure to replace and recruit is a major contributory factor.

Key Priority 1 (Section 7)

An Improvement Action Plan must be prepared, in consultation with staff, which identifies the key priorities for improvement, with responsibilities identified and a programme for their implementation.

Key Priority 2 (Section 8)

Introduce and implement performance management and monitoring including setting clear ambitious but achievable targets over a 3-year period

Key Priority 3 (Section 9)

Set up a facilitated cross cutting team to review how the service treats the customer in all aspects of its work and prepare an action plan for improvement

Key Priority 4 (Section 9)

Take immediate action to deal with the excessive and unacceptable delays in validation of applications.

Key Priority 5 (Section 9)

Review as a matter of urgency the factors which have contributed to recruitment difficulties for key posts including pay levels,

2 Background

- 2.1 POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Calderdale Met Borough Council to undertake a review of its planning service in August 2021.
- 2.2 The Council wished to commission an external review which would look across the board at all aspects of the service. It is considered best practice for a service to regularly review:
- Local Plan context and impact on housing delivery
 - Involvement in and contribution to the Council's corporate vision
 - Development Management performance
 - Structure and resources
 - Procedures and processes
 - Pre application engagement
 - Use of extensions of time
 - Reporting to the Planning Committee and its effectiveness
 - The use of conditions and monitoring
 - Enforcement effectiveness
 - Customer satisfaction

3 Terms of reference

- 3.1 The review has been undertaken at a high-level focusing on what changes are necessary or desirable to make the service fully fit for purpose over the next three to five years. The Review Team has considered the wider strategic and corporate challenges the service will need to address; assessing the suitability of the current structure, organisation and systems, and the skills required to meet these challenges. It provides advice on necessary adaptations or reinforcement.
- 3.2 Through documentary and other research, including interviews and workshops with elected members, senior officers and planning staff, the report seeks to address the following key questions:
- How the planning service has performed over recent years
 - How the service might be improved
 - The practical implications of any enhancements suggested
- 3.3 The Review Team has remained mindful of the financial pressures upon local authorities, and the need for staff structure and numbers to be economical and efficient, as well as the current difficulties in recruitment of good quality planning staff, and the need for pragmatism in any new staffing proposals. However, it seems significant improvement will involve additional investment.
- 3.4 The commission has been informed by a range of discussions with staff and elected members. The functions of the interviews varied with those involved, but broadly they provided the means for the consultants to:

- hear perceptions of the challenges facing the service
- understand how the planning service has performed over the past couple of years;
- identify perceived problems or weaknesses
- elicit the participants' own ideas for how the service might be improved; and
- explore possible ideas for enhancements and highlight any practical implications they might have

3.5 The report would include:

- looking ahead at how the strategic and corporate context is shaping and the consequent challenges and implications for the service
- conclusions on the scale and nature of any weaknesses, deficiencies or inconsistencies in the performance of the service
- recommendations about performance improvements that might be made to the existing processes
- conclusions on the effectiveness of the management structure and systems, and any recommendations for enhancement
- conclusions on the effectiveness of current use of technology and how it might be enhanced, both in terms of exploiting the potential of the new planning application software and more widely to assist streamlined and cost-effective working
- conclusions on the fit of the staff resources and management structure with the anticipated future workload and the Council's expectations

4 Methodology

4.1 Two POS Enterprises consultants (the Review Team) visited Halifax for five days in August 2021, to meet with members of the department and to undertake documentary research and review performance statistics and data.

4.2 The review has been undertaken using four main techniques:

Interviews and workshops

4.3 A series of interviews were held on a one-to-one basis and workshops were held with small groups of people with related responsibilities. Some of these meetings were held face to face, whilst others were held via MS Teams.

4.4 A full list of those interviewed is contained at Annex A.

4.5 Throughout the process all interviewees were completely open and frank about their experience on the basis that no comments or information used within the report would be attributed.

4.6 Discussions covered the following areas:

- Performance against Government and local targets;
- General service delivery
- The team structures within the planning service and operational issues

- Communications – both internal and external
- Progress on the Local Plan
- The current use of the pre-application discussion process
- Consistency and process of decisions on major applications
- The use of extensions of time and planning performance agreements
- Planning appeals regarding major applications
- Performance monitoring and statistical analysis
- Committee and member relationships

Documentation and process review

- 4.7 During the review, the Review Team undertook a detailed examination of documentation, reference material, systems and processes currently being used, including:

- The emerging local plan documentation and timetable for production of the new plan
- Public information material from Calderdale's website, particularly that relating to S106 agreements and pre-application engagement
- Planning Committee and delegation arrangements
- Council protocols

Statistical analysis

- 4.8 Some reports were made available relating to the processing of applications from receipt to decision and appeal processes. However, information about current case load figures, the time being taken to determine applications, the number of invalid applications received, and the current pre-application workload were not made available. The Review Team also interrogated the MHCLG planning statistics which are used to assess performance against Government criteria.

Observation

- 4.9 The Review Team observed the meeting of the Planning Committee held on Tuesday 17 August 2021 via the Council's YouTube channel.

5 Initial appraisal

Strengths and weaknesses

- 5.1 The Review Team has undertaken a SWOT analysis of the planning service and its operation and has identified the following:

Strengths

- Staff loyalty and commitment
- Progress towards adoption of Local Plan
- Staff development (in the past)
- Local heritage and environment
- Staff local knowledge and experience
- Enthusiasm of Strategy team
- Appeal record for 'minor' and 'other' applications indicative of consistently good decision making
- Planning Committee working very well
- Good scheme of delegation working effectively

Weaknesses

- Poor development management performance against MHCLG criteria and Comparator Group
- Excessive and damaging delays in validation (and getting worse)
- Poor performance against Housing Delivery Test
- Lack of procedure for use of extensions of time (EoTs) and low rate of compliance with extended time limit
- Communications
- Ageing staff profile
- Freezing of posts and reliance on interim appointments
- IT
- Enforcement
- S106 monitoring
- Staff recruitment
- Customer service

Opportunities for the future

- Corporate backing for change
- 'Re-branding' of 'Calderdale Planning'
- Identifying external funding opportunities
- Retirements
- Adoption of Local Plan
- Garden Suburb
- Staff desire for improvement
- Income potential of pre-application service and Planning Performance Agreements (PPAs)

Threats

- Danger of intervention from MHCLG if performance continues to decline
- Reputational risks to attracting development and recruitment
- Reliance on staff goodwill
- Loss of minerals and waste expertise
- Potential loss of key staff
- Budgetary pressures
- Staff stress

6 What does good look like?

6.1 The Terms of Reference call for the Review Team to consider what would constitute a 'fit for purpose' planning function in the light of future challenges over the foreseeable future. This can never be an exact science if only because of the recent pace of change in legislative changes and new guidance coming from the government, something which shows no signs of abating. Nevertheless, the Review Team would suggest good practice would include:

- an up to date fully NPPF compliant local plan, reflecting corporate objectives, in place at the earliest opportunity and with regular monitoring processes in place;
- working towards climate change policy objectives for early local plan review based on a carbon neutral spatial strategy;
- a local plan evidence base tested by the PAS checklist and a proactive approach to the duty-to-co-operate with relevant partners;
- evidence of at least a 5-year housing land supply to meet the current standard methodology;
- a comprehensive Infrastructure Delivery Plan signed off by all relevant partners and with effective cross boundary multi-agency delivery mechanisms;
- A clearly expressed policy towards the use of S106 obligations setting out when they will be required, for what purpose and the necessary mechanisms to ensure delivery
- a pre-applications service including PPAs and charges, a protocol for involving Councillors on significant cases and MOUs with key consultees;
- an efficient proactive development management service that meets all statutory and local targets and offers good customer care and consistent planning advice, using up to date technology and delivering, enabling, monitoring and enforcing quality outcomes;
- a proactive approach to implementation including masterplanning, design coding and development briefs for significant sites, regeneration schemes and proactive care for the historic environment;
- a valued, motivated and skilled officer corps, working as an integrated planning service with appropriate performance management systems and training opportunities;
- an effective scheme of delegation, mandatory training for Councillors especially those sitting on the Development Management Committee, clear and transparent Committee procedures with clear co-ordinated professional planning advice available to Members.;
- adequate resources to deliver all of the above.

7 Context at Calderdale

Corporate context

- 7.1 Calderdale has set itself with the mission to be the 'Best Borough in the North' and has received many accolades for its services, including being shortlisted for the annual LGC Council of the Year award for 2020. The Council was rated 4th best in the country in the November 2019 'Which Councils are Best' report. It has also been shortlisted for its response to Climate Change and its Childrens Services. Its priorities for distinctiveness and to the climate emergency are going to be dependant on the planning service for their delivery. It is therefore surprising that the performance of the service does not live up to the corporate ambition and is poor in many areas.
- 7.2 The Planning Service should be playing a key role in promoting and delivering the right development in the right places, with local distinctiveness, climate change and environmental factors as core values. Delays with the Local Plan have hampered the delivery of housing although there is the prospect that the Plan can be adopted in the new year following the completion of the examination. Development Management however has some major issues and one of the questions that the Review has been investigating is why this has happened in an authority that prides itself on its services and performance. As always it seems that there have been a variety of reasons, and these are explored further in the report, but underlying the problems would appear to be the relative low priority given to the service in terms of resources allied to a lack of recognition of the implications for service delivery, both corporately and within the department.
- 7.3 Performance for determining planning applications for the last period for which official figures are available (the 2 years to March 2021) are bottom quartile and at the bottom of the Northern Authorities comparator group. Since the figures were compiled it is highly likely that performance will be shown to have deteriorated further. The enforcement function has over 300 complaints which have not been touched and front facing customer service has been cut back to levels which give cause for concern. Issues such as these should have rung alarm bells within the authority but it seems that planning has been 'under the radar'. These problems are not consistent with the Council's corporate ambition. Turning the service round is not going to be achieved quickly and will require acknowledgement and support from the corporate and political leadership together with a realistic view of the resources required.

Policy context

- 7.4 Calderdale has suffered from failing to meet the Government's Housing Delivery Test (HDT). This has resulted in Government intervention requiring the Council to submit a Housing Delivery Action Plan and the addition of a 20% buffer to its 5-year housing supply figure. Further failures could result in applications for housing being assessed against a 'tilted balance' of NPPF policies rather than against the Council's Local Plan, even if it is recently adopted.

8 Performance issues

(NOTE: all tables relating to performance issues are provided at Annex C to this report)

All DM performance issues need to be considered in the context of the current critical problems in validating applications. As already explained, the Review Team were made aware at the time of the visit that there were substantial and increasing delays in validation. At that time, the delay was reported as being 7 weeks but has subsequently increased to over 8 weeks. This means that applications have not even found their way on to the case officer's desk until after the deadline for their determination. This is an intolerable position and needs to be addressed immediately as a matter of extreme urgency. It would appear that there is no real recognition of the severity of the position and its implications for the Planning Service and the authority among those responsible for validation. This is explored further in Sections 9 and 11) below.

- 8.1 An authority's performance in determining planning applications remains an important focus for measuring the 'success' of the service. The criteria for judging development management performance have been reviewed by successive Governments, as have incentives and penalties. What has remained is a measurement of speed in decision-making which is easily measured and recorded in government statistics. Finding a measure for assessing the quality of decision making has proved more difficult and the current government has settled on the proportion of a local planning authority's decisions overturned on appeal against the number of decisions made. This may not be perfect but there is no indication that this is likely to change. The current designation criteria and procedures are set out in MHCLG 'Improving Planning Performance – Criteria for Designation' (revised 2018) published November 2018. As well as measuring performance nationally the MHCLG statistics provide the means to compare performance with other authorities. Calderdale is involved in the 20 strong 'Northern Authorities' comparator group and this has been used in this review to judge how Calderdale has been performing against its peers.
- 8.2 Speed of decision making cannot and does not reveal a complete picture of an authority's development management function but as the principal criteria used in external judgement it must be recognised as a key performance indicator. There is a continuing debate amongst planners about the balance between speed and quality and this was raised in group discussion. Measuring performance against Government criteria is not just about meeting 'arbitrary' targets. Making decisions in a timely manner is also a key element in providing an efficient service for the customer, whether that is the householder, developers or interested third parties.
- 8.3 In a well-managed and resourced planning service there is no reason why speed should be at the expense of poor decision-making and an effective pre-application process can have a significant impact in this respect. There are many examples of authorities achieving speed and making good decisions. What is essential for a planning service to improve its development management performance in respect of speed of decision making is a knowledge and understanding of current

performance and a commitment to improvement. This did not appear to be present in Calderdale.

Current Government 'Designation' Regime

- 8.4 The Government currently uses 2 measures of speed and 2 measures of quality in determining whether an authority should be 'designated' as underperforming with the consequent threat of Government intervention.
- 8.5 **Speed:** For major applications the measure is the percentage of decisions on major applications made within the statutory determination period (13 weeks, or 16 weeks where an EIA is required) or within such extended period as may be agreed between the LPA and applicant through an Extension of Time (EoT) or Planning Performance Agreement (PPA). The threshold for designation is 60% over a rolling 2-year period up to the most recent quarter for which MHCLG data is available (April 2019 – March 2021 at the time of writing this report). While there has been no formal indication of any change in the threshold, it was increased by 10% from 50% to 60% in 2016 and further increases are possible.
- 8.6 For non-major applications the measure is on the same basis but the threshold is 70%. These designation thresholds are minimum standards which must be met to avoid designation and are achieved and considerably exceeded by all but a handful of the 330 English local planning authorities. They do not represent a meaningful basis for assessing an authority's comparative performance.

Major development

Development involving any one or more of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwellinghouses where:
 - i. The number of dwelling houses to be provided is 10 or more; or
 - ii. The development is to be carried out at a site having an area of 0.5 hectares or more it is not known whether the development falls within sub-paragraph (c)(i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more.

TCPA DM Order 2015

- 8.7 **Quality:** For major applications the quality criteria is the number of a local authority's decisions overturned at appeal against the number of major applications determined. This again operates over a rolling 2-year period, but because of the

timescales for appeals the latest available period is to December 2018. The threshold for designation is 10%.

- 8.8 For non-major applications the quality criteria and threshold are the same as for majors.
- 8.9 The penalty for an authority that is designated for major applications (speed or quality) is that applicants have the option of submitting applications directly to the Planning Inspectorate (PINS) therefore taking the decision out of the Local Authority's hands. This would also apply to authorities designated for failure on non-major applications except for householder applications which would be the subject of a government monitored improvement plan. Apart from the potential loss of local decision making, designation would also represent a reputational failure with the attendant risks this brings of continuing government scrutiny, attracting staff (or losing existing quality staff) and threatening investment. It is therefore of paramount importance that development management performance does not pose a risk of designation.

Current Performance against designation criteria

- 8.10 **Major Applications** (Table 1) In terms of speed, Calderdale's performance for the latest 2 year rolling period to the end of March 2020 was 79.9% against the designation criteria of 60%. Whilst this is significantly above the designation threshold it is well below the national average (88%, upper quartile 96.5%) and is reliant on the use of Extensions of Time (EoTs). 41 of the 69 applications determined during the period were the subject of EoTs (59%) and if these were excluded the performance figure would drop to 30%. Nationally the use of EoTs for major applications is common practice and reflects the complex nature of major applications. For England, as a whole, 68.7% of major applications were the subject of EoTs (or PPAs) and of these 91.7% were determined within the agreed extended period. For Calderdale, 82.9% of EoT applications were determined within the extended period. Missing the extended target date is a factor in Calderdale's low position in respect of major applications. The use of EoTs is dealt with in more detail below. A further factor to be taken into account is the relatively small number of applications (69 over 2 years). The rolling nature of the criteria means that a poor quarter can have a significant effect on the headline figure, particularly if it replaces a good quarter. For this reason, it is essential the figures are monitored on a regular basis.
- 8.11 In respect of the quality indicator (Table 2) the current performance of 2.6% of major appeals overturned against the total number of major decisions gives no immediate cause for concern, although it does place Calderdale in the bottom quartile. The very small numbers involved can lead to fluctuations so monitoring and understanding the future impact of appeals in the pipeline remains important.
- 8.12 **Non Major Applications** (Table 3) Performance for speed of determination for non-major applications for the 2 year period was 85.4% compared with the designation threshold of 70%. Whilst this shows little immediate threat of designation it was achieved with a higher than average use of EoTs and was below the national average of 88.7% and compares with an upper quartile figure 95.2%. 35.7% of Calderdale's non-major applications were the subject of EoTs, compared with a

national average of 32.3%; a higher than average reliance on EoTs on straightforward applications to achieve a comparatively poor level of performance.

- 8.13 The appeals quality indicator (Table 4) was at 0.3% (overturns at appeal as a percentage of total decisions). Calderdale has a good record on appeals generally and this indicator is far less of a risk as currently calculated and few authorities nationally are close to the 10% threshold for designation.

Overall development management performance

- 8.14 Performance against nationally set criteria is an important factor for the planning service. Apart from the risk of designation it provides a means of comparison with other LPAs nationally and locally and is one consistent measure against which the reputation and quality of the service is judged, both internally and externally. It is for each authority to determine where it wishes to position itself in terms of its development management service and to set its own objectives and criteria, but it can only do this when it has an awareness and appreciation of its own performance.
- 8.15 If a service has aspirations to be a good or very good service its comparative performance nationally and locally should be a matter of concern. A reputation, as an authority that consistently performs at a high-level, assists in attracting and retaining quality staff and can be a source of pride to members, officers and the local community.
- 8.16 Tables 1 and 3 illustrate how Calderdale is performing nationally and locally against the 'Northern Authorities' comparator group which is used for benchmarking across all services.
- 8.17 **Speed of decision making for major applications (Table 1):** With 79.7% of major applications determined within 13 weeks (or to a timetable agreed through an Extension of Time (EoT) or a Planning Performance Agreement (PPA)), Calderdale ranked 285 out of 345 English LPAs (bottom quartile) and was 20th out of the 20 Northern Authorities. Calderdale made less use of EoTs than any other of the comparator group, but what was noticeable is that it determined the fewest within the extended time limit. Most of the other Northern Authorities were determining between 95 and 100% of major applications with EoTs within the extended period whereas for Calderdale this fell to 83%. The conclusion from this must be that EoT cases are not actively managed to ensure they meet the timescales.
- 8.18 **Quality of decision making for major applications (Table 2):** As already explained the relatively low numbers of major appeals over the monitoring period indicates a low risk of designation. What is of more concern is that only 3 appeals were involved but they were all overturned ie a 100% failure rate. The main contributory factor will have been the lack of a 5-year housing supply which is being addressed through the Local Plan and the Housing Delivery Action Plan.
- 8.19 **Speed of decision making on non-major applications (Table 3):** With 85.4% of non-major applications determined within 8 weeks, Calderdale ranks 245 nationally (lower quartile) and 18th equal out of the Northern Authorities Comparator Group. The national upper quartile figure is currently 95.2%. For this category of applications Calderdale's use of EoTs was 35.7% as against a national average of

32.3%. The use of EoTs within the Northern Comparator grouping varied considerably, from 9.1% of applications in St Helens to 63.6% in Kirklees.

- 8.20 **Quality of decisions on non-major cases (Table 4):** As already mentioned above the risk of designation against this indicator is very low, and the numbers involved generally are so low that comparisons are not very useful. The number of decisions overturned at appeal for non-major cases during the qualifying period (6 out of 71 cases) gives little cause for concern in this respect at the present time. As this is one of the national designation criteria it should, however, still be regularly monitored and reported.

Extensions of time

- 8.21 Extensions of Time are now commonly used across the country to varying degrees and for varying purposes. What is important for authorities is to understand how they are being used and to have a policy or protocol in place to manage their usage. EoTs can be used to disguise poor practice, both among officers who don't manage their caseload efficiently or, for example, to allow for otherwise unacceptable delays in responses from applicants or consultees. They should be used where they will facilitate an acceptable outcome for an application not merely to extend the timescale and artificially improve performance figures. There have been indications from Government that they are unhappy with the excessive use of EoTs and intend to introduce measures to reduce dependency on them. Calderdale needs to be in a position to deal with any moves in this direction.
- 8.22 While the levels of EoTs used within the 2-year period were not excessive (below the national average for majors and 2.4% above for other applications) It should be a concern to the authority that even with the use of EoTs the performance figures are towards the bottom of any comparative assessment. What is a real worry is that in the months following the 2 year period for which official figures are available it seems that EoTs are being requested on all applications at the time they are validated. This is an abuse of their usage, which should be specific and related to the particular circumstances of the application. There is no process or protocol in place for their usage and this needs to be addressed. A sample protocol for Extensions of Time is provided at Annex D for information. There is also no monitoring of their usage.

Length of time to determine applications

- 8.23 The poor performance against speed of decision-making criteria indicates that there are significant issues in managing the development management workload. To examine this further the Review Team would normally have looked at the length of time it was taking to determine applications and the relative caseload. However, this information was not made available. Alongside the performance against the government criteria the length of time taken to determine applications provides a very useful check on the service being provided to applicants and the authority should include this in its monitoring framework. The officers' caseload is essential management information.
- 8.24 The Review Team has also looked at how performance against Government criteria has changed over time. Table 6 'Historic Performance Tables' shows how the authority's performance in respect of determining major and other applications has changed since the 2015-2017 24 month qualifying period. It shows that

performance had been relatively consistent and 'mid-table' between 2015/17 and 2017/2019 but had declined since with a significant drop in 2019/21. It appears that the falling-off in performance has coincided with budget reductions and non-filling of posts but a direct correlation is difficult to quantify.

Performance Monitoring and Management

- 8.25 Before the problems can be addressed it is essential that there is a clear understanding of the position. The Review Team saw little evidence of any service level performance monitoring and management on a systematic basis. Some individual officers kept their own records, but there was no routine discussion of performance against national or local targets at service level management or team meetings or at one-to-one meetings. This is not just about meeting artificially imposed targets. Understanding the workload and how efficiently and effectively it is managed is an absolutely basic requirement of good DM management.
- 8.26 At the corporate and member level, The Review Team saw no evidence of any monitoring of Development Management performance. It was not included in the Corporate Performance framework which sets the council's key priorities. In the light of the absence of any regular or systematic monitoring it is not surprising that DM has slipped below the radar and missed out in corporate decisions regarding resources. As a minimum the authority should be monitoring the MHCLG performance criteria which set the national framework and provide comparative information. It is for the authority to set its own targets but they should be in line with the current Government 24-month criteria and set within a context of service improvement. They should then be regularly reviewed at service, departmental and corporate level.
- 8.27 The approach to performance management was consistent with the lack of clear objectives for the service at either member, corporate or service level. The absence of any systematic monitoring of performance has meant that the decline in recent years has not been 'on the radar' and therefore not addressed.
- 8.28 It appears that reports on performance can be made available through the Uniform/Enterprise system but it is clear that these are not widely circulated and not acted upon. There is no performance management culture in development management, and the backlog is growing rather than reducing
- 8.29 The authority urgently needs to decide what its objectives for the service are in terms of absolute and comparative performance and set targets accordingly. The starting point should be the MHCLG designation criteria, overlaid with where the authority wants to place itself in the national and comparator rankings. In the opinion of the Review Team a realistic target should be to achieve national upper quartile performance within 3 years in speed of determination of both major and non-major applications. These can then be cascaded down to comparator group monitoring and annual improvement and internal process targets (eg. validation, team and individual targets). The quality measures are not currently a priority but should still be monitored to ensure intervention levels are avoided. A high priority local indicator would be reducing the average length of time to determine applications, with a 3 year and interim targets.

- 8.30 Monitoring performance against KPIs should be a regular item for the Service Lead Officer's management team meetings and cascaded to staff. The Enterprise system the council uses can make monitoring and management reports available to all officers in real time and this should be pursued as a priority.
- 8.31 It is also important that elected members 'own' the objectives for the service and take responsibility for performance. This is not just about meeting Government targets and avoiding intervention. It is a measure of the service provided to applicants and the community in terms of timeliness, effectiveness, costs and efficiency. Currently members have not been involved in establishing their aspirations for the service and are not informed in any meaningful way about performance. They should be a part of the debate in setting objectives and targets and then kept informed on a regular basis. Reports should be submitted to both the Planning Committee and Overview and Scrutiny on a quarterly basis, particularly at the moment when addressing performance should be such a key Council priority.

(NB: Since the Review Team visited Calderdale, the MHCLG performance statistics for the 2 years to June 2021 have been published. These show a slight worsening in Calderdale's figures, to 77.3% rank 299 for majors, and 82.1% rank 262 for 'Other' applications)

SECTION 8 RECOMMENDATIONS

Para 8.22

Introduce a procedure for the use of Extensions of Time

Para 8.24

Take immediate steps to review the longstanding applications and remove those that are no longer 'active'

Para 8.24

In the short term implement specific and managed actions to reduce the backlog of applications which may include overtime working and/or using consultants

Para 8.26

Establish objectives for Development Management agreed corporately and by members which will form the basis for the performance management framework.

Para 8.26

Set performance management criteria to align with the MHCLG national criteria for designating underperforming authorities

Para 8.29

Establish local targets which are ambitious but realistic, with the intention to reach national upper quartile within 3 years

Para 8.29

Set targets for reducing the average length of time taken to determine applications (and reduce reliance on Extensions of Time)

Para 8.30

Establish monthly reporting on performance to the Service Management Team and quarterly reporting to the Corporate Management Team.

Para 8.30

Ensure that performance monitoring reports are cascaded to all staff

9 Management, organisation and staffing

This section examines the organisational structure within the service, and the level of resources available. Having established that the performance and service to clients and the public from development management is poor and, if anything, declining, the Review Team considered the factors leading to this conclusion. In the many discussions with staff at all levels there was a prevailing view that workloads had increased, staffing levels had reduced, recruitment was inhibited by lower levels of pay than adjoining authorities and financial reductions had over-ridden service needs. These factors clearly were impacting on staff morale. The majority of staff had a strong loyalty to the area and to the Council but were reaching a point where the goodwill that this engendered was being tested.

Development management structure and organisation

- 9.1 On paper the Development Management function is structured on traditional lines with two area teams each with a team leader reporting to the Development Manager, who is an interim appointment. Unsuccessful attempts have been made to fill this post on a permanent basis since at least 2015. There is a separate enforcement team reporting through a Team Leader also responsible for minerals and waste and a Team Leader Improvement and Process. (see organisation chart at Annex B). Conservation and Trees also sit within the area team structure, responsible to the one remaining Team Leader. It was not clear how this would work if the authority were successful in appointing further Team Leaders. Conservation is dealt with in Section 12 of the report. With a clarity of roles and delegation the current structure could work effectively. In reality, the situation is more complicated. Of the professional planning team leaders there is only one of three in post, the other two having been vacant for some years. This has meant all three professional teams report through the one Team Leader and the team and area split is no longer meaningful. The Team Leader Improvement and Process has a responsibility within the service for process matters (systems, processes and procedures) but no line management responsibility as the staff working on these functions are within the Corporate Support service area. This is explored further in paras 9.6-9.13
- 9.2 The Review Team heard that posts were being kept vacant to meet savings targets and that when attempts have been made on a number of occasions to fill the vacancies at DM Manager, and Team Leader, these have proved unsuccessful. Few, if any, applicants had applied and potential appointees had turned posts down. Paras 9.20-9.22 below dealing with resources examine the difficulties of recruitment.
- 9.3 With the current long-standing vacancies the one remaining team leader takes responsibility for allocating applications, signing off decisions and committee reports, advising and mentoring staff including 1 to 1 meetings and appraisals, monitoring workloads as well as the day-to-day management of the teams. It is unsurprising that some areas such as enforcement have not been effectively managed for some time.

- 9.4 While the Review Team has spent some time looking at processes and procedures it is quite apparent that the identified problems of performance and service cannot be addressed without the resources necessary at management level to enable the service to function effectively. Both the interim Development Manager and one remaining Team Leader have to devote much of their time to 'fire fighting' rather than managing. The situation has been exacerbated with the Covid crisis and the sudden but inevitable switch to home working. While this seems to have been handled quite effectively, in the circumstances, it has inevitable side effects, particularly on communications, and there have also been IT and systems problems, including loss of connections and down time, with the effect this has on services. It appears that a major element of the service's work is going to be home based in the future and as a long-term arrangement it will need a thorough review of working arrangements. Having the right equipment with the right technical capabilities for home working is essential. Communications and staff wellbeing will need permanent solutions in place. The Review Team were told that officers were currently having to download files and drawings onto mobile phones for site visits (discussed further in para 9.38). Issues such as this and the Health and Safety of the home office environment will need to be addressed on a systematic basis.

Managing the development management team

- 9.5 As reported in Section 8 above there has been little management of the performance of the development management workload in recent years. Regular reporting of the impact of financial and staff reductions on performance could have assisted in highlighting the impact for the authority as a whole. The Review heard from a number of sources that the response to budget reductions had been that the service 'would manage'. From the review findings it is apparent that this has not been the case. The vacancies at Development Manager and Team Leader level have resulted in only a minimal level of managing the workload. Day-to-day issues of responding to the immediate pressures of allocations, signing off, committee, case officer advice on particular applications and applicants/public complaints have left very little time for pro-active case management and positive initiatives for service improvement.

Business support unit

- 9.6 Approx 3 years ago the validation and technical administration staff from the planning service were moved into a central business support unit, located within the Finance Directorate, as part of an initiative to centralise administrative staff. Four staff (3.8 fte) who were fully trained on validation procedures were transferred across, together with other team members, who had been dealing with appeals, enforcement, environmental health, land charges, street naming and numbering and building control.
- 9.7 Two of the trained validation staff have now left the authority and have not yet been replaced. As a result the two remaining validation officers (1.8 fte) are dealing with not only all technical validation, and prior approvals, but also with issuing the bulk of decision notices, and preparing presentations for the 3-weekly Planning Committee meetings. The level of delay in validating applications is discussed further in Section 11 below
- 9.8 Another member of the team that was moved across deals with appeals and planning enforcement administration, whilst the final member issues some decision

notices and also deals with administration relating to planning enforcement. Neither of these team members are up-to-date on validation processes so have been unable to assist with the current backlog. It is clear that because there is no overlap between the work (or technical knowledge) of individual members of the team there is little to no resilience built into the system.

- 9.9 The Review Team also heard that responding to the general planning email boxes had been prioritised by the Support Team Leaders over validating applications. As many of the emails related to queries about unvalidated applications this is not helpful or a constructive use of time.
- 9.10 The Review Team was concerned that there appeared to have been little weight given to the fact that validation is a highly technical task that requires significant planning knowledge, and that it is not a straightforward administrative function. There also seemed to be little understanding that as soon as applications are received, the clock starts ticking down on either the 8 or 13 week decision performance targets, which are nationally set Government targets, or that there are serious consequences for the authority if the performance levels drop to a lower standard over several quarters. As a result, it is strongly recommended that the validation and planning admin team members are moved back into the Planning Service as soon as possible.
- 9.11 However, whether the team remains where it is or moves back to within the planning function, it will be essential to urgently build back up and resilience into the validation process with a properly resourced and fully trained team who are equipped to handle all elements of the myriad processes involved in technical planning administration.
- 9.12 Approval is required from the Vacancy Resourcing Group (VRG) to fill any vacancies at this level and a formal case for these posts to be filled must be prepared. The Review Team understood that, at the time of the review visit, this had not been made.
- 9.13 The Review Team also heard that since lockdown there had been no virtual team meetings for the Business Support Unit and it was very clear during discussions that morale amongst these officers was at an all-time low with members feeling very abandoned and unsupported.

Development management staffing and resources

- 9.14 The Review Team heard in several conversations that to improve the Development Management service it was essential to have more staff. Heavy caseloads, staff absent through stress related illness and working many hours of unpaid overtime were quoted as examples of why more staff were needed. There was a perception that the position had worsened in recent months. The Review Team took this issue very seriously as the health and well-being of staff should be one of the prime duties of the authority.
- 9.15 There is no official indicator of an appropriate caseload for development management staff and the only benchmark widely quoted is the Planning Advisory Service's figure of 150 applications per officer per year which was published over 15 years ago. This takes no account of the mix of applications, the other duties are

expected of case officers (pre-applications, appeals, prior notifications duty planner duties, etc) and what IT systems the authority has in place and it therefore has only ever provided a very rough guide. More recent benchmarking undertaken by PAS, which has now been published, suggests a more realistic figure might now be 80-90 case per year, but this figure includes both case officers and dedicated support staff (but not managers). In Calderdale the number of support staff is not straightforward as they are part of a central support function. For the purposes of this exercise an assumption of 2 fte has been made.

- 9.16 The number of planning applications received by Calderdale has averaged 1378 per year for the last four years to March 2021 (see Table 5 at Annex C). This figure has remained fairly steady with a dip in 2019/2020 but an increase in 2020/21. The number of case officers on the establishment is currently six. Excluding the Team Leaders and support staff (and the Minerals and Waste post which has a small and specialised case load) this works out to approx 230 cases per year on average. Including two support staff this falls to 164 cases. The Review Team has undertaken a number of reviews across the country and these figures are certainly much higher than normally encountered. An indication of the workload is that many officers had 100+ applications on their desks at the time of the Review, which would be the equivalent of a year's work. Clearly these are all average figures and are a comparative rather than an absolute assessment. Staffing levels across planning authorities have been under pressure across the country while expectations on the service have increased. Local factors such as the mix of applications and the number of prior notifications are also relevant, but this analysis supports the view that the staff are under pressure from the workloads expected of them. The position has also been exacerbated by the lack of support as a result of management vacancies.
- 9.17 What these figures do imply is that the authority needs to look at the level of staffing across the Development Management function. This needs to be urgently addressed to enable the authority to move forward and address some of the other issues contributing to comparatively poor performance, and the very real pressures on staff. Over the same 4-year period the number of applications determined has steadily declined, from 1363 in 2017/18 to 1064 in 2020/21. This reflects a decline in performance levels over the same period and a mounting backlog of applications. Apart from staffing levels the other contributory factors that need attention include:
- Delays and procedural 'bottlenecks' at registration, validation, allocation and sign off
 - Backlog of cases
 - Micro-management of cases
 - Delegation arrangements at both officer and member level
 - Risk averse culture and lack of confidence among some staff to make decisions
 - Lack of emphasis or understanding of performance issues
- 9.18 Staffing levels can only be improved if the budget is available. It appears that over recent years the Planning Service has had to make significant savings. These include having to accommodate a projected £100k pa in CIL income, at a time when the authority had not (and still hasn't) introduced CIL (and CIL income is supposed to be ring fenced to infrastructure provision) together with a further £100k projected

increase in planning application fee income. As these savings have not materialised further savings have had to be made from the budget to compensate.

- 9.19 In the short term, a third-party contractor, Terraquest has been appointed to deal with an initial 120 non contentious applications (householder/minors) on a fee basis that allows for one contact/negotiation only with the application agent and which includes validating the applications. If this first trial is successful then there is discussion about a further 120 applications being taken on in the same way. This will assist with the backlog to some extent for both validation and for case officers, however, it is not a sustainable long-term solution, and brings with it added pressure on the Team Leader who has to determine which of the applications should be sent to Terraquest.

Recruitment and retention

- 9.20 Recruiting and retaining planning staff in the public sector is an acknowledged problem nationally. Calderdale has experienced difficulties in recruiting staff and has brought in contract planners to cover for vacancies and deal with appeals, although there have been lengthy periods when vacancies have not been covered and the quality of contract staff has proved variable. Salaries are a factor in both recruitment and retention, and many other factors also have an impact. Training opportunities, career progression, variety of work, levels of responsibility can all play a major part professionally, while flexibility of working arrangements, working environment and the quality of the area are also relevant. Calderdale is a relatively small metropolitan authority and this will have an impact on the salaries it can afford. Establishing Calderdale as a 'good place to work' with an interesting variety of development, heritage and natural environment assets and a regeneration agenda could be as important as financial incentives, but Calderdale will need to be seen as improving and having a positive agenda and image.
- 9.21 In discussions with staff, salaries were mentioned as a significant factor. Many staff lived locally or were attracted by the location of Calderdale and this was important to them with the convenience, flexibility and environment it provides. Salaries cannot be ignored, but the authority should be working towards a recruitment and retention policy based on a reputation as a 'good' planning authority, local recruitment with opportunities for school leavers, graduates and 'returners', policies for training and progression including mentoring, and flexible working arrangements. Retention of staff is dependent on keeping them motivated and empowering them as they progress, otherwise they will be tempted to look for more responsibility (and more pay) elsewhere. This is just one factor that should be influencing the authority's approach to delegation and responsibility. Training is dealt with in more detail in paras 9.41-9.46 below.
- 9.22 Priority needs to be given to the permanent recruitment of an experienced and capable DM Manager with the drive and initiative to deliver the service improvements necessary. This is a key post and needs to be identified as a challenging professional opportunity with a competitive and attractive offer financially.

Customer service experience and communications

- 9.23 Two of the council's Mission Plan values are to "invest to understand customers" and to "improve service quality". Many of the current working practices within Development Management do not address these values as a priority. There are reasons for this but if Development Management is to be brought within the mainstream of Calderdale's services these need to be addressed.
- 9.24 As set out earlier in this report a fundamental element of putting the customer first in a planning context is to provide an efficient and timely service which delivers good planning decisions within set timescales. This is dealt with elsewhere in the report but should be the first priority. If applications are being dealt with in a timely fashion in accordance with a clearly set out timescale and process, with progress indicated electronically through the website, the number of inquiries and complaints is likely to be reduced.
- 9.25 There are currently three channels through which the development management service has an interface with its customers, the Council's website, telephone inquiries and email. As with the majority of organisations the Council is prioritising the website as its primary route for customer contact.
- 9.26 The Review team has interrogated the Planning service element of the website which in general was relatively easy to navigate. However, the service was not always meeting the levels of service set out in the documents available.
- 9.27 Telephone inquiries were a topic raised in all discussions. Calls are initially routed through the Council's corporate Customer Care Team. The current Customer Care team members are not fully trained or equipped to answer technical questions so that many calls have to be re-routed and often this means that the general response is that the caller should consult the website or submit an email. Alternatively, the Customer Care Team forward an email, requesting a call-back, to the generic development management email boxes, which are dealt with by members of the Central Business Support Unit, who again are not always equipped to deal with technical inquiries. The public would much rather speak to someone with the knowledge to answer their inquiry and delays in responding to emails often resulted in follow-up calls.
- 9.28 The Business Support team members dealing with planning administration have not been issued with phones for home working, rather they have the ability to make telephone calls via the JAVA phone app on their laptops and this has further exacerbated problems of communication, not only between the public and the team, but also for case officers, who have not been able to easily communicate with business support team members, except via email.
- 9.29 The Review Team also heard that the case officers and business support team members are currently using automatic responses to all emails received but that the tone of these responses has become increasingly depressing about the growing backlogs causing even more frustration and complaints from customers. The Review Team heard the term "smacks of desperation" several times when talking about these issues and considers that this cannot be helping the authority reputationally.

- 9.30 These types of issue are not confined to Calderdale. Some of the problems can be overcome with carefully prepared scripts for the customer care and support staff and with well-constructed web pages. A more integrated and trained support staff who can take some technical questions would also be helpful. If a response can be made at the first point of contact not only is the customer happy but much time can be saved. If the authority is going to continue with the current practice of routing calls through the customer and support teams a 'triage' approach is recommended where staff are trained in establishing clearly the nature of the inquiry, who, where and when the answer can be obtained and how best to access it. This happens already, to an extent, but a clearer process and better training would aid improvement. This needs to be followed up by ensuring that the answer is provided by the right person at the right time.
- 9.31 The duty planner service is currently suspended so it would be even more helpful if queries could be answered by the 'first responder' very quickly. In the longer term it is recommended that the duty planner service should be re-instated.
- 9.32 Like many authorities, Calderdale seeks to minimise customer interaction as it imposes on the 'real job' of processing applications. This may be a simplification and a generalisation but the processes in place generally limit rather than encourage officer/customer dialogue, and at a time when there are considerable delays dealing with complaints about the service, create an additional workload and result in a "those who shout loudest get priority" situation. It is a truism that time is a limited resource and if spent on one thing is not available to put to 'better use'. There may be a number of incremental changes which could improve customer care, but unless there is a change in attitude such moves will not break down the current barriers, between the support team and the planners, between the corporate customer care and the development management team and ultimately between the Council and the community. The Review Team see this as a priority second only to performance management and needing a facilitated team approach to developing an action programme.

Development Strategy

- 9.33 In terms of management and staffing the work on the Local Plan has been inhibited by the absence of a Development Strategy Team Leader since March 2020. This post would have been expected to take the lead at the local plan examination, both in terms of process and leading the Council's representation at the hearings. Instead, much of this work has had to be undertaken by the Service Lead, diverting him from his primary function of managing the planning service as a whole.
- 9.34 There has also been a lack of administrative support for the team during the examination which has failed to recognise the significant administrative burden of the process, which has largely fallen on the professional staff diverting them from the preparation and presentation of the professional evidence.
- 9.35 In terms of future priorities, the Strategy Team has an immediate task in dealing with modifications and reviews arising from the examination. Following on the programme of work necessary to implement the local plan and take policies forward will be critical to the future of the Borough. To achieve the corporate ambition of the authority in areas such as climate change, distinctiveness and regeneration will require partnership and multi-agency working with planning strategy a key platform.

The first task will be to establish a realistic but ambitious work programme identifying the resources and expertise involved and the essential partners. Working across a range of projects will require skills and expertise drawn from within and outside of the organisation.

Information Technology

- 9.36 During many discussions the Review Team heard that there on-going issues with some elements of the IT equipment and programs being used within the department. Some of these issues were already present but have been highlighted by the haste in which home working had to be implemented at the beginning of the COVID pandemic.
- 9.37 Strategic planning have issues around databases and GIS systems which are likely to be exacerbated going forward if the majority of the team have to work from home on a more permanent basis.
- 9.38 Case officers have not been provided with printers so are currently relying on the use of handwritten site notices, which the Review Team would consider to be entirely unacceptable. They have also not been provided with tablets so are using mobile phones to download site plans when they go on all site visits. Apart from the time this takes it provides inadequate information for officers to make a professional appraisal of proposals on the ground and opens the possibility of errors in their assessments.
- 9.39 There were also on-going complaints about information within the Uniform planning application system, around errors with listed buildings and Tree Preservation Orders.
- 9.40 In the Review Team's opinion all of these issues will need to be addressed going forward if the decision to retain home working for the majority of staff for a significant part of each week.

Training and staff support

- 9.41 The Review Team heard that there was no integrated single process manual in place and very few written procedures/process notes. Although the Review Team requested copies of any procedure notes very few were provided and some interviewees were not aware of their availability or where they could be located. It is understood that the Interim Development Manager has now started to bring all existing notes together in one place on a shared drive on the Calderdale IT system so that all officers can have easy access. The case officers are also now in the process of identifying which elements of procedures are missing and which will be written, agreed and added to the shared drive.
- 9.42 This lack of basic support and resource was surprising, particularly when set in the context of other extremely good support for officer development. The Review Team heard examples of administrative/technical officers who had been encouraged to train as town planners and who had been supported by the authority to gain their planning qualifications through day release schemes. This "grow your own" initiative was in place for many years and has certainly contributed to staff loyalty and retention and is something for the authority to be very proud of. However, this practice has declined in recent years. It could be that this is one of the casualties of

the technical and admin support functions being taken into the centralised Business Support Team and no longer having the same identification with planning.

- 9.43 The Review Team is also aware that there had been some initial work undertaken on a Validation Procedure manual within the Business Support Team but that any work on this has ceased since the initial COVID lockdown in March 2020.
- 9.44 The Review Team understand that staff appraisals and the setting of personal goals is normally undertaken through the Calderdale approach of “Shared Conversations”. It appears that such conversations have also become a casualty not only of lockdown but also because of other pressures on the single existing Team Leader.
- 9.45 One of the side effects of this breakdown in regular appraisals is that the personal goals and training requirements of officers have also ceased. In current circumstances, where most members of staff will be working from home for the foreseeable future, with only occasional visits to the office, it is all the more important to ensure that staff welfare, mental health, development and training are properly and regularly discussed with appropriate investment being made.
- 9.46 The combination of heavy workloads and having to move quickly to remote working has also meant that many of the ‘normal’ channels of communications have suffered. Issues like the progress on the Local Plan, government policy and regulation changes and their implications, as well as the corporate position are not so easy to deal with as they need to be specifically identified as issues for formal communications via the remote channels. In an office environment these are often dealt with through casual routes (although formal briefings and meetings clearly have a place) or can be raised as issues easily. If the authority is going to be moving to remote working generally, provide the opportunities for communicating with and between staff need careful consideration.

SECTION 9 RECOMMENDATIONS

Para 9.4

Undertake a review of home-working conditions, equipment and support

Para 9.5

Reconsider the Development Manager and Team Leader vacancies and devise a more attractive recruitment package

Paras 9.6-9.13

Transfer the validation function and staffing back to the development management section and provide the staffing and training essential to enable it to function effectively and with the necessary resilience.

Paras 9.14-9.18

Review Development Management staffing levels to bring them more in line with current PAS guidelines.

Para 9.18

Make budgetary provision to meet identified need to increase development management staffing levels

Paras 9.20-9.22

Benchmark salaries and employment packages against comparator authorities.

Para 9.20

Review recruitment and retention packages as part of a 're-branding' of Calderdale planning service

Paras 9.23-9.32

Set up a cross-cutting team to review the customer experience for planning users, including the options for 'triaging' and providing first contact responses

Para 9.34

Recruit Development Strategy Team Leader

Paras 9.36-9.40

Address IT issues relating to both equipment provided and review and remedy issues identified with existing planning software as part of a more structure move towards hybrid working

Paras 9.41-9.43

Identify the need for process manuals and procedure notes and the priority cases for early implementation

Para 9.44

Revive staff appraisals (shared conversations) when management posts are filled

Para 9.46

Ensure that the full implications of a hybrid home/office working pattern are fully understood and any necessary equipment processes and procedures are in place.

10 Development Strategy

- 10.1 The work of the Development Strategy section has been dominated by the Calderdale Local Plan as it progresses through Examination. This has been a prolonged process, hopefully now reaching its final stages with Stage 4 hearings programmed for 29/30 September. The Local Plan will replace the Calderdale Unitary Development Plan of 2006 (amended 2009). The lack of an up-to-date local plan has been a significant problem for the authority in its failure to be able to demonstrate a 5-year housing supply and in failing the Government's Housing Delivery Test. This has been another reputational failure for the authority. As a result the Council is at risk from 'hostile' planning applications on unallocated land receiving approval. The council has been required to submit a Housing Delivery Action plan to show what it intends to do meet the targets in future. The fundamental first step is to have the local plan adopted.
- 10.2 The Local Plan workload has also meant that many other strategic functions, including pro-active work such as the promotion of housing and regeneration sites through planning briefs, master-planning and positive promotion, have taken a back seat.
- 10.3 This has been understandable and perhaps inevitable, while the focus for the Strategic Planning Team has been the Local Plan. Assuming that this will be adopted in the near future, priority for the team will be towards the need for early modifications already identified through the examination process, monitoring particularly on the housing delivery, and delivery of the plan through promotion of key sites and policies which support corporate objectives such as the climate emergency. At the time of the Review little had been put in place in terms of a post adoption work programme.
- 10.4 This work will require the right level of resources and skills which is likely to include a design input for the master-planning and planning brief work. The respective roles of the strategy and conservation officers in the implementation of projects and policy will need to be fully explored to enable the skills and expertise to be best utilised in a comprehensive project team approach (see also Section 12). This needs to be assessed when there is more clarity in terms of a work programme and may well include the use of consultants for specific ad hoc tasks. This type of work will require a co-ordinated approach across the Council and, in particular, with housing and regeneration. A first step in this process will be the appointment of a Team Leader who would take on the responsibility for setting a work programme, assessing and securing the resource needs and ensuring delivery. This will require a degree of administrative support, which has been withdrawn, requiring the professional officers to undertake routine administrative tasks.

SECTION 10 RECOMMENDATIONS

Para 10.4

Prepare a work programme for post Local Plan adoption delivery of the Council's planning strategy and housing and regeneration objectives

Para 10.4

Review the resources required and team structures necessary to monitor and implement the Council's planning, regeneration, heritage and environmental objectives when a work programme has been considered

11 Development Management

Development management from development control

11.1 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 equally in respect of dealing with planning applications as with policy. In best practice authorities, Development Control has been replaced by Development Management.

11.2 In the Review Team'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 development from pre-application through processing and decision to delivery and monitoring.

Pre-application advice

11.3 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 opportunity to influence what an applicant will formally propose. On average 9 out of 10 applications will be approved and, in addition, a third of appeals are allowed. It follows that development management is therefore not just a 'yes' or 'no' – it is more often a 'yes' but the question is – how good can it be made so that the development fits in with what the authority needs? How can value be added? It is likely that greater change can be achieved at pre-application stage rather than after applicants have firmed up their proposals to be included in the formal submission of an application.

11.4 A flexible approach to case management would enable officers to spend more time on proactive pre-application work in partnership with others in a formalised and systematic 'whole development team approach' which would mean that many issues would be resolved before a formal application was submitted. Such a team could involve other disciplines such as conservation, highways, education, etc. However, it is vital that a 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.

11.5 The Pre-application advice on the Calderdale website provides guidance on the pre-application engagement for major developments which provides a set fee charge of £1,325 (inc of VAT) which would provide a opportunity for two meetings. The information describes a multi-disciplined response will be provided and indicates that a response would normally be received within 15 working days. The Review Team were unable to find many instances where a multi-disciplined response had been sought and it was clear that the deadline for a response in 15 working days was completely unachievable in the current situation.

11.6 However, what became clear was that the deadlines are rarely adhered to, for a variety of reasons. In the view of case officers, the "current advertised time deadlines are completely unrealistic and unachievable" and the Review Team heard that providing pre-application advice had a very low priority within the service. During the last two-year period 388 applications were resubmitted as "free gos" and

there was a view that agents now considered the original application as a free pre-app.

- 11.7 As outlined above there is much to be gained by prioritising pre-application advice/processes because a constructive dialogue should mean that the application received is of a higher standard, (in terms of completeness and acceptability) and should be more ready for an efficient passage through the decision-making process.
- 11.8 It is also appropriate to find an effective way to involve Elected Members in pre-application work so that they have an awareness of developments in the pipeline and an early opportunity to understand the issues and the possibilities involved, particularly for the larger, more complex and politically sensitive sites.
- 11.9 To understand the parameters of the members' role, and the opportunities and pitfalls of such an approach, training is essential. Elected members' involvement should be set out in clear protocols, alongside the standard of service that applicants should expect. In this way early member involvement can be achieved without prejudicing future decision making. The Planning Advisory Service suite of material relating to pre-application engagement is available via their website. Part 4 of their advice "Engaging Councillors and the Community in pre-application discussions" is particularly relevant and is attached at Annex E. The whole document can be found at (<https://www.local.gov.uk/pas/development-mgmt/pre-application-advice-and-planning-performance-agreements-ppas/pre-0>) and is extremely helpful in setting parameters for elected member involvement in these matters.

Validation

- 11.10 At the time of the Review Team's visit there were 322 applications awaiting validation and the average time for validating an application was over 7 weeks. This is the equivalent to a 3-month application workload sitting waiting to be dealt with. It was understood that this time had risen to over 8 weeks and that all validation letters to applicants/agents are being despatched with a paragraph requesting a baseline four-week extension of time to be agreed. However, the Review Team has recently heard that an application allocated to a case officer on 13 September was out of time at the end of August (ie. validated 10 weeks after receipt) – so the situation is clear deteriorating rapidly.
- 11.11 The Review Team was also told that approximately 40% of all applications are invalid on receipt. There is a particular issue with poor validation around minerals and waste applications.
- 11.12 In the Review Team's opinion it may be that in the first instance the local validation checklist needs review, which is a piece of work commenced pre-lock down which has recently "stalled". When this piece of work is complete it would be appropriate for it to be discussed at one of the regular Agents' Forum meetings, to ensure local agents are fully on board with any changes and new requirements.
- 11.13 However, in the longer term when validation timescales are once more under control, it may also be worth considering the introduction of a pre-validation check service. There are examples of such services available across English authorities

and in addition there are trials underway at the moment through the DLUHC (previously MHCLG) digitisation pilot projects to assist applicants when making a planning application. Such schemes should be explored in the longer term.

Scanning

- 11.14 Scanning of documents for the website is now done through a centralised scanning unit. The Review Team has heard and seen examples of poor labelling of documents causing confusion for case officers, elected members as well as for applicants, agents and the public. It is understood that a set of guidelines for scanning has been provided to the scanning unit but case officers were still reporting spending a great deal of valuable time re-indexing documents. This issue was highlighted as being very frustrating, particularly when papers and plans are being readied for an appeal.
- 11.15 The Review Team also heard that the scanning unit also deal with any necessary redaction of documents and was pleased to note that no real problems with this process were identified. It is however, suggested that the redaction guidelines should be reviewed against the recently published national guidance on redaction from the Planning Advisory Service.

Case allocation

- 11.16 At the moment the sole Team Leader currently allocates all cases, on a daily basis. In her absence the Senior Officers currently allocate cases to team members. The Review Team heard that there is currently no time available for the Team Leader to indicate an early view on applications to assist case officers and provide certainty about direction of travel. The Review Team would always recommend that case “frontloading” should be undertaken if time is available, as it can save unnecessary work further through the process. As and when the team is fully staffed at Team Leader level, this is something to introduce.

Minerals & Waste applications

- 11.17 The Review Team heard that there are not many minerals or waste applications as there is only one major/national operator in Calderdale. However, there is a great deal of monitoring required for existing minerals sites. All mineral working permissions come up for review in 2022 when they will have to be dealt with, potentially without the expertise currently available, as the existing postholder has indicated her intention to retire. Minerals and Waste expertise is a particular concern for smaller authorities who do not have a sufficient specialist workload to justify a full-time officer. There may be a case for discussing options for a shared post or a consultancy agreement with other similar authorities.

Major infrastructure projects

- 11.18 The Review Team was told that there was not an automatic involvement of planners in the authority’s major infrastructure schemes and some other services seem to think of planning as a regularly process which had to be dealt with only at the stage of the submission of a planning application. Apart from identifying potential issues which would need to be addressed, planners can add value if involved at the earliest stages by looking at the broader context and connections with other projects and objectives which can be easily missed. The authority’s projects need to be managed by a project team or board to ensure that all of the issues and inputs are managed from the outset and that team should include a senior planner.

The use of Planning Performance Agreements

- 11.19 Planning Performance Agreements (PPAs) are formal agreements which set out a programme for determination of an application which both the authority and the applicant should comply with, and usually involves the applicant paying for any additional resources the authority might need. They are usually used for larger scale developments which require additional skills/expertise or use more officer time to deal with them in a timely and efficient manner. They should provide for an active programme of pre-application engagement with the authority and the local community.
- 11.20 In the experience of the Review Team, PPAs are now used extensively by many authorities. They build on pre-application engagement with developers, applicants, consultees, the community and elected members. This can be very effective in communicating with all parties at an early stage, identifying issues and potential remedies where possible, and coming forward with proposals which have accommodated concerns without prejudicing the Council's position as the local planning authority.
- 11.21 The use of such an approach can also strengthen communications with the parties involved (eg. Highways and Education) which is of benefit for other developments. PPAs are not appropriate for most applications, but having an established process in place, enables the authority to deal with them efficiently and transparently when the opportunity arises. It does not have to be a complicated process, and an example from Cornwall Council is attached at Annex F.
- 11.22 The use of PPAs at Calderdale appears to be limited but should be seriously considered when major infrastructure projects arise. It would ensure the automatic involvement at an early stage in such projects.

Consultees

- 11.23 The Review Team understand that there are issues around receiving any responses from internal consultees. Because of the current caseloads being held it appears that case officers do not have the time to chase responses and the delays that ensue are contributing to delays in timely decision-making, resulting in more out of time performance figures.

S106 Agreements and CIL

- 11.24 Calderdale submitted its draft CIL charging schedule for examination in January 2019 but it has not been pursued, presumably because of the delays in the progress of the Local Plan examination. Should the authority decide to pursue CIL it would be necessary to review the CIL evidence and update it prior to examination, so the possible timescale for implementation is some way off, probably at least 12 months, if the authority intends to proceed. Changes in the CIL regulations have meant that the restrictions on pooling S106 planning regulations have given the opportunity to increase their usage, for example on education contributions.
- 11.25 Another of the regulation changes now requires authorities to submit an Infrastructure Funding Statement (IFS) annually. This should set out the Council's record of S106 obligations, their value, what they require and when, and when they have been discharged. The first IFS should have been submitted in December

2020, but this did not happen. Calderdale was one of approx. 10% of authorities who failed to submit and MHCLG has questioned why this has happened.

- 11.26 To meet the requirement the Council needs an active system of recording and monitoring its S106 obligations. The Review Team was told that this is not in place. It therefore seems inevitable that the authority will fail to submit an IFS for the current year.
- 11.27 Irrespective of the IFS requirement, the Council should be much more rigorous in its use and monitoring of S106 planning obligations. S106 agreements are a fundamental element of the development management process. They are legal requirements placed on the developer to mitigate the impact of development and make it acceptable in planning terms. It follows that without them the development would not be acceptable and therefore should not be approved. It also follows that it is the responsibility of the LPA to ensure that the obligations are delivered.
- 11.28 Without an effective system for tracking and monitoring S106 agreements there is no effective way of ensuring obligations are met. Whether S106 agreements require the delivery of physical works or payments to be made it is essential that the authority knows that the obligations have been complied with to the timescale required. The Review Team would strongly recommend that a monitoring system should be put in place with a responsible officer. Both CIL and S106 obligations can include financial provision for their monitoring and administration which can make this function self-financing.

Conditions

- 11.29 It is good practice to keep the number of conditions to a minimum. The Review Team noted that there is an excessive use of conditions in reports and decisions which is not consistent with the legal basis for conditions or current Government advice.
- 11.30 In the Review Team's opinion officers should always check conditions against the 6 tests, that:
- They are necessary
 - Relevant to planning
 - Relevant to the development
 - Enforceable
 - Precise, and
 - Reasonable in all other respects
- (NPPF Para 56)*

The Government has been particularly concerned about imposing pre-commencement conditions which slow down development and these should also be avoided.

SECTION 11 RECOMMENDATIONS

Paras 11.3-11.9

Review the pre-application procedures, timescales and charging policy to take full account of resourcing and potential income.

Paras 11.8-11.9

Establish a process for the involvement of members in the pre-application process, in line with LGA/PAS advice and best practice

Para 11.10

Urgently put in place robust measures to deal with the immediate validation backlog, whilst reviewing and remedying the long-term causes for such delays

Paras 11.11-11.13

Complete the outstanding review of the local validation list to ensure clarity in all items specified and discuss with agents prior to introduction

Para 11.13

In the longer term consider the introduction of a pre-validation checking service, possibly via becoming part of the Government's digital pilot projects.

Para 11.14

Discuss with scanning team the issues around labelling of documents, the implications around poor labelling for both staff and customers, and how this can be improved.

Para 11.15

Review current redaction processes against the Planning Advisory Service's recently published best practice guidance

Para 11.16

Move towards a system of "frontloading" applications at allocation stage

Para 11.17

Discuss options for a shared minerals and waste resource with adjoining authorities

Para 11.18

Set up a Project Board to oversee the Council's major infrastructure projects including a senior planning officer.

Para 11.23

As time allows encourage case officers to pro-actively chase necessary consultee responses to speed up the decision-making process

Paras 11.24-11.28

Introduce a S106 monitoring system with a responsible officer

Paras 11.29-11.30

Review the use of multiple conditions and review and update standard conditions as necessary to reflect current Government advice

12 Specialist services

Enforcement team

- 12.1 The Review Team was told that members saw enforcement as an important element of the planning service. As is often the case that it is mentioned as a priority but it does not have the resources or structures to sustain this assertion, an Calderdale was no exception in this respect. The Continuing vacancy at Team Leader level (it has been vacant for several years) restricts the authority's capacity to deliver an enforcement service and imposes an additional management responsibility on the one remaining team leader. It is unsurprising given the Team Leaders workload that enforcement receives little direct management support.
- 12.2 This leaves enforcement in the hands of the one enforcement officer in post and it is unsurprising that that the workload exceeds the capacity to deal with it and the services has effectively broken down. Cases are being taken forward and action being taken but there is no systematic process for managing the caseload or assessing priority. The enforcement module on the Uniform system is being run alongside a separate informal system which involves double handling and opportunities for errors and should not be continued in the future. New enforcement complaints are directed by email to a separate enforcement 'in box' and at the time of the Review there were over 300 complaints which had not been opened.
- 12.3 The Council has an enforcement policy in place which outlines policies, procedures and priorities but this is now over 10 years old and in the current circumstances carries little weight. It clearly needs review but until there are the resources available there will be little scope to implement it. The first step towards improvement must be the appointment of an enforcement Team Leader. This may require an imaginative approach to recruitment including an attractive package. It is clear that following the same role profile and recruitment package is unlikely to produce a positive outcome.
- 12.4 The Council has initiated a council wide approach to enforcement across a range of services, including non-complex planning issues, and undertaken by the Community Protection Team. From the information available at the time of the Review it is not possible to comment in any detail on the effectiveness but as a 'first response' on a cross cutting basis it can deal with those cases which do not need a technical or professional input. This should ensure that only those more complex cases which need an assessment of the planning merits and may need formal action have to be escalated to the planning enforcement team. However, at the moment this is where the problem lies as there is not the capacity to deal with such cases.

Conservation and Trees

- 12.5 The Conservation and Trees team sit within DM and report to the one remaining Team Leader. This places another burden on the Team Leader whose management role is already spread very thinly. Calderdale is quite rightly proud of its heritage and the Piece Hall is an exemplar of what conservation led regeneration can achieve. This is an avenue that the authority should be exploiting. It is reflected in the Council's 2024 Vision, but the Review Team questioned whether this potential was being fully tapped. Conservation was more often treated as a

consultee in the DM process rather than having a positive role through pro-active project working. The authority had adopted a conservation strategy in 2011 but nothing in the way of policy, briefs or guidance had been produced since.

- 12.6 Heritage projects can bring funding with them and be a catalyst for investment as clearly demonstrated by the Piece Hall. This was a one of a kind unlikely to be replicated but has brought with it a reputation and track record which can be built upon. It can also align with the current government place-making and design agenda which is going to place additional responsibility on planning to promote and require good design. Master planning and design- coding are likely to play a much greater role including for projects such as the Garden Suburb and there is a clear case for bringing this expertise and resource together, including external support where necessary.
- 12.7 Promoting conservation and design will need a change in the role of the conservation function. The Review Team heard that as DM consultees they were being asked to comment on straightforward applications in order to 'tick the box' whereas they could be taking a much more positive role. This is not just an internal DM issue. If the authority wishes to take full advantage of its heritage as a driver for regeneration the role and positioning of the conservation function needs to be re-assessed. For the Review Team this is question for the authority to consider before making any decisions about resourcing or restructuring, but it should represent a 'direction of travel'.

SECTION 12 RECOMMENDATIONS

Paras 12.1-12.3

Recruit an Enforcement and Minerals Team Leader

Para 12.1

Introduce agreed priorities and processes for the management of enforcement cases and ensure that the Uniform enforcement module is fully developed to allow its systematic use

Para 12.4

Work In liaison with Community Protection team to provide an effective first response service for enforcement complaints.

Paras 12.5-12.7

Initiate consideration of the strategic role of conservation and design in the Council's regeneration and heritage vision

13 The Planning Committee

The Planning Committee has recently returned to face-to-face meetings, following an easing of COVID restrictions and the Review Team was impressed by the professionalism of the public streaming of the meeting via the authority's YouTube Channel, which was one of the best they had observed.

Size of committee

- 13.1 The Planning Committee at Calderdale currently consists of 7 members or their substitutes, which is in line with best practice as recommended by the LGA and PAS.

Number of Committee applications

- 13.2 The Review Team reviewed the items that had been taken to Planning Committee over the last year (1 September 2020-31 August 2021). A full list of the items considered is provided at Annex G. In all 30 applications were discussed by the Committee, during the 12 meetings held within the period reviewed, with a further 6 items being withdrawn from the Committee agendas.
- 13.3 The breakdown of application types determined by the Committee is shown below.

<i>Type of application by App Reference Code</i>	<i>No of applications</i>
FUL	13
OUT	2
VAR	7
WAM	1
LAA	3
HSE	2
CON	1
RES	1

- 13.4 It is clear from these figures and from observation of the Planning Committee at their August 2021 meeting, that the current Scheme of Delegation in place is working well at Calderdale and that the Planning Committee have enough time to fully consider the applications brought before them at this time.

Chair's Briefing

- 13.5 Although the Review Team were unable to observe a Chair's briefing ahead of committee on this occasion, it is understood that these meetings occur two weeks prior to the Committee and always include briefings from the legal and highways teams as well as members of the development management team.

Representations at Committee

- 13.6 The current regulations allow for representations regarding applications at the Committee as shown below:

Objectors	5 mins (time must be shared if more than one objector wishes to speak)
Ward Member	5 mins (time must be shared if more than one ward member wishes to speak)
Applicant/Agent	5 mins

13.7 The Review Team was surprised that there was no information about public speaking available, either on the authority's website, or on the committee agenda papers. The Team was told that this information is only included in the notification letter regarding the application. In the interests of openness and transparency the authority may wish to consider including some information about this within the guidance to the public currently on the website or including paragraphs explaining how representations to Committee can be made within the committee agenda notes.

13.8 The Review Team noted that it was standard practice for members of the Committee to ask questions or seek clarification of information directly from speakers during the meeting. This is not generally accepted as good practice, which normally recommends that all queries or requests for clarification should be directed to the officers present.

Officer reports to committee

13.9 It is understood that, at the moment only Senior Planners and above present their applications to Committee. Given the current workload of case officers this is probably a pragmatic approach, although the Review Team would normally recommend that all officers, who wished to, should be allowed to present at Committee, to gain valuable experience and to increase the sense of ownership in their work as well as providing them with a flavour of the quasi-judicial nature of the Committee. Because the Review Team were observing the Committee via YouTube it was impossible to ascertain whether the individual case officers who had written the reports were actually in attendance at the meeting.

Decision making

13.10 The Review Team was impressed with the level of understanding shown by Committee members, both during questioning and debate at the meeting observed. The Review Team also heard that decision-making was consistent and that there had been no increase in overturns/maverick decisions over the lockdown period that have caused problems at so many other authorities. This was backed up by analysis of the applications determined by Committee (Annex ?? below) which showed only two overturns against officer recommendations for approval over the last year. In only one of these cases was the application returned to Committee at the following meeting for clarification of reasons for refusal. In the meeting observed by the Review Team, the Chair provided a calm and clear commentary ahead of votes being taken and moved the items forward in a business-like manner, which was clearly appreciated by both Committee members, officers and the public speakers.

Regular reporting to Committee

- 13.11 The Review Team has learned that one of the casualties of the staff shortages and current workloads has been the lack of regular monitoring/reporting back to the Committee. There have been no development management performance or enforcement reports provided to the Committee for several years. Similarly, there has been no reporting back on appeal decisions which have explained the inspectors' decisions and the implications for the authority moving forward.
- 13.12 The Review Team would recommend that these types of report should be re-introduced as soon as capacity is available, together with a regular review of decision outcomes. Reviews of this type can provide important lessons to Committee members particularly if they are either provided in the form of visual presentations, or, even better if completed schemes are visited – perhaps as part of regular site visits when these are re-commenced following the lifting of COVID restrictions.

Training

- 13.13 The Committee has regular once a year training, some via external providers and some being provided by existing members of staff. However, it is recommended that further training and internal briefings will be required when the current local plan process is complete and in the light of further expected changes to the planning system that are scheduled to come forward in a Planning Bill later this year.

SECTION 13 RECOMMENDATIONS

Para 13.7

The authority should consider including some information about how representations to Committee can be made either within the guidance to the public currently on the website, or by including paragraphs in the committee agenda notes.

Para 13.9

As and when caseloads are under control consideration should be given to encouraging all officers, who wish to, to be allowed to present at Committee

Paras 13.11-13.12

Re-introduce regular monitoring reports on performance, enforcement and appeal decisions to the Planning Committee as well as a regular review of decision outcomes and completed schemes

Para 13.13

Continue to provide regular refresher training to the Committee but also provide further training and internal briefings relating to the local plan process and in the light of further expected changes to the planning system.

List of interviews and group meetings undertaken

The following interviews were undertaken by the Review Team:

Cllr Tim Swift, Leader of Council
Cllr Jane Scullion, Deputy Leader and Cabinet Member, Regeneration & Strategy
Cllr Victoria Porritt, Chair, DM Committee

Robin Tuddenham, Chief Executive
Gurpreet Sohanpall, Legal Officer
Paul Greenwood, Finance Officer (telephone call and email)

Shelagh O'Neill, Director, Regeneration & Strategy
Richard Seaman, Corporate Lead – Planning
Graeme Law, Interim Development Manager
Lisa Deacon, DM Area Team Leader
Kaye Sykes, DM Team Leader, Improvement & Process
Anita Seymour, Senior Planning Officer, Minerals & Waste
Roy Rizvi, Enforcement Planning Officer
Jane Colbeck and Linda Lodge, Senior Business Support Officers

The Review Team held group meetings with the following:

Development Strategy team

John Houston, Principal Planner
Robert Rose, Principal Planner (Garden Suburbs)
Jason Morris, Planning Officer
Dave Oakley, Planning Technician

Development Management team

Claire Dunn, Senior Planning Officer
Diane Scaramuzza, Planning Officer
Gillian Boulton, Planning Officer
Janine Branscombe, Planning Officer
Sally Rose, Planning Officer
Sara Johnson, Planning Officer

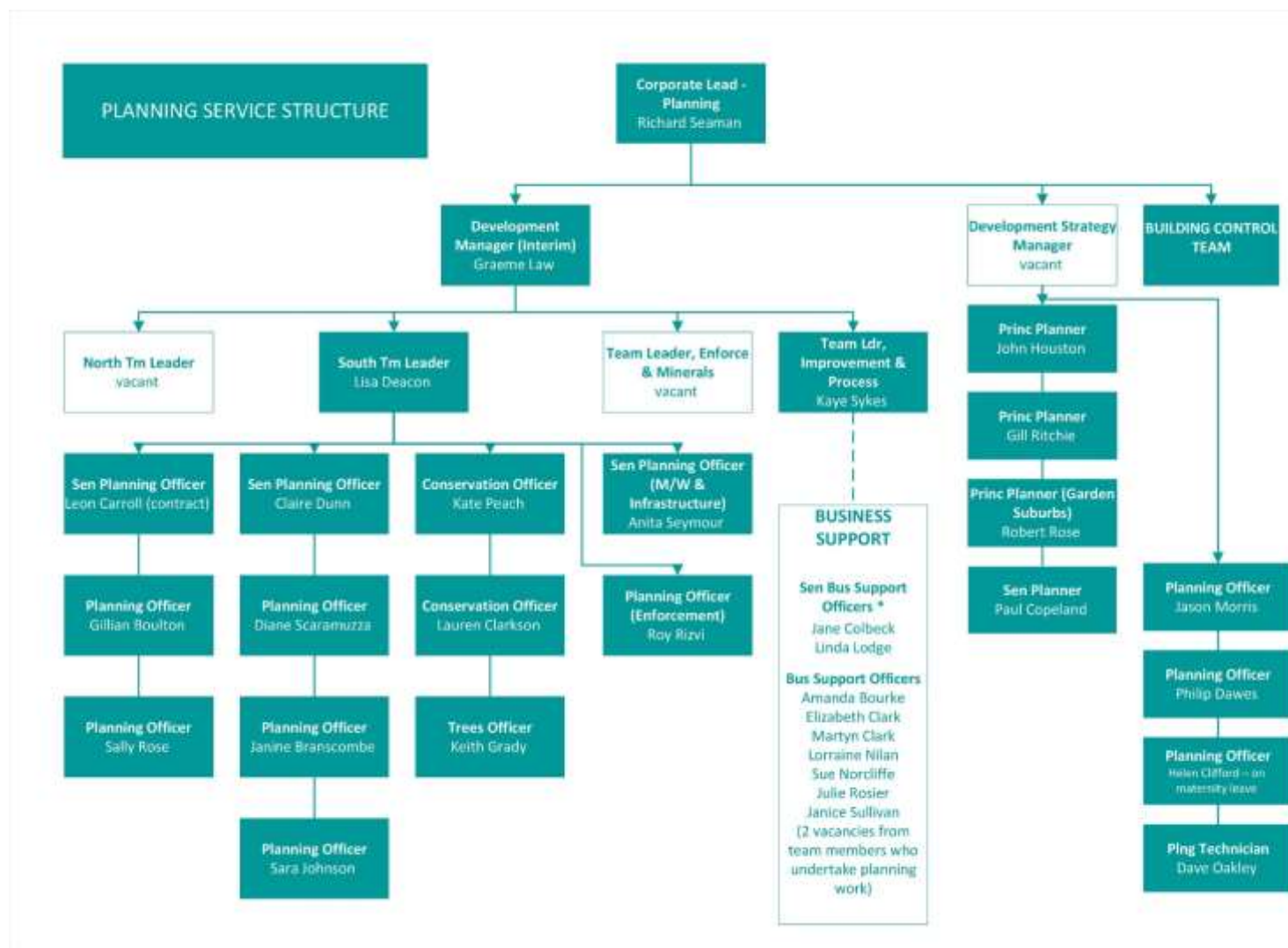
Specialist services team

Kate Peach, Conservation Officer
Lauren Clarkson, Conservation Officer
Keith Grady, Trees Officer

Business Support team

Julie Rosier, Business Support Officer
Sue Norcliffe, Business Support Officer
Lorraine Nilan, Business Support Officer

ANNEX B



Calderdale Performance Tables

Table 1

Major Applications Speed of Decisions April 2019-March 2021: Performance against Northern Authorities Comparator Group

<i>Rank</i>	<i>Authority</i>	<i>No Major Decs</i>	<i>Within 13 weeks</i>	<i>With PPA/EoT/EIA</i>	<i>Within ext time</i>	<i>% within 13 weeks or ext time</i>
	ENGLAND	25767	6557	17691	16221	88
285	Calderdale	69	21	41	34	79.7
143	Burnley	26	7	17	17	92.3
54	Bolton	107	37	69	68	98.1
1=	Bury	28	6	22	22	100
123	Doncaster	124	30	88	86	93.5
50	Gateshead	61	16	45	44	98.4
59	Kirklees	143	11	130	129	97.9
1=	Knowsley	16	4	12	12	100
55	N Tyneside	51	17	34	33	98.0
156	Oldham	72	12	57	54	91.7
124	Rochdale	61	30	88	86	93.5
1=	Rotherham	95	38	57	57	100
279	Sefton	66	17	47	36	80.3
1=	S Tyneside	13	5	8	8	100
1=	St Helens	48	14	34	34	100
73	Stockport	65	15	48	48	96.9
188	Tameside	56	12	40	38	89.3
83	Trafford	84	11	72	70	96.4
113	Wigan	87	29	54	53	94.3
218	Wirral	86	23	58	52	87.2

MHCLG Table 151a District Planning Authorities performance – Speed of Major Development Decisions - Jan 2019-Dec 2020

Table 2

Quality of Major Decisions Jan 2017 – Dec 2018

<i>Rank</i>	<i>Authority</i>	<i>Total major decisions</i>	<i>Not dtd</i>	<i>total</i>	<i>Total appeal decisions</i>	<i>overturned</i>	<i>%</i>	<i>% excl cond</i>
	ENGLAND	30163	172	30335	1919	689	2.3	2.1
245	Calderdale	78	0	78	3	3	3.8	2.6

MHCLG Table 152a District Planning Authorities Performance – Quality of Decisions – Jan 2017 – Dec 2018

Table 3

Non-Major Applications Speed of Decisions April 2019 – March 2021 : Performance against Northern Authorities Comparator Group

<i>Rank</i>	<i>Authority</i>	<i>Total Decisions</i>	<i>Within 8 weeks</i>	<i>With PPA/EoT</i>	<i>Within ext time</i>	<i>%</i>
	ENGLAND	648,866	387,095	209,802	188,504	88.7
245	Calderdale	1980	1093	707	598	85.4
331	Burnley	548	164	264	230	71.9
43	Bolton	1890	1400	463	440	97.4
1=	Bury	1783	1397	386	386	100
114	Doncaster	2159	1246	824	769	93.3
246	Gateshead	1291	802	328	300	85.4
78	Kirklees	4250	1444	2707	2610	96.4
58	Knowsley	770	445	311	298	96.5
22	N Tyneside	1492	1282	203	199	99.3
193	Oldham	1748	759	840	799	89.1
76	Rochdale	1833	1311	472	440	95.5
1=	Rotherham	1876	1371	505	505	100
139	Sefton	2363	1538	714	644	92.3
56	S Tyneside	1027	585	415	408	96.7
1=	St Helens	1237	1125	112	112	100
195	Stockport	3296	2285	734	649	89.0
103	Tameside	1344	754	528	509	94.0
210	Trafford	3390	1755	1439	1234	88.2
57	Wigan	1995	1491	468	437	96.6
151	Wirral	2223	1408	679	628	91.6

MHCLG Table 153 District Planning Authorities Performance Speed of Non-major Decisions Jan 2019 – Dec 2020

Table 4

Quality of Non-Major Decisions Jan 2017 – Dec 2018

rank	Authority	Total decisions	Not dtd	Total	Total appeal decision	Overturns	%	excl cond	% excl cond
	ENGLAND	720,625	815	721,440	27,472	8245	1.1	7824	1.1
	Calderdale	2285	4	2289	71	6	0.3	6	0.3

MHCLG Table 154 District Planning Authorities Performance – Quality of Decisions – Non-major decisions Jan 2017 – Dec 2018

Table 5

Applications received, decided, delegated and granted 2017/18 – 2020/21

Year	Apps received	With ES	decisions	% delegated	Granted	% granted
2017/18	1441	1	1363	97	1239	91
2018/19	1367	-	1339	96	1221	91
2019/20	1319	-	1163	94	1005	86
2020/21	1385	-	1064	93	935	88

MHCLG Table 134 Applications received, decided, granted and delegated and environmental

Table 6

Historic Performance Tables

	Majors			Other		
years	rank	apps	%	rank	apps	%
2015/17	174	71	85.9	96	2353	89.6
2016/18	49	69	97.1	115	2323	91.8
2017/19	99	79	94.9	140	1493	91.6
2018/20	223	78	87.2	158	2093	91.6
2019/21	285	69	79.7	245	1980	85.4

MHCLG Historic Tables 151a Speed of major development decisions and 153 Speed of non-major decisions 24 months to March annually

Extension of Time Procedure

An Extension of Time (EoT) should only be used in exceptional circumstances where a particularly complex proposal has a number of issues to resolve, there are unforeseen circumstances or amendments to be made, or third parties (e.g. external statutory consultees) hold up the application.

Please see the following procedure for requesting an EoT:

- 1) If you consider an EoT is going to be required for your application, you will need to ask a Team Leader for authorisation prior to discussing this as an option with the applicant / agent

This should be done as early as possible before the expiry of the statutory 8, 13 or 16 week period.

- 2) The new determination date should be proportionate to the reason/s for the need for the EoT

This new date may need to consider upcoming committees or the type / level of information required (e.g. new or amended surveys could take weeks to prepare and submit, whereas an amended plan could take a few days).

- 3) An EoT needs to be agreed in writing

Please email the applicant / agent to request the EoT using the following example wording:

Whilst every endeavour has been made to reach a decision on your application within the statutory time unfortunately this will not be possible.

The reason why your application has not yet been decided is becauseŪ I am writing to ask you to formally agree to extend the period for deciding your application untilŪ [date].

To achieve this new target date for determination, the Council intends to submit the application to its xxxx Committee onŪ [date]

- 4) Upload the email to Anite

Please make sure the email from the applicant / agent is uploaded so we have evidence the EoT has been agreed to.

4. Engaging councillors and communities in pre-application discussions

i) Active involvement of both councillors and communities at the earliest stages of a development project is important to both improving the quality of the resultant scheme and in reducing potential delays.

Why? Because:

1. Local authority councillors are active civic leaders who have goals and aspirations for their area which they want to make happen. Their role in pre-application discussions gives them the opportunity to ensure that new development meets those aspirations.
2. Planning applications for the most significant developments are mostly determined through a democratic process at planning committee. These decisions are made by the elected representatives of the local community, not by officers.
3. Communities all over England are demonstrating their ability to take far reaching positive decisions about the type of development they want to see in their communities through neighbourhood planning. These communities are showing their capacity to consider development constructively and to work with developers and landowners to influence development in a way that is far removed from passive consultation.
4. The involvement of communities is critical to the success of the development planning system. This is reinforced in the National Planning Policy Framework (the Framework) where it states at para 66:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably"

(see also Article 3A of the DMPO in which prospective applicants are legally required to carry out pre-application discussion with the local community for some kinds of wind turbine projects).

As in all pre-application engagement, proportionality is the key.

The arrangements that LPAs can put in place to facilitate early discussion will vary dependant on the scale and complexity of the development and the likely impact of the development on the wider community.

The role that people play in the development process will affect the reach and timing of their involvement.

All councillors will be chiefly acting to ensure that new development delivers the greatest benefits for their communities, but there are nuances to their roles that affect how they engage in pre-application discussions.

Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.

Ward councillors generally want to be confident that they have the right information about proposals happening in their area in order to be more effective community representatives. They want to do a job in encouraging developers to make proposed developments that their community will value and achieve benefits for their community from developments within it.

Planning Committee members will take decisions on planning applications but balance their community leadership role with the need to keep an open mind prior to decision making. This does not mean that committee members should be insulated from early discussions. It will help to bring about better understanding of the issues through open exchange of information, discussion and constructive questioning.

Councillors involved in early discussions have an invaluable opportunity to understand issues of viability and to explore potential contributions to local infrastructure and affordable housing. Members are able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together. The issues raised by statutory consultees can be explored and alternatives assessed.

While the outcome of the planning application is not pre-determined by this process, the issues are better understood and the likelihood of deferrals and delays much reduced.

In the Localism Act 2011 (s25), the government made it clear that the probity rules that ensure that councillors behave with the highest standards in relation to their role in planning are not a barrier to councillors being actively involved in bringing their local knowledge, expertise and understanding of community concerns to bear in the pre-application process. A decision taker must not have made up their mind on a proposal such that they have a closed mind to any new information or alternative views before taking a decision. But it is reasonable for a local councillor to be predisposed to support or object to a proposal as a result of both the community representative and leadership roles.

The PAS/LGA guide "Probity in Planning 2013" sets out more guidance on this matter: http://www.local.gov.uk/environment-planning-and-housing/-/journal_content/56/10180/3979541/ARTICLE

The community in the planning context can include a multiplicity of potential players. It is not just those living near a future development but includes all those whose lives, work or responsibilities could be noticeably affected by it. It can for example include:

- those potentially affected by traffic, noise or visual impact some way away from a site
- the local parish, town council or a neighbourhood forum (as even if their role is not statutory, forums designated for neighbourhood planning will have an equal interest in representing their communities)
- people beyond a parish boundary; if, for example, changes might be happening to a school, centre or open space that serves a wider area;
- amenity and residents' groups, managers of local community infrastructure
- some external people even if not local, e.g. Natural England if there is a wildlife impact.

It is important that a potential applicant gains a clear understanding of the 'community' in relation to a proposed development early in the process and for the LPA to help the applicant to reach this understanding. While recognising that some aspects of it can, and perhaps should, change as a project evolves, applicants are well advised to use community consultation as one of the channels through which the design of a proposal can be developed and refined. Development of an engagement strategy, setting out how the community will have opportunities to understand and influence developments, is best done as part of early discussions and included within a PPA or project plan.

Applicants may go separately to engage with the community or may work with the LPA, including councillors, to facilitate the discussion at the formative stages. While in some commercial situations a potential applicant may wish to hold back on community engagement for reasons of confidentiality, the LPA should encourage the applicant to bring the community into discussions as soon as practically possible.

Like ward councillors, town and parish councils, neighbourhood forums and other community representatives also value being part of discussions and to shape proposals in their area; to understand the impact of viability; to advise on community priorities and to see that these are demonstrated in the proposals that are brought forward by applicants. Early, open discussions with local communities, are unquestionably the key to effective progress in developing proposals that meet both the needs of the applicant (a faster and more cost effective passage through the planning system) and increased benefits for the community who will live with the eventual development. They too are a key route through to the wider community.

Integrating councillor and community engagement into pre-application processes

To work well and ensure public confidence in the integrity of pre-application engagement, many councils have adopted some form of structured approach especially in regard to the involvement of councillors. This need not be tied to formal presentations, and may include more informal working/discussion arrangements, as appropriate for each council. However for the sake of transparency and so that a prospective applicant can understand the options available, the arrangements need to be integrated into the range of pre-application services discussed at section 2 of this pre-application suite.

In considering what arrangements are appropriate, the following should be taken into account:

- Active discussion will facilitate the design of schemes that better meet the needs of the local community more effectively than an "consult and determine" process
- Arrangements should be proportionate to the scale of the development and the complexity of the issues raised and therefore a range of options should be available
- Arrangements should be sufficiently flexible to accommodate a range of circumstances including where there has been discussion at plan preparation stage, following an appeal or reworking of unimplemented permissions.
- The LPA should have capacity to meet whatever arrangements are put in place
- The process should be managed in such a way that a record can be kept of matters discussed and advice given
- Councillors who are not normally involved in making planning decisions, may require additional support to help understand the development plan context and the NPPF
- How councillors, town and parish councillors and neighbourhood forums and communities are engaged in pre-application discussions should be part of the PPA project plan and communities may be signatories to the PPA agreement.
- Allow for regular review of any confidentiality requirements in order to work towards inclusive open discussions.

ii) Options for effective engagement

Many councils have adopted good working models for engaging both the community and elected local authority members in pre-application discussions. No one solution will suit all councils or all developments. Councils can adopt a combination or hybrid of these suggested options, depending on the scale of development and the stage of the development process. As with other aspects of a good pre-application offer, all stages, options and costs involved should be clear to participants from the beginning. Any PPA should indicate the form of engagement/discussion that will be adopted and these should be identified as milestones in the project plan.

Discussions at concept stage

Councils are increasingly working to ensure that their economic development and planning services are working in close alignment. As part of this they are signposting a 'front door' whereby potential applicants for significant new developments are encouraged to come to the council at the very earliest stages to discuss concept proposals with senior councillors. Equally, whilst progressive developers have gone straight to the community to discuss proposals early in the design stages for some time, neighbourhood planning has been a catalyst for more direct approaches from developers who wish to work with communities to ensure that their proposals meet community objectives.

In both cases this initial contact can set up good relations for the rest of the project or avoid costly delays in taking forward proposals that have little chance of success or community support. Discussions may start with a blank sheet of paper to allow options to be explored openly or may build on proposals that are at an early stage of development. While the discussions may be confidential and preliminary, it is nonetheless important that a record of advice and agreements is made, shared between the participants, and kept on record should an application follow.

Member and community briefings

Formal briefings at a meeting, in some form of presentation or less formally by phone, provide an opportunity for the council officers or a prospective applicant to give an introduction to a development proposal while that proposal is still at a formative stage. The 'audience' may be one or more councillors or a mixed group of people likely to be affected by the proposal and community representatives such as town and parish councillors or neighbourhood forums. Such briefing can be a helpful way for councillors to stay abreast of proposals that are being discussed in their area, neighbourhood or ward. It's also an effective means for portfolio holders to have an overview of development across the local authority. Briefing is most appropriate at the early stages of discussions between the council and a prospective applicant. It is envisaged more as a presentation of information than a discussion, allowing the 'audience' to take in the information and provide a considered response later. Some councils allow a developer to brief councillors directly. In all cases it is important that a record is kept, alongside a copy of any written briefing or presentation material.

Interim committee report/presentation

This is useful for ensuring that the planning committee members are given an early sight of pre-application proposals in a more formal surrounding with the public present and providing a public record. The officers prepare a report that briefs on the scheme; the issues raised in planning terms, and matters discussed in informal pre-application meetings with councillors, statutory consultees and community groups. The developer may be offered a chance to give a presentation to the committee members outlining the scheme including any on-going discussions such as viability and provision of community benefits. Some councils allow ward members and/or parish/town councils to also address the committee in order to raise issues that the community may have about the development. The committee hearing the briefing have a chance to openly question and explore the proposal while keeping an open mind about the proposal. This provides a public record of discussion and therefore high levels of transparency.

Discussion forum

A developer or the council can host a discussion forum attended by officers, councillors, representatives of other statutory consultee bodies and community stakeholders (as identified in the councils SCI). This can effectively combine the engagement of councillors and community representatives and members of the public in a single event. It differs from the member /community briefings in that it is not an information opportunity but a working discussion forum therefore it is important that this takes place when the scheme remains fluid and capable of change.

The prospective applicant has an opportunity to present his/her initial design and hear reactions from those present. Statutory consultees have an opportunity to outline any concerns, modifications or mitigation measures they consider to be required. The councillors and community representative can ask questions of both the applicant and statutory consultees about the detail of the proposal. The design, financial viability, local impacts and contributions to infrastructure and affordable housing can all be considered, views expressed and suggestions tabled. Such forums will require effective chairing. In most cases this local leadership role is taken by a councillor. The task of organising and funding the events will be agreed between the council and the prospective applicant under the terms of the pre-application offer or PPA. Some councils run regular planning discussion forums and the meeting may deal with several prospective developments in a single agenda – depending on the scale and complexity of the issues and level of public interest. This format has the advantage of keeping discussions in the open, providing an organised platform for all those with an interest in the development to gain a mutual understanding of issues and help to shape more successful schemes. The record of discussion at such meetings should be a material consideration later in the application process.

Planning Performance Agreement

Please use this form to set out the terms of your proposed Planning Performance Agreement with the Council in accordance with the Council's PPA Charter



Between	
and Cornwall Council	

Planning reference(s):	
Site location:	
Description of development:	
Applicant team: List here all persons involved for the applicant, together with their title, responsibility and contact details	
Council team: List here all officers involved from the Council, together with their title and contact details	

1 Main issues and stakeholder involvement

This PPA aims to secure collaborative working between the Applicant, the Local Planning Authority (LPA) and other parties on the proposals for the development of this site.

The objectives of this PPA are to:

- Provide clarity in respect of response timescales;
- Provide a framework to allow for renegotiation of timescales as may be necessary;
- Ensure all technical matters are resolved as far as possible

Matters to include in the PPA are as follows, this list may alter as the project moves forward:

List here all the issues/constraints identified at this stage and that need to be considered as part of the PPA, for example: community engagement, design review, trees, landscape, public space, ecology, highways, historic environment, public rights of way, historic environment, archaeology etc.

2 Key milestones

List here all the significant milestones to be achieved throughout this PPA, together with proposed completion date and lead responsible Team Member for this task

Milestone	Proposed achievement date	Responsible Team Member(s)

3 Services, fees and payment

The total fee payable by the applicant team to Cornwall Council for providing Officer time for the advice within the terms of this PPA on the proposed development (excluding the statutory planning application fee) is agreed at £ (auto populates from total) and is to be paid up front.

Services provided/officers		Description	Hours	Cost (£)
Planning Case Officer (single point of contact)	<input type="checkbox"/>		0	0
Design Review Panel Meeting (1 hour)	<input type="checkbox"/>		0	0
Design Review Panel Meeting (2 hour)	<input type="checkbox"/>		0	0
Desktop Design Review	<input type="checkbox"/>		0	0
Desktop Design Assessment	<input type="checkbox"/>		0	0
Validation Checking Service	<input type="checkbox"/>		0	0
Level 1 Pre-application Community Engagement Forum	<input type="checkbox"/>		0	0
Level 2 Pre-application Community Engagement Forum	<input type="checkbox"/>		0	0
Community engagement with a Local Council	<input type="checkbox"/>		0	0
Historic Environment Planning Advice	<input type="checkbox"/>		0	0
Affordable Housing Advice	<input type="checkbox"/>		0	0
Highways Advice	<input type="checkbox"/>		0	0
Building Control Advice	<input type="checkbox"/>		0	0
Tree Advice	<input type="checkbox"/>		0	0
Landscape Advice	<input type="checkbox"/>		0	0
Public Spaces Advice	<input type="checkbox"/>		0	0
Ecology Advice	<input type="checkbox"/>		0	0
Public Rights of Way Advice	<input type="checkbox"/>		0	0
Environmental Health Air Quality	<input type="checkbox"/>		0	0
Environmental Health Amenity (noise & odour)	<input type="checkbox"/>		0	0
Environmental Health Contaminated Land	<input type="checkbox"/>		0	0
Land Agent Agricultural Appraisal	<input type="checkbox"/>		0	0
Drainage/SUDs	<input type="checkbox"/>		0	0
Coast Protection	<input type="checkbox"/>		0	0
Education	<input type="checkbox"/>		0	0
TOTAL including VAT			0	0

4 Signatures

I hereby agree to the terms set out above:

For **Cornwall Council as Local Planning Authority**

Name:

Position:

Signature:

Date:

I hereby agree to the terms set out above:

For **the applicant team**

Name:

Position:

Signature:

Date:

5 Freedom of information

Your enquiry, together with any response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to the planning performance agreement they are obliged to do so unless the information is deemed exempt under the Act.

Note.

We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the commercially sensitive checklist that should set out the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties.

If further services are required during the course of the agreement, a new agreement needs to be drafted and signed and sent to us with a completed notification form. This allows us to identify and process your documents urgently.

20_038

ANNEX G

Date	Type	Officer Rec	Decision	Notes
20.09.20 (1 app withdrawn)	FUL	Refuse	Refuse as recommendation	
	OUT	Permit	Permit as recommendation	
	FUL	Permit	Permit as recommendation	
20.10.20 (2 apps withdrawn)	VAR	Permit	Permit as recommendation	
10.11.20	FUL	Refuse	Refuse as recommendation	
	FUL	Permit	Mindful to permit subject to S106 and conditions	
	FUL	Refuse	Refuse as recommendation	
	CON	Permit	Permit as recommendation	Conversion of part barn
	HSE	Refuse	Refuse as recommendation	Retrospective dormer window
01.12.20 (1 app withdrawn)	FUL	Permit	Refused against recommendation	No reasons shown in minutes
	WAM	Permit	Mindful to permit subject to S106 and conditions	Hybrid waste application
	LAA	Permit	Permit as recommendation	
	FUL	Permit	Permit as recommendation	Change of use app
05.01.21	LAA	Permit	Permit as recommendation	
	FUL	Reasons for refusal clarification	Agreed as recommended	From overturn decision in Dec 2020
16.02.21	VAR	Permit	Permit as recommendation	
09.03.21	FUL	Refuse	Refuse as recommendation	
30.03.21	OUT	Permit	Permit as recommendation but with additional conditions	
	LAA	Permit	Deemed approval of reserved matters	
15.06.21	FUL	Permit	Permit subject to S106 and additional condition	

Calderdale Met Borough Council
Review of the Planning Service

	RES		Resolved as per recommendation of Director	
	VAR		Resolved as per recommendation of Director	
	VAR		Resolved as per recommendation of Director	
06.07.21	HSE	Permit	Permit as recommendation with additional condition	
	VAR	Permit	Permit as recommendation	
27.07.21 (1 app withdrawn)	FUL	Permit	Refused against recommendation with reason provided	
17.08.21 (1 app withdrawn)	FUL	Permit	Deferred for further information and clarification	
	FUL	Refuse	Refused as recommendation	
	VAR	Permit	Permit as recommendation	
	VAR	Permit	Permit as recommendation	