



Shared Planning Service Peer Challenge

Malvern Hills and Wychavon District Councils

5th – 7th October 2021

Final Feedback Report

10th January 2022

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1. Executive summary

- 1.1 This report summarises the findings of a peer challenge review of Malvern Hills and Wychavon District Councils (herein referred to as MH&WDC) shared planning service. The review was organised at the request of MH&WDC by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and undertaken on site by its trained councillor and officer peers.
- 1.2 The two councils are independent organisations with their own political structures albeit they share a Chief Executive and a joint senior management team. Some of their services, including planning, operate as a joint shared service. The aim of the peer review was to provide an independent and objective assessment of the operation of the shared planning service and share best practice where appropriate.
- 1.3 MH&WDC asked the peer team to review one shared service however, it was very clear from the time spent on-site that it was actually a peer challenge of two councils. This made a review of the full service challenging within the time available on site as many interviews were duplicated to ensure councillors and officers from both organisations could be represented. Some interviews were also undertaken outside of the review period to ensure that representations from a reflective selection of stakeholders were included. There was therefore a significant amount of feedback and material for the peer team to consider.
- 1.4 Overall MH&WDC have a good reputation with external stakeholders. They are seen as enabling authorities and the performance of the planning service is considered to be good when compared to other local planning authorities. It was clear to the peer review team that the staff we met were dedicated, knowledgeable and evidently want to do a good job. They are supportive of one another and are considered to be high performing by themselves as well as by external customers. Perceptions of delay and failure in some planning services were not supported by any evidence.
- 1.5 This is one of the first peer challenges that has been undertaken on-site since March 2020, the start of the coronavirus C19 pandemic. It was clear from the feedback from officers, the staff and councillor surveys and a review of performance data that the impact of the pandemic has created some legacy issues that might influence some of the findings of the review. For example, sickness inevitably has an impact on performance targets and on the workload of other staff. Remote working can also lead to feelings of isolation as well as impact the effectiveness of joint and cross-council working. The operation of technical equipment during periods of remote working had also led to feelings of frustration amongst officers.
- 1.6 Linked to the above is the timing of the proposed restructure of the development management service. There are concerns amongst staff not only in the timing of the restructure but some also felt strongly that they should have been involved in the design of the initial proposals before they were published for consultation. Whilst the peer team were not asked to formally review the proposed restructure it dominated so heavily in the feedback that it would be remiss not to include it in our assessment. The restructure was of real concern to the officers impacted by proposals and the peer team noted that it has had a significant impact on their morale and wellbeing.

- 1.7 The peer team understand the aspirations of improving the joint working and alignment of the development management service. It was evident at the time of the review that they were functioning as two separate development management services for the two sovereign councils. This was reinforced by having two Heads of Planning Services (covering development management functions as opposed to the whole planning service) and legacy council processes. There is a recognition by all parties that the service needs to work more closely together and there is a definite willingness from officers to work more jointly. The peer team are delighted to learn that since meeting on site MH&WDC are reconsidering the structure of the service and are pursuing a one team model approach. This was a key recommendation of the teams initial feedback and we would encourage this to be taken forward alongside the further recommendations in this report and the key principles of delivering a good development management service.
- 1.8 The development of a one team approach may also support more collaborative working within MH&WDC. The shared planning service as a whole is considered by many internal stakeholders as a silo function of MH&WDC and because of this there is a clear disconnect between corporate ambitions and the operations of the statutory planning service. This view is also shared by some external stakeholders. Whilst officers in the planning service are aware and understand corporate plans this does not necessarily translate into their daily work.
- 1.9 The whole of MH&WDC have a role in addressing this and improving engagement at all levels. There are opportunities to establish better collaboration and a shared approach to 'place-making' across all service areas. It is also important that MH&WDC use in-house expertise to help build solutions to facilitate delivery as this will avoid problems further down the line. The senior leadership team need to continue to be encouraged to seek out ways of working together and joining-up on delivering 'place' taking account of the feedback and recommendations in this report.
- 1.10 Critical to this is the role of the South Worcestershire Development Plan (SWDP) where a strong corporate leadership role is needed to induce collective ownership of the SWDP and move it forward. This includes ensuring regular engagement and briefings with all Councillors as political ownership is critical to helping to ensure that the update of the SWDP is undertaken in a timely manner and that corporate aspirations are included and are deliverable.
- 1.11 There were some concerns raised around the efficiency of planning enforcement, however, the peer team commend MH&WDC on already implementing improvements to this service. It is also recognised that this is an emotive area of planning and so a target for perceived concern by individuals if matters are not progressed in the expedited manner that they might like. Enforcement complaints have increased nationally since the start of the coronavirus pandemic and this needs to be taken into account when assessing performance.
- 1.12 Members of the planning committees at MH&WDC have a clear understanding of their roles in determining planning applications. It is not however always clear that members recognise the need for the separation of their ward level representative role from their decision-making role while sitting on a planning committee. We recommend more targeted training for planning committee members on their role as part of a planning committee.

- 1.13 Developer contributions are a key component of any council’s approach to planning and delivering infrastructure for their area. Taking an integrated approach towards infrastructure funding and delivery can maximise how income is used, ensure it is allocated towards the right infrastructure priorities, leading to sustainable development and growth. This area is perceived by many officers internally as “tricky” and it is clear that there is an over reliance on key individuals who understand Section 106 and Community Infrastructure Levy matters in most detail. It is important to increase resilience in the service through training and ownership of the relevant parts of the process through the appropriate areas of MH&WDC.
- 1.14 PAS can provide facilitated support in helping authorities to improve the governance of developer contributions and MH&WDC accessing this support is another key recommendation of this review. Whilst it is not clear yet exactly what changes will be brought forward to developer contributions in future planning reforms, the Queen’s speech in May 2021 did make clear that they will include replacing the existing systems for funding affordable housing and infrastructure with a new more predictable and more transparent levy. Setting up appropriate governance systems now and reviewing this alongside the development of the SWDP should therefore help MH&WDC prepare for any changes as well as help improve their approach to the delivery of infrastructure to support future development and communities.

2. Key recommendations and findings

- 2.1 There are number of observations and suggestions within the main section of the report. The following table summarises the key / priority recommendations and more detail can be found in the main body of the report.

1.	<p>Reconsider the proposed restructure of the Development Management service. MH&WDC should take in to account the feedback in this report as well as the issues and concerns raised by officers on the structure of the development management service. We would recommend a focus on how a one team approach can be encouraged whilst respecting the needs of officers and the ambitions of MH&WDC. This should still consider how the service can better support and enable the growth aspirations that would be delivered through major developments.</p>
2.	<p>Ensure that there is strong and consistent leadership of the Planning Service. There are several ways to achieving a one team approach and those services where joint working is already embedded should be considered as part of this process. Critical to the success of any structure will be consistency in the application of process, interpretation of regulations and approach to planning applications. Clear and consistent leadership is fundamental to ensuring that officers collectively consider themselves to be one team.</p>
3.	<p>Recognise corporately the importance of the South Worcestershire Development Plan. If MH&WDC are going to achieve their corporate priorities, then the role of the South Worcestershire Development Plan (SWDP) and planning needs to be seen at a corporate level as a stronger part of place shaping and a mechanism for major project delivery. A strong corporate leadership role is needed to induce collective ownership of the SWDP and move it forward. Key to this is also ensuring regular engagement and briefings with Councillors outside of the Joint Advisory Panel (JAP) on the development of the SWDP. Political ownership is critical to helping to ensure that the update of the SWDP is undertaken in a timely manner and that the corporate aspirations included in the SWDP</p>

	can be delivered. Consideration should also be given to how external stakeholders and the public might be better engaged.
4.	Improve engagement and collaboration on the SWDP between planning and other MH&WDC services. It is critical that where appropriate medium and longer-term corporate ambitions are included as a core component of the SWDP as this provides the spatial interpretation and framework for development across an area.
5.	Improve communications and visibility between officers and councillors. There is a need for stronger communication and collaboration between officers and councillors both within the shared planning service and across MH&WDC. This should be at all levels and between all levels of seniority. Periodic team meetings and shared service updates should be scheduled with the option for staff to join virtually or in person. This is especially important if the shared service want to address the perception of silo working within it.
6.	Consider establishing an officer advisory board to discuss key planning matters. There are several ways to lead internal engagement and facilitate better ownership of delivery. One solution might include the establishment of an officer advisory board that meet on a periodic basis to share considerations on key planning matters. External stakeholders, including Worcestershire County Council and Worcester City Council, could be invited to attend as and when the agenda requires. Further details on how this could help are set out in Section 8 of this report.
7.	Engage specialists in the planning service early in the design of corporate projects. To facilitate a more enabling partnership between different MH&WDC services earlier engagement is needed with specialists in the planning service on corporate / other service area proposals. It is important that MH&WDC use in-house expertise to help build solutions to facilitate delivery of corporate priorities.
8.	Implement consistent policies and processes to drive a more efficient shared service. There is a need for more engagement with all Councillors on joint working between MH&WDC to ensure that where appropriate there is consistency in approach to better support officers. It can be difficult working with two sets of priorities and policies as well as processes and requirements. To enable officers to work more efficiently as one team policies and processes should be streamlined, whilst accommodating different political priorities, to allow for flexible cross working as and when required.
9.	Improve councillor understanding of wider planning matters. There should be better engagement with councillors on specific matters to help them better understand technical planning matters. This is especially important given the number of councillors that sit on a planning committee at both councils. We recommend that MH&WDC co-design with councillors a more targeted and structured planning training programme. It is recommended that there is stronger engagement and briefings with officers and councillors on the issues associated with land supply. This should ensure that members of planning committee receive regular updates on the five-year housing land supply position. The link between the SWDP and housing land supply needs to be better understood.

	Officers should work with councillors to ensure that issues on planning applications are explained properly to help ensure that any concerns raised on an individual case are proportionate. It is important that individual matters, for example the time taken to complete a complex Section 106 agreement, does not lead to general assertions about the functioning of the wider service.
10.	<p>Improve the customer experience of planning committee and consider resource requirements. We recommend that consideration should be given to improving the customer experience of both Councils' online planning committees by reviewing opportunities to enable members of the public to better understand and follow the decision-making process through the appropriate technology.</p> <p>MH&WDC should also consider the function of the Malvern Hills planning committee to ensure that the timetabling and number of cases considered is proportionate to the level of resources required to facilitate the committee meeting.</p>
11.	<p>Reconsider locally set performance targets. Locally set targets for development management performance should be re-considered in light of whether they are realistic and deliverable against whether they can have unintended consequences of raising unreasonable expectations of stakeholders.</p>
12.	<p>Improve the governance, processes and transparency of developer contributions. It is recommended that MH&WDC engage with PAS to benefit from their current support offer on improving the governance of developer contributions. This would include a strategic review of both councils with a facilitated self-assessment and the development of an action plan which would include practical recommendations for improvement and resources (case studies and links to examples of best practice from elsewhere) to help support improvements.</p>

3. The peer challenge approach

The Peer review team

3.1 Peer challenges are delivered by experienced elected councillor and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected based on their relevant expertise. The peers were:

- **Karen Syrett** - Lead Officer: Planning, Housing & Economic Growth, Colchester Borough Council.
- **Cllr Duncan McGinty (Conservative Councillor Peer)** – Leader Sedgemoor District Council.
- **Cllr Julian German (Independent Councillor Peer)** – Cornwall Council.
- **Shelly Rouse** – Principal Consultant, LGA/Planning Advisory Service.
- **Rob Hathaway** – LGA Associate, Peer Challenge Manager (in preparation and prior to the on-site visit).
- **Rachael Ferry-Jones** - Planning Advisory Service, Peer Challenge Manager (on-site and post on-site visit).

The Planning Advisory Service (PAS)

3.2 PAS is a Local Government Association (LGA) programme which is funded primarily by a grant from the Department of Levelling Up, Housing and Communities (DLUHC).

3.3 It is our principal mission to ensure that local planning authorities (LPAs) are continuously improving in their execution and delivery of planning services.

3.4 To achieve this, the PAS work programme focuses on:

- Helping local government officers and councillors to stay effective and up to date by guiding them on the implementation of the latest reforms to planning.
- Promoting a 'sector-led' improvement programme that encourages and facilitates local authorities to help each other through peer support and the sharing of best practice.
- Providing consultancy and peer support, designing and delivering training and learning events, and publishing a range of [resources online](#).
- Facilitating organisational change, improvement and capacity building programmes - promoting, sharing and helping implement the very latest and best ways of delivering the planning service.

3.5 PAS also delivers some of its services on a commercial basis including change and improvement programmes for individual and groups of planning authorities in England, Scotland, Wales and Northern Ireland.

Scope of the review

3.6 The scope of the review was developed following initial conversations and correspondence with MH&WDC as well as consideration of the background documents supplied to the peer team in advance of the review. These helped the peer team to shape their focus of the peer challenge around the following five core components as they relate to the functioning of the shared planning service. The peer team feedback is presented against these five key themes.

- Vision & Leadership
- Management and resources
- Working with Members
- Community and partnerships
- Outcomes and delivery

3.7 MH&WDC also asked that the peer team include feedback on the following key areas in their considerations against the main themes listed above:

- Engagement with staff across the planning service and where relevant other internal service areas.
- Benchmarking the size and organisation of the planning service.
- Analysis and evaluation of development management performance with a focus on the validation process, the management of planning applications case work and the investigation of planning compliance.
- The effectiveness of the respective roles of officers and councillors in presenting and determining planning applications at each of the Council's planning committee.
- A high-level review of the issues impacting the development of the South Worcestershire Development Plan.
- Highlighting where relevant best practice in other local planning authorities and from this identify any risks to the service along with any recommended appropriate mitigation strategies.

- 3.8 The background documents provided to the peer team included the staff consultation on proposals to restructure the Development Management function. The team were not asked to focus on these restructure proposals however, they dominated much of the feedback from officers working in this area. The peer team have therefore included feedback on proposals given how critical this is to officers and the shared service going forward.

The peer challenge process

- 3.9 Peer challenges are improvement focused and it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals or to undertake a forensic analysis of services. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and reviewed this through a strategic lens. The Peer challenge has been designed to add value to a council's own performance and improvement plans.
- 3.10 The peer team prepared by reviewing a range of documents and information, including a position statement prepared by MH&WDC, to ensure they were familiar with the shared planning service and the challenges it is facing.
- 3.11 The team carried out the core of the review onsite over 3 days. As well as in-person, some meetings were held virtually before, during and after the onsite review. During this time the team gathered information and views from circa 120 people, in addition to further research and reading.
- 3.12 This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government members and officers. By its nature, the review represents a snapshot in time. We appreciate that some of the feedback in this report may touch on things that MH&WDC are already addressing and progressing.
- 3.13 The peer team has presented a verbal summary of this report and recommendations to an audience made up of those that took part in / were interviewed as part of the review.
- 3.14 The peer team would like to thank councillors, staff, community representatives, customers and partners for their open, honest and constructive responses during the review process. All information collected is on a non-attributable basis. The team was made to feel very welcome and would especially like to mention the invaluable assistance and excellent onsite support.

4. Restructure

- 4.1 Prior to the onsite review MH&WDC had consulted officers on proposals to restructure the Development Management (DM) function across the shared service. This included replacing the current geographically focussed DM Teams with a "Major Applications" and a "Minor Applications" team approach. Whilst this was not a specific theme to be explored as part of the review, feedback was heavily influenced by the proposals and it is therefore important that this is reflected in this report.

- 4.2 In general officers are not opposed to developing more joint working and consistency in approach within the DM service. The differences in how the two existing teams, Malvern Hills and Wychavon, operate and are managed was a frequent issue raised in feedback across all stakeholders. The restructure was not however considered by many as the solution to achieving these ambitions.
- 4.3 It was clear from the staff survey and feedback on site that the proposed restructure is of real concern to the officers impacted by proposals and that it has had a significant impact on their morale and wellbeing. Whilst there clearly had been consultation with officers it was very much perceived as a top-down, management imposed, restructure. There was concern over the absence of consultation prior to proposals being developed and first published. Officers wished they had been given the opportunity to use their experience of working within DM to add value earlier on in the process by helping to shape where improvements could be made. This may have also helped to develop ownership of changes within the service.
- 4.4 The peer team welcome the news that MH&WDC are already reconsidering their proposals for restructuring the DM service in light of the feedback provided by the peer team onsite. We are advised that this includes a focus on how a one team approach to DM can be encouraged whilst respecting the needs of officers and the ambitions of MH&WDC. This includes how the service can better support and enable the growth aspirations that would be delivered through major developments.
- 4.5 The peer team are keen to ensure that any new proposals address key concerns raised by officers including, but not limited to, career development, succession planning and recruitment. Consideration should also be given to the benefits associated with local geographical knowledge which was an issue raised by officers, Councillors and stakeholders. To help with this, PAS have developed [resources on good development management practice](#) that are available on their website. This includes [a case study of the London Borough of Brent](#) where a “team approach” to dealing with major applications was aimed at building capacity to deal with major applications but also ensure that “learning on the job” would grow, motivate and ultimately retain less experienced planners. Further recommendations on implementing a “good” structure are also included in Section 6 following more detailed feedback on the DM service.

5. Vision and leadership

Corporate ambitions

- 5.1 The corporate vision, priorities, goals and actions / promises of both Malvern Hills and Wychavon District Councils are clearly communicated across both Councils. Each Council has their own strategy with Malvern Hills covering the period 2021-2025 and Wychavon’s 2020-2024. Whilst independent of each other there are common aspirations between them and shared services within MH&WDC responsible for their delivery. It was notable to the peer team that posters setting out the visions were clearly presented throughout both Council buildings.
- 5.2 Strategic priorities are well understood by officers across MH&WDC including within the shared planning service. That said, it is not always clear that this translates into some of the more detailed work undertaken within the service including the consideration of individual

planning applications. There is a perception outside of the service that planning operates in a silo and that it can be an impediment to the delivery of corporate ambitions with its regulatory function often cited as a reason. This has been a frequent concern where expert opinions within the service have been sought on individual matters and schemes. To facilitate a more enabling partnership between different functions of MH&WDC we would recommend earlier engagement with in house experts in the planning service on proposals so that they can help to build solutions that might facilitate delivery rather than being considered an obstruction to development down the line.

Officers and councillors

- 5.3 There is a good working relationship between Councillors and officers and it is clear that staff across MH&WDC are dedicated, knowledgeable, experienced, supportive of one another and often working over and above their requirements. This has been especially evident during the Coronavirus C19 pandemic. The high performance of the shared planning service and dedication of staff was widely acknowledged by themselves as well as by external stakeholders especially when compared to the experience of other councils.
- 5.4 There is however a perception within MH&WDC of failure relating to individual cases and areas of the planning service which has created an element of “blame culture”. On reflection the peer team can report without hesitation that there was no evidence unearthed to substantiate this culture of blame and recommend that issues of individual cases are not necessarily reflective of wider issues across the service.

South Worcestershire Development Plan

- 5.5 **Joint working** – The South Worcestershire Development Plan (SWDP) is one of only a few local plans nationally that have been prepared and adopted jointly with other local planning authorities to create a shared spatial planning framework for their areas. The SWDP was jointly prepared by MH&WDC and Worcester City, collectively known as the South Worcestershire Councils (SWC) and adopted in February 2016. Staff and financial resources were pooled, and MH&WDC have confirmed that this produced significant savings compared to each council working alone. The project was driven by a joint officer steering group and a non-executive Joint Advisory Panel (JAP) of members from all three councils. The panel also has officer and councillor representation from the county council.
- 5.6 The planning policy function of the shared planning service is therefore well experienced in its approach to working as a single team and developing policies across council boundaries. The team is a key driver of the SWDP and has worked collaboratively and proactively with Worcester City over a significant period to enable development within MH&WDC that supports identified development requirements that cannot be met within the city. The peer team were told by several stakeholders that briefings in the earlier stages of development of the SWDP were very good and informative. This positive approach to joint working across local planning authorities is commended.
- 5.7 **Corporate ownership and leadership** – whilst the positive approach to joint working on the SWDP is acknowledged it is widely regarded outside of the planning service as a ‘planning document’ rather than a corporate document. Added to this is a perception that the statutory requirements and timeframes for developing and adopting a local plan make it difficult to fully align the visions of the corporate five-year plans. The SWDP is now more than five years old

and in accordance with these requirements the SWC have reviewed its policies and are currently developing an updated version.

- 5.8 There was a feeling by some that the emerging SWDP is primarily housing focused and that it is lacking the “bravery” to include some of MH&WDC’s economic ambitions. There was a general perception that the heavy focus on the “process” elements of developing the local plan can prejudice the opportunity to include other and emerging corporate ambitions. Officers outside of the planning service did not always understand how they could influence the development of the SWDP. They did not feel empowered to input into what is essentially perceived as a very technical planning document.
- 5.9 It is critical that where appropriate medium and longer-term corporate ambitions are included as a core component of the SWDP as this provides the spatial interpretation and framework for development across an area. Planning and land use should be at the heart of delivering corporate objectives including inclusive growth, social mobility, tackling climate change and supporting the delivery of political aspirations in an area. Despite the potential for the planning service to lead and drive visionary change in MH&WDC it is sometimes viewed, even by senior officers, as a regulator or blocker rather than an enabler and influencer of change.
- 5.10 Perhaps because of this the peer team witnessed a lack of corporate ownership of the development of the updated SWDP. In the absence of this, planning officers have stepped into that role to ‘fill the void’. This is commendable but has led to the SWDP being heavily focussed on the processes and procedures to get an updated plan adopted. It is the peer team’s strong opinion that if MH&WDC are going to achieve their corporate priorities, then the role of the SWDP and planning needs to be seen at a corporate level as a stronger part of place shaping and a mechanism for major project delivery. Linked to this it is critical that the planning service address the perception of their own silo working by positively engaging across MH&WDC to ensure that corporate priorities and aspirations are supported and included within the SWDP where appropriate.
- 5.11 A strong corporate leadership role is needed to induce collective ownership of the SWDP and move it forward. Key to this is also ensuring regular engagement and briefings with Councillors outside of the JAP on the development of the SWDP. Political ownership is critical to helping to ensure that the update of the SWDP is undertaken in a timely manner and that the corporate aspirations included in the SWDP can be delivered. A strong corporate leadership role should also facilitate discussions at a senior level across the whole SWC area, including with the county council. Effective senior leadership and transparency in approach is critical to helping ensure that the plan is moved forward.
- 5.12 **Timing of the SWDP** – The publication of the Regulation 19 submission version of the SWDP is currently scheduled for June 2022. This is however highly dependent on the SWC agreeing to publish and consult in a timely manner. There is risk to this as the Regulation 19 submission version of the SWDP will include sites selected for allocation of development which can be an emotive and challenging aspect of plan making. There is a history of plans being withdrawn or changed at this stage where there has not been sufficient corporate and political endorsement of proposals. The peer team recommend that there is strong engagement with Councillors to ensure that they are sighted on the allocated sites within their area and the evidence that has led to their inclusion. It is important that there are no surprises and that the

process of site allocation is transparent. MH&WDC should work collaboratively to minimise any potential risks to the timetable of updating and adopting the SWDP.

- 5.13 **Land supply** – MH&WDC have moved to a shared five-year housing land supply across the SWC. At the time of the peer review the council advised that this demonstrated a 5.76-year supply. Because the SWDP is more than five years old, and that its policies have been reviewed and found to require updating, this supply is calculated against a local housing need that is derived from the governments standard methodology. The peer team recommend that there is strong engagement and briefings with officers and Councillors on the issues associated with land supply and the importance of ensuring that an updated plan is brought forward in a timely manner.

Communication and collaboration

- 5.14 Whilst exacerbated by the pandemic, officers expressed concern that senior management are often not visible and that they do not have a direct relationship with them. Briefings designed for Councillors are shared with officers however there has been a lack of team and shared service meetings – whether virtual or in person. This has left some staff feeling quite isolated and frustrated. Many feel that there has been a lack of acknowledgement of how hard colleagues have worked during this difficult period. There is no doubt that the consultation on the restructure has strengthened these feelings.
- 5.15 Given this feedback and that set out throughout this report the peer team recommend that there is stronger communication and collaboration between officers and Councillors within the shared planning service and across MH&WDC. This should be at all levels and between all levels of seniority. Periodic team meetings and shared service updates should be scheduled in with the option for staff to join virtually or in person. This is especially important if the shared service want to address the perception of silo working within it.

Performance management

- 5.16 MH&WDC do not currently have a shared corporate performance management framework, although work is ongoing to more closely align processes. The peer team recommend that this work is accelerated to ensure that there is consistency for staff working within the shared planning service.
- 5.17 There is however performance management of very detailed aspects of the planning service, and this may be confusing (where the two councils have different performance indicators) and where targets differ from national expectations, for example, 6-week determination targets for specific types of applications. The peer team are concerned that the very detailed granular level of monitoring at officer level may not be the best use of resources. It is also important to remember that comparing applications and case loads is not always reflective of the workload or complexity of matters that an individual officer is working on and crude statistics should not therefore be used in isolation to determine individual performance.

6. Management and resources

The shared planning service

- 6.1 The shared planning service is led by the Director of Planning and Infrastructure and five Heads of Services who cover:

- Planning policy.
- Heritage services.
- Engineering services.
- Planning services (two posts).

6.2 Despite being part of the shared service, it should be noted that engineering and building control were not considered as part of the peer challenge.

6.3 Relationships between officers and councillors across the shared service are good and there is clearly mutual respect and support between officers in the different teams. Whilst the planning policy and heritage services have developed a good approach to joint working across MH&WDC this is much less evident in the Planning Service teams, particularly in respect of development management, where the peer team concluded that they are currently working as two separate and distinct services.

Planning policy

6.4 As referenced in Section 5, it is evident that the planning policy team are adept at working across the MH&WDC planning service as well as jointly with Worcester City. The fact that SWC have had a joint plan since 2016 helped facilitate the transition to a shared service. Whilst greater collaboration on the SWDP outside of the planning service has been recommended there are no major concerns evidenced on how the team operate within the service itself. That said, whilst we recognise that officers are busy, engagement with Development Management could be improved. This is not unique to MH&WDC as there can often be a tension between planning policy and development management services as a consequence of resource and capacity. Notwithstanding, the two should work hand in hand together and the transfer of intelligence between both services is critical to ensuring that realistic policies are brought forward and that they are deliverable through effective decision making.

Heritage services

6.5 MH&WDC are well resourced in terms of the diversity of expertise within the shared service. This is demonstrated through the range of officers working within the heritage and engineering services. In general, the heritage team have adapted well to a joint working approach and this is perhaps in part because of the specific expertise that they are able to provide across a range of sites. This expertise however has at times been considered a challenge to the delivery of corporate projects. Linked to the recommendations in Section 6 above, the peer team would recommend earlier engagement with experts in this team as projects are conceived to ensure relative expertise is not perceived as solely a restriction and instead is used to help deliver appropriate solutions.

6.6 The peer team are unsure of the relationship between specialists in this team and those in the planning policy team, for example with urban designers. The peer team recognise that not all councils have this level of in-house expertise and would suggest that MH&WDC consider how this is being utilised in the development of the SWDP and whether there could be more effective use of resources in relation to both plan-making and decision-making functions.

Planning services - Development management

6.7 **Structure** - Whilst part of the shared planning service the development management functions appear to be operating as two separate development management services for the two sovereign councils. This is reinforced by having two Heads of Planning Services for the two

geographical teams, each employed by the respective council. It is evident that the combination of different Heads of Service and legacy council processes reinforce the separation and inconsistency between the two teams and service.

- 6.8 Whilst there has been some movement of planning officers between the two teams it is understood that this has been in response to promotional moves and not necessarily service requirements. Officers perceive themselves as two disparate teams and refer to each other by the council area that they are responsible for. Examples were given where matters of a similar nature are approached differently by each team and some disquiet where there has been requests from one team to follow their process. With the function seemingly operating as two separate “council” teams there is inevitably resistance to make changes at the bequest of one team and in the absence of clear collective leadership.
- 6.9 There is a recognition by all parties that the DM service needs to work more closely together. The peer team have been advised that the proposed restructure was a formal response to enabling a more flexible approach to sharing the workload across DM. As set out in Section 4, there is a definite willingness from officers to work more jointly however for all the reasons given above the previously proposed restructure had challenges and was not well received by them. The peer team understand that MH&WDC have reconsidered proposals for the restructure in light of our feedback with a focus on how a one team approach to DM can be encouraged.
- 6.10 There are several ways to achieving this and those services where joint working is already embedded should be looked at. Geographical sub-teams could still be included but what is critical to the success of this is that there must be consistency between them in terms of process, interpretation of regulations and approach to applications. To support this, we would recommend that case officers have the flexibility to spend a period of time in each of the council areas to help promote consistent decision making.
- 6.11 Clear and consistent leadership from both corporate and service level is critical to ensuring that officers collectively consider themselves to be one team which in turn should help facilitate greater flexibility between officers where workloads dictate. Periodic briefings and meetings for all of DM is strongly encouraged to further support networking between officers and the delivery of a single service. With the flexibility of hybrid working co-location might be considered for the days that staff are in the office although not essential. An alternative might be to encourage officers to work between both sites irrespective of what area they might be covering. It is important that the culture of “them” and “us” is broken down.
- 6.12 The peer team recognise that there is not one structure that would work for all DM services across the country. There are however some general principles that the peer team have reflected on in addition to the more localised points above. A good structure should:
- Enable people to progress their careers within and outside of their existing teams.
 - Flexible team structures that allow officers to develop their skills across planning is important. This is particularly helpful where you may have an area of planning focussed on delivery and where the benefit of experience in both policy and DM would support a proactive approach to delivery. It could also be achieved by having generic role profiles so that staff do not necessarily have to apply for a new job to move across teams.

- Have a range of skills available in-house and use specialists appropriately and constructively so that they help to build solutions and are not perceived as silo lobbyists. Include them as part of the core planning team with ownership of end decisions.
- Ensure the right balance of managers to support staff that allows staff to have freedom to make decisions and innovate.
- Have capacity for continual improvement.
- Treat communications and engagement seriously.
- Measure and reward good work.
- Be clear on who is the head of Planning even if they do not necessarily have that title.
- Ensure managers have the capacity to manage.

6.13 **Performance** - External stakeholders consider the service to be high performing and when considering the performance data over the last five years the peer group would agree with this as a general overview. That said the data only shows applications determined and the number of any outstanding cases is less clear.

6.14 Whilst there is a heavy reliance on agreeing extensions of time (EOT) for the determination of major applications this is not unusual across local planning authorities. The use of EOT's for minor applications and "other" applications is however very high, particularly in Malvern. EOT's for these types of applications should only be used in exceptional circumstances and MH&WDC may want to consider why there is such a high reliance on them for these types of application.

6.15 MH&WDC have a number of locally set performance targets. This includes a target for dealing with 55% of householder applications within 6 weeks albeit the Wychavon team are the only service to have met the target and this was only in one year in 2018/19. This target should be considered alongside validation targets as if officers receive the case sometime post validation this makes meeting these specific target dates more difficult. The peer team recognise the ambitions to speed up the determination of these types of applications but would caution against unduly raising expectations.

6.16 The locally set appeal target requires at least 65% of appeal decisions per annum to be dismissed. This is where the Planning Inspectorate or the Secretary of State determine that permission should be refused on an appeal application. This target is low for a council and should be closer to nationally set targets on quality which requires at least 90% of appeal decisions to be dismissed.

6.17 **Resources and capacity** - Caseload data has been provided as an average over a year. The peer teams initial view, and when considered against resource for their own services, is that the numbers are generally acceptable. What is not clear though is whether the average is reflective of the apportionment of cases to officers across the service. For example, is it an accurate spread of type, complexity and number of applications?

6.18 Caution should be urged when using average caseload numbers as a benchmark for the service. This is because resource required can depend both on the type and complexity of an application as well as a Council's processes and philosophy on determining applications. For

example, their attitude towards negotiation and amendments during the live application process.

- 6.19 Notwithstanding, as a general rule experience of the peer team and PAS is that a live caseload of 40 cases per full time equivalent officer is generally within average parameters. Above 50 live cases and officers often begin to struggle. Some officers felt that their caseloads were too high and so MH&WHDC may want to consider if there are any opportunities to streamline or reduce processes to allow officers to focus on priorities. It was outside the scope of the review to look at these in detail but matters that could be considered include how often specialists should be consulted; whether calls and/or emails can be diverted or whether reports can be shortened? Fee based pre-application advice is used inconsistently and there is no use of Planning Performance Agreement's (PPAs). Pre-application advice can be useful but there should be a standardised approach for example, one written response and one meeting. Follow up advice should require a further fee.
- 6.20 MH&WDC were very keen for the review to include an element of benchmarking against other councils. PAS are currently developing a benchmarking tool which they will share when available with MH&WDC to provide information on resourcing a DM service. Given that there is not one structure that would fit all DM services this will not be a definitive tool however, it should help provide a baseline of information that would help MH&WDC in their considerations.
- 6.21 **Committee reports and presentations** – Officer reports to the planning committee whilst long, are comprehensive and well-structured across both teams. It is clear from the peer teams observations that Councillors in both districts respect and trust the information provided to them. The lack of paragraph numbering in reports can however be frustrating and it would be helpful to summarise consultee responses.
- 6.22 Presentations to committee by officers was considered to be appropriate and the level of detail commensurate with the application being considered. The online format for watching the planning committee at Wychavon had limitations and it was difficult at times to both see and hear presentations. At Malvern Hills the virtual offer was audio only. It is recommended that as part of the shared service consideration is given to improving the customer experience of the online planning committees by reviewing opportunities to enable members of the public to better understand and follow the decision-making process through the appropriate technology.
- 6.23 The delegation rate is good, and it is noted that a new shared scheme of delegation across the two Councils is being developed. It was however disappointing that the draft scheme had not been shared with planning officers. Subject to formal approval the implementation of this should also help support the operation of a single joint service. Notwithstanding, there is some concern over the number of cancelled meetings at Malvern Hills and also the resource requirements where the planning committee consider only one application.

Planning services - Planning enforcement

- 6.24 Planning enforcement is managed by the Head of Planning Services for Malvern Hills albeit this function does operate across both geographical areas. There was a lot of perceived

frustration amongst stakeholders regarding the enforcement service, however the peer team were not provided with evidence that they consider necessarily justifies the general concerns.

- 6.25 Planning enforcement is generally an emotive area of planning with high expectations from members of the community in terms of how matters should be responded to. Reports to enforcement teams across the country have increased significantly following the coronavirus pandemic as people generally spent more time at home and have reported more alleged breaches. This is reflected in a notable increase in Malvern Hills although not at Wychavon.
- 6.26 This coupled with high levels of staff turnover and locally set ambitious targets has led to the perception of a non-responsive service. MH&WDC are acutely aware of this and have already undertaken a service review where recommendations are already being implemented. The peer team could see evidence of this for example, close working with legal services on procedure. The peer team recommend that MH&WDC consider whether the locally set target is actually realistic and whether it has unintended consequences of raising unreasonable expectations of stakeholders.
- 6.27 The two councils have different priorities for enforcement, and it is recommended that a single approach should be agreed. If not already undertaken, a review of MH&WDCs enforcement policy is recommended as this would provide an opportunity to streamline the approach as well as re-prioritise enforcement cases and response standards. Planning enforcement is a discretionary service and councillors may wish to agree its priority.

Planning services – Support services

- 6.28 The support service is managed by the Head of Planning Services for Wychavon although it is a shared service for both teams. When the peer challenge was commissioned MH&WDC had recognised some very real issues in the timing of validating applications which then had an impact on other performance data including the timing of decisions.
- 6.29 Since then, staff have worked collaboratively together and supported one another to progress the backlog of applications and improve the timing of validation. Less experienced planners have supported the service team in helping to clear the backlog with many officers working overtime.

7. Working with councillors

- 7.1 **Structure** - MH&WDC are two councils with their own political structures and elected Councillors. They share a Chief Executive and a joint senior management team. Malvern Hills appoint their Council Leader annually whereas Wychavon appoint their Leader for a four-year term. Both Councils have strong leadership, and this was evident through discussion with them, officers and stakeholders.
- 7.2 There is a clear shared ambition by the respective Executive Board / Committee to improve the functioning of the shared planning service and work more jointly. That said, the peer team would recommend that there is more engagement with all Councillors on joint working to ensure that there is consistency in approach to better support officers. It can be difficult working with two sets of priorities and policies as well as processes and requirements. To enable officers to work more efficiently as one team policies and processes should be streamlined, whilst accommodating different political priorities, to allow for flexible cross

working as and when required. The implementation of a shared scheme of delegation will help with this.

- 7.3 **Relationships** - Relationships with councillors and officers, and councillors and external stakeholders, appear to be very good. Councillors were keen to acknowledge recent improvements in performance of development management, service support and enforcement. There could however be better engagement with councillors on specific matters to help them better understand technical planning matters. For example, regular briefings on the five-year housing land supply position.
- 7.4 **Planning committee** – As noted in Section 6 it is clear from the planning committees observed that the relationship between councillors and officers at committee is good and that councillors have trust in the information provided to them by officers.
- 7.5 It was not however always clear that members of planning committees at each council were able to succinctly articulate the need for the separation of their ward level representative role from their decision-making role while sitting as planning committee members. The fact that every councillor at Malvern Hills sits on one of two committees potentially makes this separation more difficult.
- 7.6 It is important for members of the Committees to stay alert to this risk and for the Chair and supporting officers to intervene appropriately as necessary. There must not be any suggestion of pre-determination and as such training should reinforce the need to stand down from Committee if there is even a perception that Councillors may be taking a stand on behalf of residents in their role on Committee.
- 7.7 It is also important to remind Councillors to be mindful where meetings are live streamed and archived. The level of public scrutiny has increased and councillors in any event will want to be aware of how they present themselves.
- 7.8 The call-in procedure is different between the Councils which may explain why, in addition to a higher caseload, Wychavon have more planning applications put before the planning committee than Malvern. Where appropriate consistency in approach should be a key component of the joint scheme of delegation that is currently being developed.
- 7.9 **Joint Advisory Panel (JAP)** – There is some concern that the JAP operates within a vacuum and that councillors outside of this group are not well briefed on the development of matters relating to the update of the SWDP. This includes information on site allocations. The need for corporate and political ownership of the SWDP has been well covered in Section 5 and this should include regular briefings and engagement with all councillors across all of the SWC and including County.
- 7.10 **Training** – There was common ground among councillors on the need to improve the learning and development opportunities for councillors who sit on a planning committee. The obligatory training for planning committee and other incremental training opportunities are well received however, there was some concern that training could be improved. The timing of training was also cited as an issue with a preference for periodic training to councillors on

specific matters prior to a committee meeting. Options for external councillor training can also be discussed with PAS.

8. Community and partnerships

- 8.1 **External stakeholders** – feedback from external stakeholders was generally very good. Stakeholders find MH&WDC to be accessible and enabling authorities. They find the approach to collaborative working helpful and have been appreciative of pre-application advice on development proposals.
- 8.2 There was however a recognition that process between the two councils could be better streamlined and a shared frustration that stakeholders can receive conflicting advice from different parts and specialisms within the planning service and the wider council. This could be addressed through more consistent responses to planning enquiries and better use of planning performance agreements.
- 8.3 The websites of both councils were reported as difficult and slow to navigate with updates to information taking too long to register on the systems. There was also a concern that county matters can often cause delays in the consideration and determination of planning applications.
- 8.4 Worcestershire County Council generally find working with MH&WDC shared planning service very good with established working relationships. Notwithstanding, areas for potential improvement were acknowledged including the need for improved engagement with the County and other stakeholders on the development of the SWDP. This is particularly important where flow of information between organisations is critical to ensuring that the appropriate evidence base is developed to guide the update of the plan. This includes a shared understanding of what site allocations are likely to come forward and what modelling is required to demonstrate their deliverability.
- 8.5 Parish and Town Councils appear to be engaged and interested. They do however recognise that there could be improved communications where their views differ to the recommendation included in a planning officers report. There are options on how this could be delivered for example, through consideration of the report and decision; discussion with the local district councillor or a periodic feedback session from the council. It was felt that this would help support their understanding and learning of material planning considerations and planning process. The peer team understand that MH&WDC provide training on planning for Parish and Town councils which is welcomed.
- 8.6 **Internal stakeholders** – Many of the recommendations relating to the need for improved corporate and joint working have already been covered in Section 5. Internally the planning service is considered as a stand-alone service that can sometimes challenge the delivery of corporate projects and where planning policy can be difficult to influence.
- 8.7 Some internal stakeholders had an appreciation of the workload within the service, albeit others felt that this is not unique to the planning service and that there had been high demands on resources across MH&WDC. There was a general acknowledgement that over the

last two years the wider council had worked hard collectively to address significant challenges including local flooding and the Coronavirus pandemic. Officers from the planning service are an extremely valuable resource and should be more fully used in such circumstances to assist with MH&WDC' response.

- 8.8 Effective engagement is a two-way process and as set out in Section 5 to facilitate a more enabling partnership between different functions of MH&WDC we would recommend earlier and more regular engagement. Each service area needs to understand its role within the delivery and jigsaw of wider corporate priorities and where relevant expertise should be used to help to build solutions.
- 8.9 There are several ways to lead engagement and facilitate better ownership of delivery. One solution might include the establishment of an officer advisory board that meet on a periodic basis to share considerations on key planning matters. This might for example, include progress of the SWDP, details on major applications and consideration of service and infrastructure demands that arise as a result of development and growth. Rather than setting up separate groups to discuss each of these individual areas it would make sense to keep stakeholders more regularly engaged on the range of planning matters and their inter-dependency. Representatives on the board should provide an informative and advisory role acting as representative of their service area and ensuring that relevant matters are communicated to and from the group. This should also provide an opportunity to bring corporate projects that have planning requirements to the advisory board at an early stage and receive collective input on how best to secure sustainable and appropriate delivery. External stakeholders, including Worcestershire County Council and Worcester City, could be invited to attend as and when the agenda requires.

9. Outcomes and delivery

- 9.1 Not to repeat what has already been set out in the feedback and recommendations but critical to providing an effective and enabling delivery service will be better integrated and joint working across and within MH&WDC. This might include establishing specific working groups and officer and / or councillor boards as well as drafting process maps and protocols between services. To establish effective ownership there needs to be a clear understanding of who is responsible for what element of a project and within what governance framework and protocol officers are operating. Clear and effective lines of communication and leadership are key to this.
- 9.2 The team were presented with some good examples of where development had delivered successful outcomes whether this was directly or through developer contributions. This included the delivery of a community skate park and works to the theatre in Malvern Hills linked to supporting the town centre and the levelling up agenda. Whilst some schemes were initially presented with planning challenges it is important that MH&WDC showcase and promote these to demonstrate to external stakeholders what can be delivered through development and cross council working.
- 9.3 A key component of ensuring appropriate delivery and mitigation of development is the role that developer contributions can play. Developer contributions are key components of any

council's approach to planning and delivering infrastructure for their area. Taking an integrated approach towards infrastructure funding and delivery can maximise how income is used, ensure it is allocated towards the right infrastructure priorities, leading to sustainable development and growth.

- 9.4 We heard from several sources that Section 106 and the Community Infrastructure Levy (CIL) are “tricky”. This is borne out by the relatively hands off approach that the planning service has to the monitoring, collection and spend of these resources. As with so many councils this can often be a forgotten area of the planning service where it is perceived as complicated or not relevant to the specific planning matters that are being considered by an officer. What this can lead to, especially in the case of CIL, is liable cases being missed and income for critical items of infrastructure, including community facilities, lost.
- 9.5 This is another area that requires cross council working with clear lines of communication, working protocols and clear ownership of the different parts of the systems. This includes providing additional support and resilience to ensure the effective functioning of this area. It is clear at MH&WDC that much of the responsibility for Section 106 and CIL matters rests with key individuals outside of the planning service although the team were advised that a CIL monitoring officer within the planning service has recently been appointed.
- 9.6 In July 2021 PAS [published guidance on improving the governance of developer contributions](#). The guidance includes best practice examples and is aimed at helping improve the ways that councils manage and allocate developer contributions. This is to ensure that money collected is used to deliver infrastructure in an efficient, transparent, robust and effective way. It builds on the [‘Start with the spend in mind’](#) best practice guide that PAS published in February 2020. This was aimed at helping senior leadership teams understand the role of developer contributions within the context of an authority's wider approach to developing and delivering infrastructure and may be a useful resource to share with the senior leadership team.
- 9.7 The guidance on improving the governance of developer contributions includes a [self-assessment toolkit](#) to help councils carry out their own health checks of this area. PAS also have funding for 2021/22 to directly support Councils in undertaking this health check by providing facilitated sessions with key stakeholders and helping to develop an action plan and recommendations for the council. The peer team strongly recommend that MH&WDC engage with PAS to benefit from this targeted support that will consider all parts of the process from planning permission granted to spend of contributions.
- 9.8 By taking up this support PAS will also help signpost MH&WDC to best practice examples including the Greater Norwich Partnership who collectively pool CIL across their joint plan area and who have robust infrastructure business planning to ensure that receipts are funding shared priorities and that leveraging other sources of finance is maximised. Whilst CIL receipts are currently accruing in both MH&WDC the updated SWDP will include significant growth aspirations and it is important that effective governance processes are in place to help ensure that developer contributions are used effectively to support this. Furthermore, the update to the SWDP may be an ideal opportunity for MH&WDC to review their CIL charging schedules.

10. Implementation, next steps and further support

- 10.1 It is recognised that senior political and managerial leadership will want to consider and reflect on these findings.
- 10.2 To support openness and transparency, we recommend that MH&WDC share this report with officers and that they publish it for information for wider stakeholders. There is also an expectation that an action plan would be developed by MH&WDC and published alongside the report.
- 10.3 Both the peer team, PAS and the LGA are keen to build on the relationships and the peer challenge process includes a six-month check-in meeting to take place in April 2022. This will be a facilitated session which creates space for the councils' senior leadership to update peers on its progress against the action plan and discuss next steps and any further support required.
- 10.4 A range of support from the [LGA](#) and [PAS](#) is available on their websites. This includes:
- Development Management - Decision making, committees and probity
 - Making Defensible Planning Decisions
 - Developer Contributions - Community Infrastructure Levy, Section 106 agreements and Viability
 - Getting engaged in pre-application discussions
 - Design training for councillors
 - Development of local plans
- 10.5 Other Local Authority planning committee Information that may be helpful includes:
- [Plymouth planning committee webcasts](#)
 - [Plymouth planning committee public information](#)
 - [Ward Councillor engagement in Pre-Briefings](#)
- 10.6 The following three councils are considered to have run good virtual committees:
- Brent
 - Liverpool
 - West Suffolk
- 10.7 For more information about planning advice and support, please contact rachael.ferry-jones@local.gov.uk
- 10.8 The LGA has a range of practical support available. The range of tools and support available have been shaped by what councils have told LGA that they need and would be most helpful to them. This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.
- 10.9 Helen Murray, Principal Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at Helen.Murray@local.gov.uk