

5. CASE STUDY

Planning Services

5.1 Introduction

The aim of this study is to describe what planning could look like within a unified council for Cornwall. The study proposes the creation of a single planning service to cover the whole county. The model takes into account best practice from existing unitary authorities, the Cornwall district councils and the county council. Importantly it proposes the bringing together of resources to deliver a high quality service which is just, fair, open, transparent and consistent.

The proposed service will fulfil statutory planning functions and will seek to address the following headline issues for Cornwall:

- housing provision,
- managing a growing economy,
- protecting the environment,
- tackling climate change, and
- improving access to services.

It will set itself genuine “stretch” targets that seek to provide full development plan coverage by 2010, reduce the number of successful appeals against council decisions to less than 10% and achieve a 95% level of delegation for planning applications. The planning service is broadly defined as spatial planning / planning policy and development services (planning development control, building control, highways development control and enforcement).



The proposed service will combine the statutory and regulatory roles currently carried out by seven councils and in so doing will:

- bring together resources to meet the government's objectives for the planning system (in particular the establishment of a transparent, flexible, predictable, efficient and effective planning system that will produce the quality development needed to deliver sustainable development and sustainable communities),
- reduce the number of statutory documents by approximately half,
- bring a commensurate reduction in the number of public inquiries,
- reduce the number of planning committees from 94 to 58 per annum;
- provide a more comprehensive and consistent approach to plan making and more effectively integrate planning, housing and economic development,
- provide a clear single voice representing a viable entity in regional engagements,
- provide a streamlined and efficient e-enabled back office, and
- reduce confusion.

5.2 Overview

Planning is about achieving a better Cornwall and will be at the heart of the new authority's contribution to sustainable development and integrating social, economic and environmental objectives. It is about looking forward and making sensible provision for homes, jobs, services, crime reduction and infrastructure. In so doing, the planning service will fulfil the government objectives (set out in Planning Policy Statement 1) to facilitate and promote

sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life,
- contributing to sustainable economic development,
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities,
- ensuring high quality development through good and inclusive design, and the efficient use of resources, and
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

The development of a consistent approach to planning policy preparation and delivery will provide stronger strategic leadership and enable the new authority to act as an efficient and responsive place shaper. More community involvement is a key element of the government's planning reforms and the role that parish and town councils play in planning will be important in the future.

5.3 Purpose

An improved unified service must look beyond established models and seek to achieve, and be, a service that is owned and trusted by the people it serves. Spatial planning / planning policy will go beyond traditional land use planning and seek to integrate development policies with other policies and programmes that influence the nature of places and how they function.

A primary objective of an improved service will be to enhance the “plan led” approach to future development in Cornwall, by providing an up to date and evidenced based planning framework by 2010. In so doing, the service will create a robust structure of policies that will aid decision making and prevent adverse appeal outcomes. Implementation will be supported by a development services division, which will bring together development control, building control and enforcement.

The resources available to a single authority will provide capacity for real progress on delivering the ambitions of the new planning system. This is not just about plan making and development control but facilitating and promoting the implementation of good quality development and striving for continual improvement with regard to matters such as openness, customer service and stakeholder satisfaction.

5.4 Functions

Spatial planning /planning policy

Regional and sub-regional planning:

- advise and support the preparation, monitoring, implementation and review of the Regional Spatial Strategy,
- provide detailed proposals and advice to the regional planning body on sub-regional or other matters relating to Cornwall, and
- carry out other studies under agency agreements.

Local planning:

- undertake all aspects of preparation, monitoring, implementation and review of Local Development Frameworks for Cornwall including community involvement and consultation.

Strategic policy development and integration:

- provide for the integration of other policies and programmes with planning policy including economic development and transport,
- prepare monitor and review corporate strategy in respect of sustainable development and climate change, and
- undertake research and analysis to underpin and support an evidence base for the above functions.

Consultations:

- responding to changes in government policy,
- engaging with neighbouring authorities, and
- interaction with stakeholders.

Development services

Development control

- householder, industrial, business, leisure, retail, renewable energy, mineral, waste, engineering and agricultural application assessment,
- own service development - undertaking all aspects of planning control for development undertaken by the authority itself e.g. schools, roads, day care centres etc.,
- advice on permitted development,
- Local Development Orders,
- Pursuant scheme (PS21) and discharge of conditions,
- s278, s38 and s106 agreements,
- planning appeals and public inquiries,
- highway development control, and
- pre-application discussions.

Listed building and conservation:

- listed building and conservation area consents, listed building grants.

Building control:

- advice on building control, registration and assessment of building control applications, enforcement of building regulations, demolitions, dangerous structures and public safety, site inspections, approved inspections, energy efficiency.

Monitoring and enforcement:

- all development control activities plus contaminated land, monitoring of waste and mineral sites, pollution prevention and control, waste and pollution licence consultation.

5.5 Service delivery improvements

A unified Planning Service in Cornwall will seek to achieve the following objectives;

- Provide greater community involvement in the development of communities with greater engagement of Town and Parish Councils
- Plan for communities and places on the basis of “function” rather than administrative boundaries
- Provide capacity to develop skills and expertise relevant to a modern planning service and developing sustainable communities
- Provide a structure to facilitate engagement and integration across Cornwall of planning, transport and economic development
- Bring clarity and consistency to the planning and building control functions by removing public confusion associated with two levels of authority

- Put in place a clear accountable body for all planning matters within Cornwall
- Significantly reduce the number of committees to be serviced
- Reduce by almost half the number of Local Development Documents (LDDs) and create greater capacity to deliver a framework of development documents within a prioritised structure. Appendix 1 is a list of the current documents in preparation.
- Provide significant extra capacity to produce and keep up to date a Local Development Framework for Cornwall and deliver the Government’s objectives for a faster more efficient planning system with enhanced community involvement.
- Bring consistency in policy development
- Bring benefits in terms of effective implementation of policy
- Bring greater confidence in the application of policy across Cornwall
- Bring capacity to support implementation of plans and policies
- Bring greater certainty for business and developers including for example a consistent approach to developer contribution and s106 requirements
- Provide a single contact point for all Planning and Building Control enquiries
- Enhance the ability to develop best practice in meeting performance targets
- Enable targeting of resources to meet peaks of demand and increase efficiency
- Integrate support and back office reducing both numbers of staff and ICT systems

- Enable cost effective specialist advice to be shared across the authority
- Bring capacity to support monitoring and reporting of how plans are being achieved and developing and maintaining an up to date evidence base.

5.6 Spatial planning / planning policy

At a strategic level, representation and liaison with the South West Region in respect of the Regional Spatial Strategy (RSS) and Regional Planning Guidance is primarily undertaken through the services of the county council's spatial planning team. At a local level, Local Development Frameworks (LDFs) are prepared within the context of the RSS separately by the district councils. A unified planning service would bring together the planning policy roles within the district councils and the county council's spatial planning team to form a joint service – merging skills, linking functions and bringing about economies of scale.

There is a clear case for rationalising and bringing together the resource currently based within the county and district councils. To deliver the objectives of the Government's recent planning reforms resources need to be marshalled more effectively – individual planning authorities rely on limited numbers of staff. Plans need to be prepared faster, supported by robust evidence and with full community involvement. Capacity needs to be released to widen the role of the planning service in delivery and implementation of policies and plans.

Progress towards delivery of the current Local Development Framework (LDF) programme varies between the district councils. The opportunity to

co-ordinate and rationalise LDF documentation under a unified planning service should not be underestimated. A single core strategy outlining the overarching statement for the future of the county would be an important tool for delivering the vision for Cornwall.

Major efficiencies and benefits can also be achieved in the preparation of other LDF documents. As well as a single core strategy, a single Local Development Scheme (LDS) and Statement of Community Involvement (SCI) could be prepared along with all topic based LDDs or Supplementary Planning Documents (SPDs), which could be prepared on a Cornwall wide basis. In most cases this will mean that resources can be focussed on a single plan preparation process. This will satisfy the government's ambition to "simplify" the planning system.

The cost and time savings are considerable. An assessment of the current LDF programme suggests that more than 50% of all the 67 documents proposed would be unnecessary under a single authority. This represents 34 LDDs or other documents – a significant proportion of these would involve Local Plan Inquiries. Furthermore, it is felt that the remaining 33 documents could be in place for 2010, some two years in advance of the current programme.

Within Cornwall there are important planning "areas" which do not follow district council boundaries. The Regional Spatial Strategy emphasises the strategically significant city and towns of Truro, Camborne-Pool-Redruth, Falmouth- Penryn, and St Austell. The sub-regional significance of Truro and the relationship of SE Cornwall to the wider Plymouth area is also identified. A planning system that is more locally sensitive than at present would be well placed to respond to this agenda.

Policy and plan making should be central to the new authority's function and will be the responsibility of the Executive supported by relevant Scrutiny Committees. A key role will be for the community networks to provide Community engagement at the local level and effectively link their community plans with area action plans.

5.7 Development Services

It is this aspect of the service that is most commonly experienced by members of the public. The proposed model will encourage early engagement with the planning system and promote a positive culture to application assessment. A new service would aim to be in the top quartile for all performance indicators. These would encompass application determination times, customer satisfaction, monitoring and complaints performance, appeal numbers and quality of service.

It is evident from the development industry that a major problem they experience is dealing with different requirements for s106 agreements in different districts; a unified service would bring consistency in application of such agreements.

5.8 Rationalisation of areas

A unified planning service for Cornwall would need to operate on an area basis. An examination of existing County Unitary authorities (Herefordshire and East Riding) shows that for a county of Cornwall's size, geography and population, four sub-areas would constitute manageable and efficient units for the delivery of the development control, building control and enforcement functions. This will require each area unit to service populations ranging

from approximately 82,000 to almost 144,000. The geographical areas being defined by merging community network areas and would form Western, Central, North Eastern and South Eastern areas for the purposes of service delivery.

5.9 Scale of service

Officer structures would reflect the four sub-areas. Officers would be based within their respective areas working from an appropriately located office within each area. Advances in technology will enable the potential for remote and home working. It is envisaged that co-ordination of the service and the support for the area offices will be IT led and e-enabled. Back office integration and system alignment will be of paramount importance in achieving efficiencies beyond simply reducing the number of support offices from 7 to 4. Appendix 2 outlines a possible organisational management and a team structure.

5.10 Committee Structure

The four areas referred to above would return between 14 and 24 members providing an adequate base for committee membership. The proposal will establish four area sub-committees, which would sit beneath a countywide planning committee. The area sub-committees will be responsible for all functions relating to town and country planning and development control as set out in Schedule 1 of the Local Authority Regulations 2000 (Functions and Responsibilities) (England), except those matters which are specifically reserved to the full planning committee, e.g. applications made on behalf of councillors, major or complex applications or applications considered to be contrary to policy. Appendix 4 outlines the committee structure adopted by Herefordshire Council.

Part Three: **Case Studies**



a strong sustainable community for one and all

The four area structure would require the servicing of 58 committees per year (48 Planning area sub-committees and 10 full planning committees) with each of the area sub-committees meeting on a monthly cycle and the strategic planning committee on an approximate six week cycle.

5.11 Scheme of delegation

During the last three years the number of applications decided in Cornwall ranged from 10828 in 2005/6 to 12144 in 2004/5 and 11759 in 2003/4 (see Appendix 4). The percentage of applications currently delegated to officers by all the councils ranges from 84% to 96%. A new service would seek to establish a scheme of delegation that, whilst maintaining the integrity and quality of the service, would bring together best practice from the higher performing districts and enable the single service to achieve percentages closer to the upper levels reported.

The workload of the four planning sub-committees would amount to approximately 20 applications per meeting.

If these proposals were to be adopted, the revised structure and improved application process would allow performance to be increased in terms of determination rates for non delegated items. Currently, best value indicator 109a (60% of major applications in 13 weeks) varies from 57% to 74% across the districts. Clearly, there is potential to improve this performance.

5.12 E-Planning

An essential component of government thinking and the future direction for any modern planning service is to maximise the use of technology. E-Planning is not an agenda in itself; it is a vehicle for providing better services. Our overall proposals for a unified council for Cornwall include the need to bring together and align computer based data and systems across the new council.

Development services will be a key benefactor in any such alignment. The potential to hold one system with a single core database utilising a single supplier's software will reduce time consuming paper transfer, enable instant viewing of applications, provide on-line progress reporting, remove the need for additional software to connect between systems, set common standards, reduce learning time and facilitate skills transfer.

All of the councils in Cornwall have performed well in meeting e targets and recorded high scores in the Pendleton survey. However the survey did not reflect the interaction and time consuming activities of dealing with consultations between the county and district councils. Different systems and different stages of development within systems has resulted in delays in transferring information and responding to planning consultations, all of which are subject to statutory timescales.

A single service served by a single IT system would eliminate these difficulties, reduce costs and provide easier access and understanding for the public.



5.13 A responsive service with greater community engagement

Any new service will need to build upon current best practice in engaging with business, other stakeholders, town and parish councils, local community networks and the public. It will bring consistency, speed and transparency in policy formulation and implementation, resulting in a framework of documents that are evidence based and supported by the people they serve.

A single planning service will build confidence and trust in the policies and plans that it will implement. It will provide certainty for business and infrastructure providers. It will enable planning to perform its appropriate role in delivering sustainable development and sustainable communities.

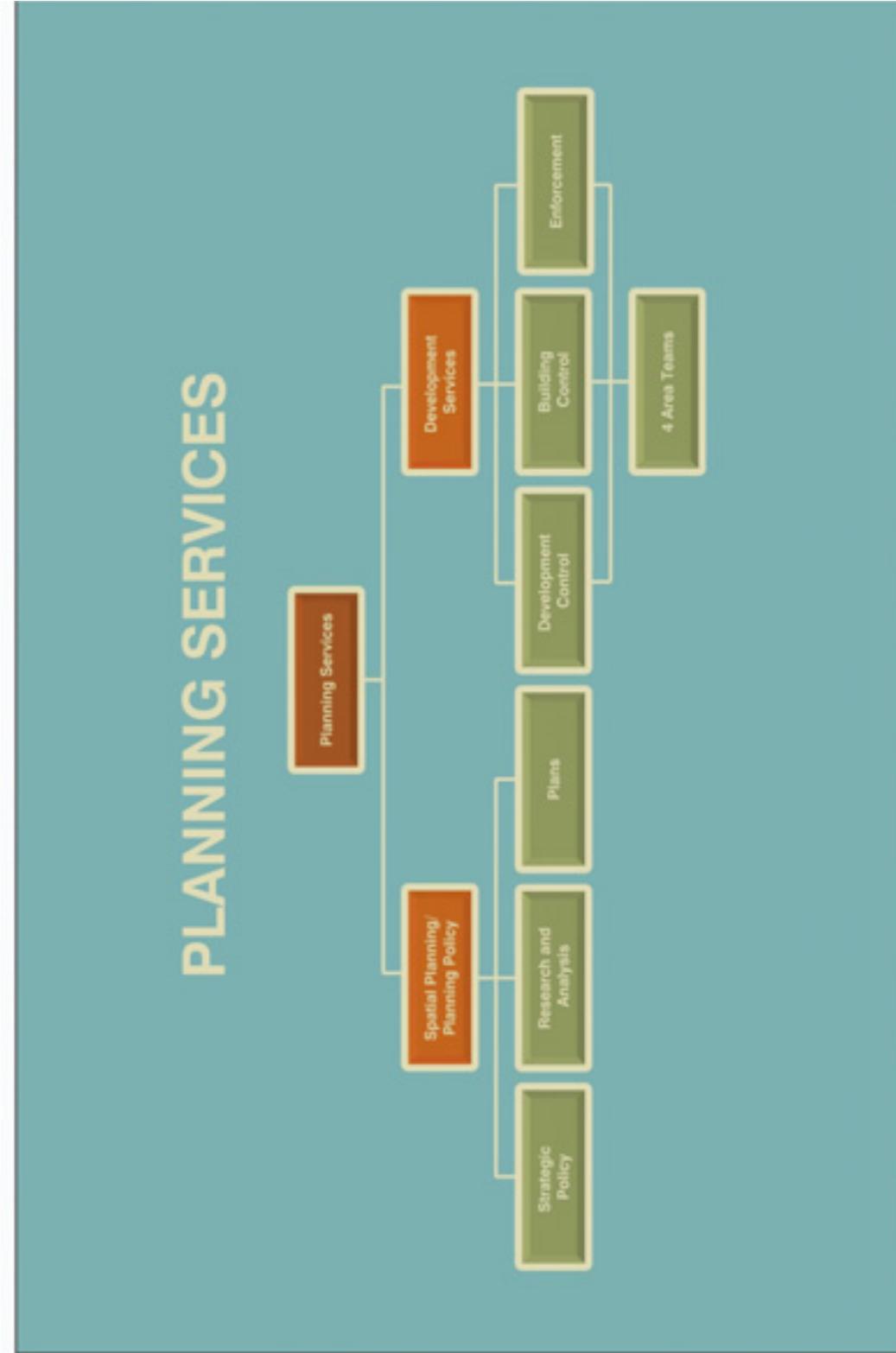
A single planning service for Cornwall will reduce confusion and be responsive to customers via the provision of one contact point for all enquiries. It is envisaged that the same number of frontline staff will be required to deliver the new service, but they will be more effectively engaged. Utilising a network of access points or one stop shops, officers will meet applicants within their community areas. The service will utilise a single support system which will provide open access to progress on applications and plans and encourage comments. The service will meet or exceed the statutory timescales for determining applications.

Appendix 1

Cornwall Local Development Framework Documents

Caradon DC	Carrick DC	Kerrier DC	North Cornwall DC	Penwith DC	Restormel BC	CCC	Two Tier	Unified
Local Development Scheme	Local Development Scheme	Local Development Scheme	Local Development Scheme	Local Development Scheme	Local Development Scheme	MDF & WDF Local Development Scheme (1)	7	1
Statement of Community Involvement	Statement of Community Involvement	Statement of Community Involvement	Statement of Community Involvement	Statement of Community Involvement	Statement of Community Involvement	MDF & WDF Statement of Community Involvement (1)	7	1
Core Strategy to 2038 DPD	Core Strategy	Vision Strategy and Core Policies DPD	Core Strategy	Core Strategy	Core Strategy	MDF & WDF Core Strategy (2)	8	1
Generic Development Control Policies	Planning Policies	Development Control Policies DPD	Generic Development Control Policies	Core Policies	Generic Development Control Policies	MDF & WDF Development Control Policies (2)	8	1
Planning Obligations SPD	Committed Sums for Infrastructure and Affordable Housing		Community Benefits	Committed Sums for Infrastructure and Community Facilities			4	1
Affordable Housing SPD (Phases 1 & 2)							2	1
Update to Design Guide SFD			Design Guide	Design Guide			3	1
Local Plan Alteration (2001-2016)							1	1
Proposals Map							1	1
Linkard Area Action Plan							1	1
Selsham Area Action Plan							1	1
Looe Area Action Plan							1	1
Rural Area Action Plan							1	1
Site Masterplans SPD							1	1
Parish Plans	Falmouth and Penryn Area Action Plan	Falmouth and Penryn Area Action Plan					2	1
	Penryn Area Action Plan						1	1
	Truro and Threemilestone Area Action Plan						1	1

Appendix 2 Proposed team structure for Planning Service



Appendix 3

Example of unitary authority planning committee structure

Full Planning Committee

The Planning Committee will comprise 20 Councillors.

The Planning Committee's role will be:

- All functions relating to Town and Country Planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- To determine applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee is minded to make a decision which is contrary to the officer recommendation and which, in the opinion of the Head of Planning Services, places a crucial policy at stake or where the Sub-Committee's view might not be defensible if challenged.
- To oversee the delegation of functions to the four Area Planning Sub-Committees.
- To determine any other applications referred by the Head of Planning Services to the Committee.
- To determine applications made, by or on behalf of Councillors in respect of their property.
- To consider relevant policy initiatives as referred to the Committee by the Executive or Portfolio Member or Head of Planning Services.
- To undertake the functions from Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time as allocated to the Planning Committee at Appendix 23.

There will be 4 area sub-committees West, Central, North and East, each sub-committee will have the remit as follows;

Planning Area Sub-Committee

An area Planning Sub-Committee will consider planning applications submitted in the Local Community Network Areas defined within its respective area as set out in Appendix 3:

In order to fulfil the requirements of paragraph 16A of the Local Government (Committees and Political Groups) Regulations 1990 so that Area Planning Sub-Committees are not subject to political proportionality every Councillor will be a member of his/her respective Area Planning Sub-Committee.

The Chairman and Vice-Chairman of the Planning Committee will have the right to attend and speak, but not to vote, at any meeting of an Area Planning Sub-Committee.

The Area Planning Sub-Committees will be responsible for all functions relating to Town and Country Planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except those matters which are specifically reserved to the Planning Committee: -

- Exercise the enforcement and development control powers of the Council in respect of individual applications and in relation to historic buildings, conservation and archaeology matters.

- Determine applications involving the exercise of the development control and enforcement process of the Council as mineral and waste planning authority including appeals arising there from.
- Determine applications involving the exercise of the development control and enforcement powers of the Council in respect of any applications requiring a statutory environmental assessment, including appeals arising there from.
- Determine applications involving the exercise of the development control and enforcement powers of the Council in respect of waste disposal and hazardous substances consent.
- Determine applications for planning permission in relation to decisions in respect of any application relating to the Council's own development or to the development of land owned by the Council.
- Determine applications from officers holding politically restricted posts.
- Consider Tree Preservation Orders (TPO) matters where: -
 - The Council proposes to undertake works on a TPO tree and representations have been received.
 - There is an application for consent to undertake work to trees covered by a TPO where there is a reasonable concern that compensation may legitimately be claimed.
 - To determine applications referred to committee under the delegated procedure
 - To undertake all miscellaneous functions from Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Source: Herefordshire Council.

Appendix 4 Applications dealt with under delegated powers

England average delegated = 88% (from 2004/06)

2005/6	% of applications delegated quarterly												Total Decided Quarterly												Total No. Delegated Quarterly												DISTRICT COUNCILS		
	Apr-June			July-Sept			Oct-Dec			Jan-Mar			Apr-June			July-Sept			Oct-Dec			Jan-Mar			Apr-June			July-Sept			Oct-Dec			Annual Total No. Decided	Annual Total No. Delegated	Annual % Delegated			
	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar											
Caradon	87	87	86	85	356	401	294	309	310	349	253	263	1360	1174	86%																								
Carrick	96	97	95	94	558	516	444	452	536	501	422	425	1970	1883	96%																								
Kerrier North	95	94	94	93	471	440	446	356	447	414	419	331	1713	1611	94%																								
Cornwall	84	84	83	85	678	595	521	575	570	500	432	489	2369	1991	84%																								
Penwith	89	89	84	92	430	325	363	344	383	289	305	316	1462	1293	88%																								
Restormel	89	89	90	90	556	481	487	430	495	428	438	387	1954	1748	89%																								
County Council	77% of county matters delegated												95% of county service development delegated												10828			9700			90%								
2004/5	% of applications delegated quarterly												Total Decided Quarterly												Total No. Delegated Quarterly												DISTRICT COUNCILS		
	Apr-June			July-Sept			Oct-Dec			Jan-Mar			Apr-June			July-Sept			Oct-Dec			Jan-Mar			Apr-June			July-Sept			Oct-Dec			Annual Total No. Decided	Annual Total No. Delegated	Annual % Delegated			
	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar											
Caradon	78	88	80	87	404	493	379	365	315	434	303	318	1641	1370	83%																								
Carrick	94	93	97	95	645	544	501	499	606	506	486	474	2189	2072	95%																								
Kerrier North	95	95	96	94	486	578	434	391	462	549	417	368	1889	1795	95%																								
Cornwall	85	88	83	84	656	658	635	599	558	579	527	503	2548	2167	85%																								
Penwith	84	90	90	86	482	469	434	422	405	422	391	363	1807	1581	87%																								
Restormel	91	93	90	90	527	570	496	477	480	530	446	429	2070	1885	91%																								
County Council	82% applications dealt with by delegated powers.												12144			10870			90%																				

2003/4	% of applications delegated quarterly				Total Decided Quarterly				Total No. Delegated Quarterly				DISTRICT COUNCILS		
	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Annual Total No. Decided	Annual Total No. Delegated	Annual % Delegated
Caradon	89	86	80	81	370	416	359	329	329	358	287	266	1474	1241	84%
Carrick	93	93	94	91	579	527	539	567	538	490	507	516	2212	2051	93%
Kerrier North	95	97	95	94	482	446	430	438	458	433	409	412	1796	1711	95%
Cornwall	69	81	84	86	569	721	583	528	406	584	490	454	2421	1934	80%
Penwith	88	89	90	89	429	432	433	472	378	384	390	420	1766	1572	89%
Restormel	93	91	91	92	615	563	481	431	572	512	438	397	2090	1919	92%
County Council	63% applications dealt with by delegated powers.												11759	10427	89%

Source: (DC Stats) DCLG website - Table 7: Planning performance Statistics.